

MATTERS FOR BOARD OF DIRECTORS MEETING

February 13, 2024

**POLICY RESOLUTION NO. 003-2024
REGULATING PARKING ON THE GRASS
AND ELSEWHERE**

RESOLUTION

THE BOARD OF DIRECTORS OF KINGSLAND COUNTRY PROPERTY OWNERS

ASSOCIATION DO HEREBY DESIRE TO ADOPT RULES REGULATING THE PARKING

ON GRASS AND ELSEWHERE AND DO ACT BY STATING;

WHEREAS; Article II, Section 5 of the Bylaws (Book 6237/Page 810) gives the Board of Directors (The Board) the powers and duties necessary to conduct the affairs of Kingsland Country Property Owners Association, Inc. (KCPOA) and to make reasonable rules and regulations as the directors deem to be in the best interest of KCPOA; and

WHEREAS; the KCPOA Bylaws, Book 6237/Page 807, state "the primary purposes of this corporation are to provide for the maintenance, preservation and architectural control of the residents lots, home and common areas in an appurtenant to the community known as KINGSLAND COUNTRY ESTATES, WHISPERING PINES AND FOREST GLENN of Marion County, Florida, the health, safety and welfare of the residents within the above described community including any and all units, divisions, or additions thereto as may hereafter be brought within the jurisdiction of the corporation as herein specified and to protect the general privacy of the residences and its owners as may be allowed under the law" and;

WHEREAS; Section 13.C.A. of the KCPOA Covenants and Restrictions (Book 6377/Page 251) (KCPOA C&Rs) states that the services fees (dues, fines and other monetary obligations owed by homeowners) may be used for maintenance and upkeep in order to keep the KCPOA and the streets neat, attractive and in good order; and

WHEREAS; C&R No. 9 (Book 6377/Page 245) states in pertinent part that "No parking strips or drives shall be constructed except as approved on the plot plan of the plans and specifications" and;

WHEREAS; Section 720.305, Fla. Stat., Section D of the KCPOA C&Rs (Book 6377/Page 252), and Article XV of the Bylaws provide The Board with enforcement authority in the event of violations or breaches of the rules and regulations of KCPOA. Such enforcement authority includes but is not limited to, the imposition of fines, liens, foreclosures and any other legal and equitable remedies at law, and

WHEREAS; Section 316.1945, Fla. Stat., states:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street; et seq.; and

WHEREAS: subsection 2 of Section 316.1956, Fla. Stat., further states:

(2) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(3) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this section or a municipal or county ordinance may:

(a) Issue a ticket form as may be used by a political subdivision or municipality to the driver; or

(b) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place. and

WHEREAS: Subsection 334.03(21), Fla. Stat., defines a public right of way as:

(21) "Right-of-way" means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility; and

WHEREAS: Marion County, Florida Land Development Code, Division 12, Sec. 6.12.2, establishes the minimum widths of rights-of-ways to provide for the necessary access and other needed infrastructure improvements supporting the public road system in Marion County; and

WHEREAS: pursuant to Section 337.406, Fla. Stat., unauthorized use of a public right of way is prohibited by law, illegal use of the right of way is a crime, and each day a violation continues is a separate offense. The Florida Department of Transportation has enumerated such prohibited uses to include 1) Any use which interferes with the safety and efficiency of the road, 2) Display of advertising of any sort, 3) Solicitation, including for charitable purposes, 4) Sale, display, or free distribution of any merchandise, goods, property or services, and 5) Storage, servicing or non-emergency repairing of vehicles.

WHEREAS; The roadways in KCPOA are shared and public, and no home “owns” or “controls” the street in front of their home. As such, the parking rules for roads are part of Florida Statutes and Marion County Municipal Code, including the Marion County Sheriff’s Office; and

WHEREAS: The Board has determined that rules and regulations regarding the parking, operation and placement of motor vehicles and similar devices on the grass and landscaping is necessary to protect the health, safety and welfare of KCPOA, as well as to preserve and protect the property values of KCPOA; and

WHEREAS; The Board has approved the following resolution, providing for definitions and rules and regulations regarding the parking, placement, and storage of motor vehicles, which are as follow:

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD HAS APPROVED THE FOLLOWING RESOLUTION, PROVIDING FOR DEFINITIONS AND RULES AND REGULATIONS REGARDING THE PARKING, PLACEMENT, AND STORAGE OF MOTOR VEHICLES, WHICH ARE AS FOLLOWS:

A. RESTRICTED VEHICLES

1. For the purposes of this Resolution, the definition of a “motor vehicle”

“moped,” “bicycle”, “golf cart”, “motorcycle” and “electric personal assistive mobility device” are those definitions find in Section 316.003, Fla. Stat.

2. A Restricted Vehicle is any item, bearing wheels, that is capable of transporting a human or, in fact, transports a human, is self-propelled, and does not qualify as a “motor vehicle”, “moped”, “bicycle”, “golf cart”, “motorcycle” or “electric personal assistive mobility device” as those items are defined in paragraph 1 above, and is not a children’s toy.

3. A Restrictive Commercial Vehicle is any motor vehicle that either

a. Meets any of the definitions of “commercial motor vehicle”, “commercial megacycle”, covered farm vehicle”, “bus”, “farm labor vehicle”, “farm tractor”, “maxi-cube vehicle”, “nonpublic sector bus”, “limousine”, “pole trailer”, “road tractor”, “sanitation vehicle”, “school bus”, “semitrailer”, “special mobile equipment”, and “swamp buggy” as those definitions found in Section 316.003, Fla. Stat.,

b. Bears any exterior commercial logos, labels, or advertisements of any kind. Excluded from this are advertisements normally applied by

automobile dealers on sold vehicles; government insignia and logos; and common bumper stickers.

4. Other Restrictive Vehicles include boats, boat trailers, fifth wheels, tow behinds, trailers, pulls behind that don't have an engine, utility trailers, ATV's, commercial lawn equipment, campers, horse trailers, vans (other than a passenger van), trucks with a cargo capacity of one ton or more, disabled, distressed or inoperable vehicles in open storage, including, but not limited to, any vehicle without a current tag or registration; any vehicle with no tag; any vehicle with more than one flat tire; any vehicle with grass or weeds visibly growing around or into the vehicle at a height greater than the rest of the yard; and any vehicle that is obviously missing critical parts, including, but not limited to, autoglass, seating or dashboard components.

B. PARKING AND OPERATING RESTRICTIONS

1. Any motor vehicle, moped, bicycle, golf cart, or motorcycle may only be parked in the garage, or on a driveway that was approved on the plot plan of the residence's plans and specifications.

2. When parked on the driveway, these non-restricted vehicles must be fully parked on the driveway slab, with all wheels on the driveway slab, and otherwise parked in such a way that no part of the vehicle protrudes into the street.

3. A motor vehicle, moped, bicycle, golf cart, motorcycle, commercial vehicle or other restricted vehicles may not be parked in the right-of-way, in the street, in a water retention area, or on any area of a lot that does not constitute the driveway or the garage.

4. A motor vehicle, moped, bicycle, golf cart, motorcycle, commercial vehicle or other restricted vehicles may not be parked in the street.

5. Any nonpaved area that is utilized as part of a drainage or stormwater retention system is off limits to any and all items described in Paragraphs A.1.2.3. and 4. of this Resolution, and such items may not be parked, placed or operated in these areas at any time.

C. IMPLEMENTATION AND ENFORCEMENT

1. The Board may issue warnings and notices of violation, assess fines, file liens and foreclosures for nonpayment of fines and avail itself of all other enforcement provisions provided under the law for violations of this Resolution.

2. Improperly parked vehicles are subject to ticketing and possible towing. Marion County Sheriff Deputies may ticket or tow improperly parked vehicles at the vehicle owners expense.

KINGSLAND COUNTRY PROPERTY OWNERS' ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Resolution Type: Policy

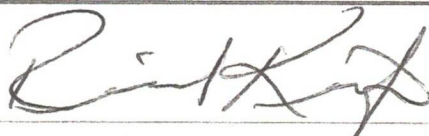
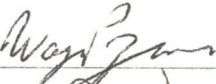
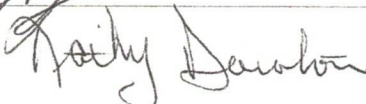

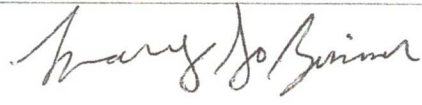

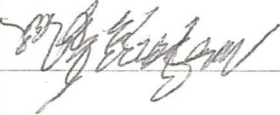
NO. 003-2024

Pertaining to: Parking on the grass

Duly adopted and approved at a meeting of the Board of Directors held on: February 13th, 2024

Motion by: DAVID FRANCIS

Seconded by: KATHY DOWTON

Board Member	SIGNATURE	VOTE YES	VOTE NO	ABSTAIN	ABSENT
RICHARD KIEFER, PRESIDENT		✓			
WAYNE ZIMMER, TREASURER/V.P.		✓			
KATHY DOWTON, SECRETARY		✓			
DAVID FRANCIS, DIRECTOR		✓			
MARY JO ZIMMER, DIRECTOR		✓			
REYNA SALABARRIA, DIRECTOR		✓			
ISALINE BOSTON, DIRECTOR					
MARY JO KIEFER, DIRECTOR		✓			
TAYNA RUSSELL, DIRECTOR					
THOMAS LEECE, DIRECTOR					
OPEN, DIRECTOR					