

EXHIBIT A

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT *AMENDED RULE RELATING TO PARKING AND PARKING ENFORCEMENT*

In accordance with Chapter 2004-461, Laws of Florida and Chapter 120, Florida Statutes, on September 12, 2023 at a duly noticed public meeting following public hearing, the Board of Supervisors of the Ave Maria Stewardship Community District (the “District”) adopted the following policy to govern parking and parking enforcement on District property (the “Rule”).

SECTION 1. INTRODUCTION. The District finds that parked Class B Vehicles, Class C Vehicles, and any Vehicle, Vessel or Trailer which exceeds the designated area of a single parking space or is not connected to a motorized Vehicle (as such capitalized terms are hereinafter defined) on its property cause hazards and danger to the health, safety and welfare of District residents and the public. Furthermore, this Rule prohibits parking any Vehicle, Vessel, or Trailer on any District property not designated as a parking space as such may cause hazards and danger to the health, safety and welfare of District residents and the public and its property. This Rule is intended to provide the District with the ability to remove such Class B Vehicles, Class C Vehicles, and Vehicles, Vessels and Trailers from District designated Tow-Away Zones consistent with this Rule and as indicated on **Exhibit A** attached hereto. Furthermore, this Rule is intended to allow for collection of a fine for parking in violation of this Rule and enforcement via any process allowed under law including but not limited to suit in circuit court.

SECTION 2. DEFINITIONS.

- A. *Class B Vehicle.* Any mobile item which normally uses wheels, whether motorized or not, that weighs between 10,001 pounds and 20,000 pounds (gross vehicle weight), including but not limited to medium duty trucks, motor homes and camper trailers.
- B. *Class C Vehicle.* Any mobile item which normally uses wheels, whether motorized or not, that weighs more than 20,001 pounds (gross vehicle weight), including but not limited to heavy duty trucks, house trailers and buses.
- C. *Trailer.* Any non-motorized, mobile structure which normally uses wheels that is drawn by a Vehicle.
- D. *Vehicle.* Any mobile item which normally uses wheels, whether motorized or not.

- E.** *Vessel.* Every description of watercraft, barge, or airboat used or capable of being used as a means of transportation on water.
- F.** *Parked.* A Vehicle, Trailer or Vessel left unattended by its owner or user.
- G.** *Tow-Away Zone.* District property in which parking is prohibited and in which the District is authorized to initiate a towing and/or removal action.

SECTION 3. DESIGNATED TOWING AREAS. Those areas within the District’s boundaries depicted in **Exhibit A**, which is incorporated herein by reference, are hereby established as “Tow-Away Zones” for all Class B Vehicles, Class C Vehicles and any Vehicle, Vessel or Trailer which exceeds the designated area of a single parking space or is not connected to a motorized Vehicle (“**Tow Away Zone**”). Exceptions to this Rule include parking of any Vehicle providing a construction or service operation within a quarter mile of the site where it is parked for a maximum period of three hours. To be entitled to this exemption, the owner or driver must post on the Vehicle’s windshield the time initially Parked and address of service site. Furthermore, Vehicle must be removed as soon as the construction or service activity is completed.

SECTION 4. ESTABLISHMENT OF NO PARKING AND TOW-AWAY ZONES. The areas set forth in **Exhibit A** attached hereto are declared a Tow Away Zone.

SECTION 5. TOWING/REMOVAL AND ENFORCEMENT PROCEDURES.

- A. SIGNAGE AND LANGUAGE REQUIREMENTS.** Notice of the Tow-Away Zones shall be approved by the District’s Board of Supervisors and shall be posted on District property in the manner set forth in section 715.07, *Florida Statutes* and all applicable Collier County requirements including but not limited to the Collier County Non-Consent Towing, Private Property Towing, Immobilization and Storage of Vehicles Ordinance, as such may be amended from time to time. Such signage is to be placed in conspicuous locations, in accordance with section 715.07, *Florida Statutes*.
- B. TOWING/REMOVAL AUTHORITY.** To effect towing/removal of a Class B Vehicle, Class C Vehicle and any Vehicle, Vessel or Trailer which exceeds the designated area of a single parking space or is not connected to a motorized Vehicle (the “Designated Vehicle”), the District Manager or his/her designee must verify that the Designated Vehicle was not authorized to Park under this Rule. Upon such verification, the District Manager or his/her designee shall determine whether this is the Designated Vehicle’s first offense of this Rule.
 - 1. If the first offense, the District Manager or his/her designee shall place a written warning on the windshield of the Designated Vehicle. Such written warning shall include the time of issuance of the warning. If the Designated Vehicle remains parked in the Tow Away Zone for 24 hours following the issuance of a written warning, the District Manager or his/her designee then must contact a firm authorized by Florida law to tow/remove the Designated Vehicle for the removal at the owner’s expense. The Designated Vehicle shall be towed/removed by the firm

in accordance with Florida law, specifically the provisions set forth in section 715.07, *Florida Statutes*.

2. If the Designated Vehicle has previously parked in violation of this Rule and received a warning as described above, the District Manager or his/her designee may immediately contact a firm authorized by Florida law to tow/remove the Designated Vehicle for the removal at the owner's expense. The Designated Vehicle shall be towed/removed by the firm in accordance with Florida law, specifically the provisions set forth in section 715.07, *Florida Statutes*.

C. AGREEMENT WITH AUTHORIZED TOWING SERVICE. The District's Board of Supervisors is hereby authorized to enter into and maintain an agreement with a firm authorized by Florida law to tow/remove unauthorized vehicles in accordance with Florida law and with the policies set forth herein.

SECTION 6. ADDITIONAL PARKING PROHIBITION. Any parking of a Vehicle, Vessel or Trailer which exceeds the designated area of a single parking space or is not connected to a motorized Vehicle on District property is prohibited. Furthermore, this Rule prohibits parking any Vehicle, Vessel, or Trailer on any District property not designated as a parking space. The only exemptions to this Rule are Vehicles or Trailers present for services associated with pre-approved, District-authorized events or parking of any Vehicle providing a construction or service operation within a quarter mile of the site where it is parked for a maximum period of three (3) hours. To be entitled to this exemption, the owner or driver must post on the Vehicle's windshield the time initially Parked and address of service site. Furthermore, Vehicle must be removed as soon as the construction or service activity is completed.

SECTION 7. ADDITIONAL ENFORCEMENT AND FINE. In lieu of towing of any Designated Vehicles and for enforcement of any provision of the Rule, the District may elect to charge an enforcement fine of one thousand dollars (\$1,000.00) per violation of this Rule pursuant to section 120.69, *Florida Statutes*, (the "Enforcement Fine"). When implementing the Enforcement Fine, the District shall:

1. For an initial violation of this Rule, post an initial notice of violation on the Vehicle, Vessel or Trailer and send copy of notice to its owner.
2. If after twenty-four (24) hours from delivery of the notice, the Vehicle, Vessel or Trailer remains parked in violation of this Rule, an Enforcement Fine shall be charged to the owner of the Vehicle, Vessel or Trailer. The District shall provide owner notice of the Enforcement Fine. Furthermore, District shall be authorized to enforce this Rule and the Enforcement Fine in any manner authorized by law including but not limited to filing an action in circuit court pursuant to section 120.69, *Florida Statutes*, and request to recover attorney's fees.
3. After providing notice of the initial violation, each day a Vehicle, Vessel or Trailer is parked in violation of this Rule shall be an additional violation of the Rule and subject to an additional Enforcement Fine.
4. The District Manager or its designee shall maintain records of all violations of this Rule including but not limited to date-stamped photographs, copies of correspondence and other records.

SECTION 8. PARKING AT YOUR OWN RISK. Vehicles may be parked on District property pursuant to this Rule, provided however that the District assumes no liability for any theft, vandalism and/or damage that might occur to personal property and/or to such vehicles.

EXHIBIT A – *Tow Away Zone*

Effective date: September 12, 2023

Exhibit A

Tow Away Zone Depicted in Yellow Highlight

