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**ORDINANCE
NUMBER 2026-**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE IV, CHAPTER 2-4, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; AMENDING SECTION 2-4-79 TO PROHIBIT PARKING OF CERTAIN VEHICLES AND EQUIPMENT WITHIN THE RIGHT-OF-WAY; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 316.006(3), Florida Statutes, provides that counties shall have original jurisdiction over all streets and highways located within their boundaries, except state and municipal roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they deem necessary to indicate, regulate, warn, or guide traffic; and

WHEREAS, Chapter 2-4, Article IV, Section 2-4-79 of the Code of Laws and Ordinances of Charlotte County, Florida, regulates parking within the right-of-way; and

WHEREAS, County staff consulted with the Charlotte County Sheriff and has determined that additional regulation of parking of certain vehicles and equipment in the right-of-way is needed to protect the public; and

WHEREAS, the Board of County Commissioners finds that prohibiting parking of certain vehicles and equipment in the right-of-way serves to protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida that:

Section 1. Article IV, Section 2-4-79, Charlotte County Code, is hereby amended as follows (underlined sections are additions, sections struck-through are deletions):
Sec. 2-4-79. - Parking within right-of-way.

36
37 ...
38 (b) Vehicles prohibited, generally. ~~Prohibited.~~ It shall be unlawful for any person to park
39 any vehicle within the right-of-way of the following locations:
40

41 (c) Vehicles and equipment prohibited, specifically. Unless expressly permitted under
42 subsection (d) below, the following vehicles and equipment shall not be parked,
43 stored, or left unattended on county-maintained rights-of-way within Charlotte
44 County:
45

46 (1) Commercial motor vehicles, as defined in section 316.003, Florida Statutes,
47 having six wheels or greater.
48

49 (2) Straight trucks with an enclosed cargo body permanently attached to the chassis
50 and not designed to tow a separate trailer, commonly known as "box trucks".
51

52 (3) Trailers or semitrailers, as defined in section 316.003, Florida Statutes
53

54 This subsection (c) shall not apply to:
55

56 (1) Emergency vehicles and related vehicles actively engaged in emergency
57 response or routine operations;
58

59 (2) Public service and government vehicles performing road maintenance, utility
60 work, or other official duties, including vehicles and equipment staged on-site for
61 scheduled, public projects;
62

63 (3) Commercial vehicles and trailers engaged in active, temporary loading or
64 unloading of materials or deliveries, or personal service vehicles and trailers
65 actively performing services, including but not limited to lawn, pool, cable,
66 telecommunications, or similar field services, provided they are promptly
67 removed upon completion;;
68

69 (4) Construction vehicles and equipment actively being used in connection with an
70 approved and ongoing construction project or equipment properly permitted per
71 Charlotte County's Maintenance of Traffic Policy.
72

73 (d) Penalty and enforcement.
74

75 (1) A violation of this section will result in a fine as set forth in section F.S. § 318.18,
76 Florida Statutes, for nonmoving traffic violations as that statute may be amended
77 from time to time.
78

79 (2) In addition to issuance of a citation, any vehicle or equipment found in violation
80 of this section may be issued a written notice requiring removal from the right-of-
81 way within a specified time period.
82

83 (3) Any vehicle or equipment remaining in violation after expiration of the removal
84 notice period, or repeatedly returned to the same or substantially similar location
85 in violation of this section, may be subject to removal or towing in accordance
86 with applicable Florida law.
87

88 ...
89

90 Section 2. Inclusion in the Charlotte County Code. It is the intention of the Board
91 of County Commissioners, and it is hereby ordained, that the provisions of this Ordinance
92 shall become and be made a part of the Code of Laws and Ordinances of Charlotte
93 County, Florida, and the sections of this Ordinance may be renumbered to accomplish
94 such intention.

95 Section 3. Severability. If any provision of this Ordinance or the application
96 thereof to any person or circumstance is held invalid, the invalidity shall not affect other
97 provisions or applications of this ordinance which can be given effect without the invalid
98 provision or applications. To this end, the provisions of this ordinance are declared
99 severable.

100 Section 4. Effective Date. A certified copy of this Ordinance shall be filed with
101 the Department of State of the State of Florida within ten (10) days of enactment and shall
102 take effect upon filing with said department.
103

104
105 --THIS SECTION LEFT INTENTIONALLY BLANK--

106 PASSED AND DULY ADOPTED this 8th day of September, 2026.

107

108 BOARD OF COUNTY COMMISSIONERS
109 OF CHARLOTTE COUNTY, FLORIDA
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By: _____
Joseph M. Tiseo, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:  _____
Thomas David, County Attorney
LR26-0253 