

**ORDINANCE NO. 2008 - 13**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE, ("ULDC"), SECTION 005-270 ENTITLED, "USE OF RIGHTS-OF-WAY AND SWALES" TO CLARIFY THAT MOTORISTS SHALL BE PROHIBITED FROM PARKING AND PROPERTY OWNERS SHALL BE PROHIBITED FROM ALLOWING MOTORIZED VEHICLES TO BE PARKED ON ANY RIGHT-OF-WAY OR SWALE IN ASSOCIATION WITH ANY NON-RESIDENTIAL USE OF LAND; DIRECTING THE TOWN CLERK TO PROVIDE THE TOWN'S LAW ENFORCEMENT DEPARTMENT WITH A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE TOWN'S ULDC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 005-270 of the Town's ULDC regulates the use of rights-of-way and swales; and

**WHEREAS**, Section 005-270 currently prevents any commercial or business use of the right-of-way and swales; and

**WHEREAS**, the Town's Law Enforcement Department has requested that this language be clarified so that a lay person reading the ULDC would understand that this provision is intended to specifically prohibit individuals from parking and property owners from allowing motorized vehicles to be parked on any rights-of-ways and swales for non-residential purposes; and

**WHEREAS**, vehicles that illegally park on the swales block view corridors, obstruct equestrian trails, damage drainage swales, and are in violation of the Uniform Transportation Manuel's clear zone requirements; and

**WHEREAS**, the Town Council believes that this Ordinance is in the best interest to protect the health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That ULDC Section 005-270, "Use of rights-of-way ~~and~~ or swales", is hereby amended as follows:

A Town permit is required for any use of any rights-of-way and or swales that involves installation, erection, placement or removal of any structure object or landscaping material, earthwork, grading, paving, physical occupation, and any commercial business or use, including but not limited to, use of rights-of-way and swales to grow or store plants or material incidental to a plant nursery or other agricultural use for wholesale or retail. Motorists shall be prohibited from parking, and property owners shall be prohibited from allowing motorized vehicles to be parked, on any right-of-way or swale in association with any non-residential use of land.

**Section 3:** That the Town Clerk is hereby directed to provide the Town's Law Enforcement Department with a certified copy of this Ordinance.

**Section 4: Inclusion in the Code.** This Ordinance shall be codified and included as part of the Town's Code of Ordinances.

**Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

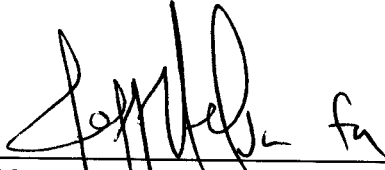
**Section 7: Effective Date.** This Ordinance shall take effect immediately upon its adoption.

**[SIGNATURES ON FOLLOWING PAGE]**

**PASSED ON FIRST READING** this 5<sup>th</sup> day of June 2008 on a motion made by Council Member Don Maines and seconded by Council Member Aster Knight.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 24<sup>th</sup> day of July 2008, on a motion by Council Member Aster Knight and seconded by Vice Mayor Jeff Nelson.

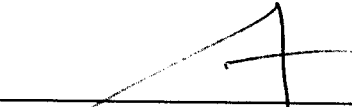
Fink	<u>Y</u>	Ayes	<u>5</u>
Nelson	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Maines	<u>Y</u>		

  
\_\_\_\_\_  
Mecca Fink, Mayor

Attest:

  
\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:

  
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Gary A. Poliakoff, J.D., Town Attorney  
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