In accordance with Chapters 190 and 120 of the Florida Statutes, and on June 18, 2020 at a duly noticed public meeting and after a duly noticed public hearing, the Board of Supervisors of the Harbor Bay Community Development District adopted the following rules to govern traffic and parking enforcement on District right-of-ways and other property. This rule repeals and supersedes all prior rules governing the same subject matter.

1. **INTRODUCTION.** This rule adopts a signage plan and addresses traffic and parking enforcement for the District’s right-of-ways and other property.

2. **DEFINITIONS.** The following definitions apply to this rule:

   a. *Amenities* shall mean the District’s primary clubhouse, Admiral’s Pointe clubhouse, athletic courts, playgrounds, parks and boat ramp.

   b. *District* shall refer to the Harbor Bay Community Development District.

   c. *Guest* shall mean any person or persons, other than a Patron, who is expressly authorized by the District to use the Amenities, or invited and accompanied for a specific visit by a Patron to use the Amenities.

   d. *Overnight* shall mean anytime between the hours of 7 p.m. and 7 a.m.

   e. *Parking* shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law.

   f. *Patron* shall mean Residents, Non-Resident Patrons, and Renters.

   g. *Tow-Away Zone* shall mean any area where parking is prohibited and identified as a Tow-Away Zone.

   h. *Vehicle* shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a roadway (including but not limited to towed boats, boat trailers, campers, mobile homes, travel trailers, etc.).

Any capitalized term not otherwise defined herein shall have the meaning ascribed to it as set forth in the District’s Amenities Rules Handbook, as adopted July 24, 2014 and as may be amended from time to time.

3. **SIGNAGE PLAN, TRAFFIC ENFORCEMENT & SPEED LIMITS.** The District hereby adopts the traffic and parking signage plan attached hereto as Exhibit A, and, subject to obtaining any necessary permits or other approvals, authorizes the District Manager to cause
signage to be posted consistent with Exhibit A. All speed limits on District right-of-ways are as set by general law, and as posted consistent with Exhibit A. Please refer to Chapter 316, Florida Statutes for laws related to traffic enforcement and speed limits on District roadways. All such statutes, as may be amended from time to time, are incorporated herein by this reference.

4. PARKING PROHIBITED.

A. Roundabout Islands. Notwithstanding their physical location within District right-of-ways (please see subparagraph C below specifically addressing District right-of-ways), roundabout islands do not form part of District right-of-ways but are instead District common areas that are not subject to Chapter 316, Florida Statutes, or Chapter 50, Article V, Hillsborough County Code of Ordinances. Parking is prohibited in all roundabout islands within the District. Persons parking within a roundabout island may be subject to fines.

B. Overnight Parking. Except as otherwise provided in Section 4(B)(i)-(iii) below, overnight parking is generally prohibited within all District-owned parking areas, including but not limited to overnight parking within parking areas serving the Amenities.

i. Overnight parking within Anchor Cove, Bay Breeze, and Seacrest parking areas identified on Exhibit A may be permitted consistent with Section 5 herein; with respect to Bay Breeze parking areas, however, this paragraph and the permitting process contemplated by Section 5 shall only take effect upon the acquisition of said parking areas by the District.

ii. Overnight parking within the Landing Park parking area identified on Exhibit A may be permitted consistent with Section 5 herein; except, however, that Overnight Parking Permits for Landing Park shall be valid for no greater than seven days, as specified on the permit.

iii. For the avoidance of doubt, anyone may park within District parking areas, including but not limited to the Anchor Cove, Bay Breeze, Seacrest, and Landing Park parking areas identified on Exhibit A, during the day (i.e. between 7 a.m. and 7 p.m.) on a first-come, first-served basis.

C. District Right-of-Ways. The parking restrictions set forth herein do not apply to District right-of-ways. Instead, please refer to Chapter 316, Florida Statutes, and Chapter 50, Article V, Hillsborough County Code of Ordinances, for laws related to the authorized and unauthorized parking of vehicles within District right-of-ways. Such statutes and ordinances, as may be amended from time to time, apply to District right-of-ways and are incorporated herein by this reference.
5. **Overnight Parking Permits.**

A. **Overnight Parking Permits.** Patrons and Guests may apply for an “Overnight Parking Permit,” which will allow them to park overnight in the Anchor Cove, Bay Breeze, Seacrest, and Landing Park parking areas identified on Exhibit A, provided said Patrons and Guests have obtained an Overnight Parking Permit and display same as set forth herein. Overnight Parking Permit requests will be granted in accordance with the following:

i. Overnight Parking Permits shall be provided at no cost and shall be valid for no greater than six months, as specified on the face of the permit; except, however, that Overnight Parking Permits for Landing Park shall be valid for no greater than seven days. Up to two Overnight Parking Permits may be issued per Anchor Cove, Bay Breeze, or Seacrest residential property. Up to two Overnight Parking Permits may be issued per residential property for Landing Park. Overnight Parking Permits are nontransferable.

ii. Anchor Cove, Bay Breeze, and Seacrest, and Landing Park Patrons and Guests interested in an Overnight Parking Permit may submit a request to the District Manager that includes the following information:

1. The name, address, and contact information of the owner of the residential property within the District;
2. The name, address and contact information of the owner of the vehicle to which the permit will be granted; and
3. The make/model and license plate of the vehicle to which the permit will apply.

It is the responsibility of the person(s) requesting an Overnight Parking Permit to secure all necessary documentation and approvals. Failure to secure all necessary documentation and approvals may result in fines and, in connection with Tow-Away Zones (where identified as such), the towing and/or removal of the vehicle from the District’s property.

iii. Upon receipt of all requested documentation, as set forth above, the District Manager will issue an Overnight Parking Permit to the applicant. Overnight Parking Permits will be granted by way of written correspondence by the District Manager. No verbal grants of authority will be issued or be held valid.

iv. The Overnight Parking Permit must be displayed on the bottom left side of the vehicle’s windshield. Vehicles that do not display the Overnight Parking Permit in this manner may be fined and, in connection with Tow-Away Zones (where identified as such), towed and/or removed at the owner’s expense, in the manner set forth herein.
6. **Establishment of Tow-Away Zones.** The District may establish Tow-Away Zones throughout the District by posting signage in a manner consistent with Section 715.07, *Florida Statutes*. The District shall obtain any local permits and/or approvals necessary for such signage.

7. **Enforcement.**

A. **District Towing in Tow-Away Zones.** The District shall enter into and maintain an agreement with a firm authorized by Florida law to tow/remove unauthorized vehicles from the District’s Tow-Away Zones in accordance with Florida law, specifically section 715.07, *Florida Statutes*, and in accordance with this rule. Any vehicle not authorized to park in a District Tow-Away Zone under this rule may be towed/removed at the owner’s expense and by the District’s contracted firm.

B. **Other District Penalties.** If any person is found to have violated any of the provisions of this rule, and pursuant to Sections 120.69(2) and (7), *Florida Statutes* and other applicable law, the District shall have the right to impose a fine of up to the amount of $1,000 and collect such fine and attorney’s fees as a contractual lien or as otherwise provided by Florida law. Fines shall be imposed as follows: (i) the first violation will incur a fine of One Hundred and 00/100 Dollars ($100); (ii) a second violation will incur a fine of Two Hundred and 00/100 Dollars ($200); (ii) a third violation will incur a fine of Four Hundred and 00/100 Dollars ($400); and, (v) any additional violation(s) will incur a fine of One Thousand and 00/100 Dollars ($1,000). The District Manager shall have the authority to enforce and collect the fines as set forth above. The District Manager shall have the authority to exercise discretion in enforcing the fines and may escalate a fine up to two levels (e.g., from a second violation to a fourth violation). Unless otherwise specified herein, the District’s Disciplinary and Enforcement Rule, adopted June 23, 2014, as amended from time to time, shall apply to any violations of this rule. In addition, this rule shall serve as an independent basis under which any violation of this rule may result in a suspension of the right to use the District’s Amenities and/or other District properties (including the waterways), towing of any unauthorized vehicles at the owner’s expense, an administrative penalty / fine of no less than Fifty and 00/100 Dollars ($50) and no greater than One Thousand and 00/100 Dollars ($1,000) for each violation as determined by the District Manager in accordance with this rule plus any and all collection costs and fees incurred for criminal prosecution, and/or other legal action, which the District reserves the right to pursue.

C. **Law Enforcement.** The District hereby authorizes law enforcement personnel of Hillsborough County and other units of government to enforce the provisions of this rule, and to enforce any and all traffic and parking laws on District right-of-
ways. The District may enter into traffic enforcement or other agreements in order to effect the provisions of this subsection.

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 vehicles.

9. **Sovereign Immunity.** Nothing herein shall constitute or be construed as a waiver of the District’s limitations on liability contained in Section 768.28, F.S., or other statutes or law.

10. **Conflicts.** This rule supersedes and replaces all prior rules and policies established for traffic and parking enforcement, including but not limited to those set forth under Resolutions 2007-08 and 2010-14.

11. **Severability.** If any section, paragraph, clause or provision of this rule shall be held to be invalid or ineffective for any reason, the remainder of this rule shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this rule would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

12. **Reservation of Rights for Future Amendments; Variances.** The Board in its sole discretion may amend these rules from time to time and/or grant variances upon request.

**EXHIBIT A – Traffic and Parking Signage Plan**

Specific Authority: §§ 120.54, 120.69, 190.011(5), 190.012(3), Fla. Stat.
Effective date: June 18, 2020
EXHIBIT A
Signage Plan
PROJECT NO: 00023801.02
DATE: 12/2019
SHEET NO: 9

DEVELOPMENT DISTRICT
HARBOR BAY COMMUNITY

TRAFFIC AND PARKING SIGNAGE PLAN
SHEET 9

LEGEND:
CDD DESIGNATED PARKING AREA
CDD NO PARKING
CDD NO PARKING/TOW-AWAY ZONE

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

STOP
YIELD

christopher.gamache
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