

ORDINANCE NO. 780

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DEFUNIAK SPRINGS, FLORIDA, SECTION 22-3, OBSTRUCTIONS GENERALLY, REGULATING THE PLACEMENT OF BASKETBALL HOOPS, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, PROVIDING FOR A SHORT TITLE, PROVIDING FOR FINDINGS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, Florida Statutes which required the City of DeFuniak Springs, Florida to adopt Land Development Regulations consistent with its Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted Ordinance Number 575 on October 9, 1990, which Ordinance is the City's Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted resolution Number 98-06 on April 13, 1998, which is the City's Evaluation and Appraisal Report of the Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted Ordinance Number 577 on March 25, 1991, which comprises the City's Land Development Regulations; and,

WHEREAS, the City Council of DeFuniak Springs is designated as the Local Planning Agency and has responsibility for reviewing and adopting amendments to the Land Development Regulations; and,

WHEREAS, the City of DeFuniak Springs City Council has determined that obstructions in the city's rights of way and on its sidewalks pose hazards to the motoring public, pedestrians and city employees; and,

WHEREAS, a public hearing for the adoption of the Comprehensive Plan Amendment was duly advertised as required by law and notice having been published once on January 21, 2010; and,

NOW THEREFORE, be it enacted by the City Council of the City of DeFuniak Springs, Florida, that,

SECTION 1. Repeal.

Any provision that is in conflict with these provisions is hereby repealed.

SECTION 2. Short Title.

This Amendment shall be known as the Basketball Hoop Amendment to the City of DeFuniak Springs Land Development Regulations.

SECTION 3. Findings.

The City Council of the City of DeFuniak Springs finds that the placement of portable and permanent basketball hoops in and upon the city's rights of way and sidewalks, alley and streets poses a significant hazard to children, pedestrians, the motoring public and city employees.

SECTION 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance or the City of DeFuniak Springs land Development

Regulations which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. Amendment.

See Exhibit "A", Attached.

SECTION 6. Effective Date.

This Ordinance shall become effective as provided by law.

ADOPTED THIS 8th DAY OF February, 2010.

CITY COUNCIL OF THE CITY OF DEFUNIAK
SPRINGS, FLORIDA

By: C. Harold Carpenter
C. Harold Carpenter, Mayor

ATTEST:

Vanessa Mitchell
Deputy City Clerk

EXHIBIT "A"

Section 22-3. Obstructions generally.

(a) Except as otherwise provided, it shall be unlawful for any person to obstruct, block or impede any street, avenue, alley or sidewalk.

(b) In the interest of improving safety to children, pedestrians, the motoring public, and city employees, it shall be unlawful for any person to place, cause to be placed or, for any adult person to allow to be placed, a basketball hoop, stand, fixture, or other similar object, whether temporary or permanent, in, upon or extending into a public right of way, street, alley or sidewalk. This provision shall be enforced by the Code Enforcement Inspector and, if any such object described above is found to be in violation, is subject to removal by the City if, after verbal warning or written notice, it is not removed by its owner within forty-eight (48) hours after notification.