

ORDINANCE 22-05

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA PERTAINING TO REGULATION OF TRAFFIC UPON MUNICIPAL ROADS, AMENDING THE BELLE ISLE MUNICIPAL CODE, CHAPTER 30, ARTICLE I, SECTION 30-3 – HEAVY TRUCKS PROHIBITED ON CERTAIN STREETS TO PROHIBIT HEAVY TRUCKS FROM TRAVELING ON JUDGE ROAD AND DAETWYLER DRIVE; PROVIDING FOR A NEW SECTION 30-05 – SPEED LIMITS ADJUSTING SPEED LIMITS IN THE CITY; AUTHORIZING THE CITY MANAGER TO IMPLEMENT SUCH CHANGES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, § 316.008(1), Florida Statutes, states that the Uniform Traffic Control Code (UTCC) does not preclude the city, with respect to streets and highways under their jurisdiction, from regulating or prohibiting stopping, standing, or parking, regulating traffic by means of police officers or official traffic control devices, altering or establishing speed limits in accordance with the UTCC, restricting the use of streets, prohibiting or regulating the use of controlled access roadways by any class or kind of traffic, or prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

WHEREAS, § 316.555, Florida Statutes, provides that the city, with respect to highways and roads under its jurisdiction, has the authority to prescribe loads and weights and speed limits lower than the limits prescribed in the UTCC and other laws, whenever in its judgment any road or part thereof or any bridge or culvert shall, by reason of its design, deterioration, rain, or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers, or semitrailers, if the gross weight or speed limit thereof exceeds the limits prescribed by the city;

WHEREAS, § 316.555, Florida Statutes, further authorizes the city to regulate or prohibit, in whole or part, the operation of any specified class or size of vehicle motor vehicles, trailers, or semitrailers on any highways or specified parts thereof under its jurisdiction whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof, by reason of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and convenience;

WHEREAS, city staff has caused a review of those portions of Daetwyler Drive and Judge Road as described herein and determined for reasons based upon public safety, convenience, and other factors that vehicles over a certain weight should be prohibited from traveling over such portions;

WHEREAS, § 316.189(1), Florida Statutes, also provides that, with respect to roads located within residence districts, the city may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable;

WHEREAS, the Florida Department of Transportation (“FDOT”) Speed Zoning Manual, promulgated pursuant to Rule 14-15.012 of the Florida Administrative Code states that the alteration and posting of speed limits on municipal streets and roads must be based upon an engineering and traffic investigation that determines such change is reasonable and in conformity with the criteria promulgated by FDOT;

WHEREAS, the city has commissioned an engineering and traffic investigation (*i.e.* traffic study), which determined that the changes to the residential speed limits set forth herein is reasonable and in conformity with the criteria promulgated by FDOT; and WHEREAS, the City Council has found and determined that the adoption of this Ordinance is in the interests of the public health, safety and welfare, will aid in the harmonious, orderly and progressive development of the City, and serves a valid public purpose.

BE IT ORDAINED by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1: **Recitals.** The above recitals are hereby incorporated by reference and shall constitute the legislative findings of the City Council of the City of Belle Isle, Florida.

SECTION 2: **Adoption:** Chapter 30, Article I, section 30-3. – Heavy Trucks Prohibited on Certain Streets is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 30 remain unchanged):

Sec. 30-3. Heavy trucks prohibited on certain streets.

- (a) **Limitations.** Seminole Drive, where it intersects Daetwyler Drive and through to where it intersects with Indian Drive and through to where Indian Drive intersects with Nela Avenue and through to where Nela Avenue intersects with

Matchett Road and also Warren Park Road between Daetwyler Drive and Seminole Drive and Judge Road from Conway Road to Daetwyler Drive and Daetwyler Drive from Judge Road to McCoy Road are hereby closed to vehicular truck traffic of a gross weight in excess of 10,000 pounds.

- (b) Exemptions. It shall be unlawful for any such vehicle of a gross weight of more than 10,000 pounds to use such streets or public thoroughfares except ~~when business necessitates the taking on or discharging of cargo, at which time such vehicle or vehicles shall use such public streets and thoroughfares (only for such purposes)~~ local deliveries only for the sole purpose of delivering or picking up materials, products, or merchandise to or from properties physically located on the restricted portions of such streets and thoroughfares and only if the vehicle is using the most direct route to and from such properties.
- (c) Vehicles in excess of six tons (12,000 GVWR—gross vehicle weight rating), with the exception of school buses that are picking up or dropping off students, are prohibited from traveling on Hoffner Avenue within the city unless for a local delivery within the neighborhoods abutting Hoffner Avenue within the city.
- (d) Penalties. Any person, firm, corporation or other entity violating the provisions of this section shall be subject to penalties as set forth in the schedule of fees and charges adopted by resolution of the City Council, as such penalties may be revised periodically by resolution of the City Council.

SECTION 3. **Adoption:** Chapter 30, Article I, section 30-5. – Speed Limits is hereby added to the City’s Code of Ordinances as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 30 remain unchanged):

Sec. 30-05. Speed limits.

- (a) There is hereby established in the City of Belle Isle a maximum speed limit of twenty-five (25) miles per hour on all roads and streets that are located within residential districts except as otherwise may be set forth herein.
- (b) The speed limit on Judge Road and Daetwyler Drive is 30 miles per hour.

SECTION 4. City Manager Authorization. The City Manager is hereby authorized by the City Council of the City of Belle Isle to take such actions as may be appropriate and necessary to implement and enforce the speed and vehicle weight limits established by this ordinance, including the placement of appropriate signage along the affected municipal roads within the city so as to provide notice of the relevant limits and restrictions to motorists and other operators of motor vehicles.

SECTION 3. Codification. Sections 2 and 3 of this ordinance will be incorporated into and codified within the Municipal Code of the City of Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not

affecting the construction or meaning of this ordinance or the Land Development Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the law.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

First Reading on _____, ____ ____, 2022.

Second Reading and Adoption this _____ day of _____, 2022.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

ATTEST:

Yolanda Quiceno, CMC
City Clerk

Nicholas Fouraker, Mayor

Approved as to form and legality
For use and reliance by
Daniel W. Langley, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 22-__ was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk