

CITY OF LABELLE, FLORIDA

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE LABELLE CODE, CHAPTER 17 – TRAFFIC, AND CREATING A NEW ARTICLE IV – LIMITATIONS ON THRU TRUCK TRAFFIC; PROVIDING CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND AN EFFECTIVE DATE.

WHEREAS, the City of LaBelle, Florida is the governing body of LaBelle; and

WHEREAS, pursuant to Chapter 316, Florida Statutes, otherwise known as the "Florida Uniform Traffic Control Law," and specifically Section 316.006, municipalities have original jurisdiction to exercise traffic control over streets and highways within their boundaries; and

WHEREAS, additionally, the Florida Uniform Traffic Control Law authorizes municipalities to erect traffic control devices not inconsistent with it or as authorized the Federal Highway Safety Administration's Manual on Uniform Traffic Control Devices adopted by the Florida Department of Transportation; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of LaBelle Charter and Section 166.021, Florida Statutes, the City Commission is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Commission has determined that it is in the best interests and welfare of the City of LaBelle and its residents to enact this Ordinance.

THE CITY OF LABELLE HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted as legislative findings of the City Commission and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending LaBelle Code

The LaBelle Code is hereby amending the pertinent provisions of Chapter 17, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Severability

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found to be invalid,

preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.

Section 4. **Conflicts of Law**

This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of the requirements of state or federal law, the more restrictive shall apply.

Section 5. **Codification and Scrivener's Errors**

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the LaBelle Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the Deputy City Clerk without need of public hearing, by filing a corrected copy with the Deputy City Clerk. It is further the intent of the City Commission that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **Effective Date**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COMMISSION of the City of LaBelle, Florida this 4th day of May, 2023.

Attest:

CITY OF LABELLE, FLORIDA

By: Jessi Zubaty
Jessi Zubaty, Deputy City Clerk

By: Julie C. Wilkins
Julie C. Wilkins, Mayor

Reviewed for legal sufficiency:

By: [Signature]
City Attorney

Vote:	AYE	NAY
Mayor Wilkins	<input checked="" type="checkbox"/>	___
Commissioner Vargas	<input checked="" type="checkbox"/>	___
Commissioner Ratica	<input checked="" type="checkbox"/>	___
Commissioner Akin	<input checked="" type="checkbox"/>	___
Commissioner Spratt	<input checked="" type="checkbox"/>	___

EXHIBIT "A"

ARTICLE IV. LIMITATIONS ON THRU TRUCK TRAFFIC

Sec. 17-30. Restrictions on truck use of streets.

(a) *Authority and purpose.* This section is ordained pursuant to authority granted under the Florida Uniform Traffic Control Law. The purpose of this section is to promote the public health, safety and welfare by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

No-Thru-Truck Zone. A street or road, or segment thereof, on which trucks are prohibited, except trucks traveling to or from a place abutting the zone, which place would otherwise be inaccessible by truck.

Truck. A truck as defined in the Florida Uniform Traffic Control Law.

(c) *Establishment of zones.* No-thru-truck zones shall be established by the City Commission, through the adoption of a resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted as provided for in subsection (e) of this section.

(d) *Considerations and guidelines.* The City Commission may establish a no-thru-truck zone if one or more of the following conditions exists; however, a no-thru-truck zone shall not be established unless truck traffic that would otherwise travel through the zone has an alternate route available:

- (1) Traffic lanes are less than 12 feet wide.
- (2) The street or road cannot adequately carry truck traffic because of damage to the surface or to abutting structures.
- (3) Land use on both sides of the street or road is predominantly residential.
- (4) The greater right-of-way is pedestrian in nature.
- (5) A state or locally designated scenic highway or canopy road.

(e) *Signing.* No-thru truck zones shall be signed at the beginning and end thereof, and at other places as the city may determine to be necessary, in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration.

(f) *Prohibition.* It is unlawful for any person to drive a truck in a no-thru-truck zone, unless the driving of such truck is within the exception specified in the definition of “no-thru-truck” zone in subsection (b) of this section.

Sec. 17-31. Exceptions.

The restrictions set forth in this Article shall not apply to the following:

- (1) Any truck making a delivery or providing services to or from a location in or abutting the no-thru-truck zone, which location would otherwise be inaccessible by such vehicle.
- (2) The operation of a truck where necessary to reach the truck driver's personal residence. This exception shall not authorize the parking of a truck in front of a personal residence or at any location otherwise prohibited under this Article.
- (3) Public service or other government-owned vehicles.
- (4) Emergency vehicles.

Sec. 17-32. Temporary truck routes.

The Superintendent of Public Works may, in the event of an emergency, or as needed for maintenance, temporarily restrict truck traffic or establish specific temporary truck routes.

Sec. 17-63. Vehicles not to damage hard-surface or paved roads.

It is unlawful to operate on any hard-surfaced or paved roads in the City any bulldozer, concrete mix truck, tractor, or other heavy equipment vehicle, unless equipped with pneumatic rubber tires; any steel-tired vehicle; or any other vehicle or machine that is likely to damage a hard-surfaced or paved road except ordinary wear and tear on the same.

Sec. 17-64. Penalties.

A violation of this section shall be subject to the fines in Section 1-17 of the LaBelle Code. Further, violation of corresponding signage may be further enforced as a violation of § 316.074, Florida Statutes.