

Chapter 17

TRAFFIC AND MOTOR VEHICLES*

Art. I. In General, §§ 17-1—17-15

Art. II. Parking, Stopping and Standing, §§ 17-16—17-90

Art. III. Weight Limitations, §§ 17-32—17-35

Art. IV. Traffic Calming Devices §§ 17-36—17-38

***Cross references**—Any ordinances prescribing through streets, parking prohibitions, parking limitations, one-way traffic, limitations on loaded vehicles, or loading zones not inconsistent with this code saved from repeal, § 1-5(6); unlawful noise from horns and signaling devices, § 10-6(1); unlawful noise from motor vehicles, § 10-7; offenses generally, Ch. 11; control of vehicles in parks, § 12-42; police, Ch. 13.

State law references—Traffic and motor vehicles, F.S. § 316.001 et seq.; powers of local authorities, F.S. § 316.008.

ARTICLE I. IN GENERAL

Sec. 17-1. Adoption of Florida Uniform Traffic Control Law.

(a) All the provisions of Florida Statute Chapter 316, Florida Uniform Traffic Control Law, Chapter 318, Disposition of Traffic Infractions, and Chapter 322, Drivers' Licenses, are hereby adopted by reference, and enacted as an ordinance of the city, and made a part of this chapter as fully as if set forth in haec verba.

(b) It shall be unlawful to violate any of the provisions of this chapter. A violation of any of the provisions of this chapter shall be subject to a fine or imprisonment or both such fine or imprisonment as provided by Florida Statutes, provided no fine or imprisonment shall be imposed in excess of that authorized by section 1-8.

(Code 1974, §§ 21-1, 21-2)

Sec. 17-2. Speed limits.

No person shall drive any vehicle on the streets in the city at a speed greater than thirty (30) miles per hour in all residential and business districts, and fifteen (15) miles per hour in school zones, unless otherwise posted. (Code 1974, §§ 21-8)

State law reference—Establishment of municipal speed zones, F.S. 316.189.

Sec. 17-3. Emergency responses to motor vehicle accidents involving drivers operating under the influence of alcoholic beverages or drugs; costs incurred.

(a) Definitions as used in this chapter.

(1) *Expenses of an emergency response* shall mean the costs and expenses incurred by the city in providing, sending and/or utilizing police, firefighting, rescue and/or emergency medical services to a motor vehicle accident where one of the drivers was operating a motor vehicle under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, provided that the costs and expenses shall only include those costs and expenses directly arising because of the city's response to a particular accident.

(2) *Motor vehicle* shall mean any self-propelled vehicle, whether licensed for street use or not, and having two (2) or more wheels.

(3) *Controlled substances* shall mean and include any substance named or described in Schedules I through V of Section 893.03, Florida Statutes, as such schedules may be amended, from time to time, pursuant to chapter 893, Florida Statutes.

(4) *Drugs* shall mean any controlled substances.

(b) *Incorporation by reference*. The standards and schedules set forth at section 893.03, Florida Statutes, as the same may be amended, from time to time, pursuant to chapter 893, Florida Statutes, are hereby adopted and incorporated by reference, as if the same are set forth verbatim herein.

(c) Operation of a motor vehicle under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage and any drug.

(1) *Presumption*.

a. Any person who, while under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, operates a motor vehicle and proximately causes an accident resulting in an emergency response shall be liable for the expenses of the emergency response.

b. For purposes of this chapter, it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood, urine or breath reveals that the weight of alcohol in the driver's blood was in excess of one tenth of one (.10) percent.

(2) *Criteria for assessment; DUI.* A motorist arrested for driving under the influence of alcohol and/or drugs will be assessed the expenses of such emergency response only if all of the following criteria are met:

- a. Driving under the influence of alcohol and/or drugs is evidenced by objective symptoms observed by the arresting officer and a blood, breath or urine test above the legal one tenth of one (.10) percent blood alcohol level; and,
- b. Negligent operation of a motor vehicle as evidenced by either an accident or the commission of a moving violation as defined under the chapter 316, Florida Statutes; and,
- c. The incident evidenced by an accident or moving violation was proximately caused by driving under the influence of alcohol and/or drugs; and
- d. The incident necessitated an emergency response, which entailed the use of emergency lights and/ or siren by police or fire units responding to the incident.

(3) *Criteria for assessment; other cities.* A motorist arrested for other criminal acts resulting from intentionally wrongful conduct while operating a motor vehicle will be assessed the expenses of such emergency response only if one or more of the following criteria are met:

- a. A motor vehicle was operated with the apparent intent to injure another person or property; or
- b. A motorist attempts to evade arrest for acts involving operation of a motor vehicle with conduct intended to injure another person or property; or
- c. A motorist rammed or threatened to ram police vehicles or property in the course of attempting to evade arrest.

(4) The city will assess the expenses of such emergency response to the responsible motorist only for the direct cost to the city of the emergency response; i.e., laboratory fees, costs of repairing or replacing city property damaged or destroyed due to the person's conduct; and the hourly salary and fringe benefit costs of the police officer or other personnel who directly respond to an incident pro-rated for the time it takes to complete the emergency response.

(d) *Civil debt.* The city will treat the emergency response costs as a civil debt of that person which is collectable by the city in the same manner as a contract obligation. Therefore, the city need not wait until there is a conviction before billing the motorist.

(e) *Delinquency.* If the emergency response cost assessment is not paid within thirty (30) days after the initial bill is mailed by the city or no arrangements are made for partial payment during the thirty (30) day period, then the assessment will be considered delinquent and may be referred for collection.

(f) *Recourse.* If a motorist refuses to pay the city, the city may pursue recovery in any court of competent jurisdiction. This action will not be initiated until after the criminal charges have been adjudicated.

Should any dispute arise hereunder, the city shall be entitled to recover all court costs, expenses and attorney's fees incurred by the city in such dispute, whether or not suit be brought, and such rights shall include all of such costs, expenses and attorney's fees through all appeals for other actions.

(g) *Penalties.* Any person who shall fail to pay the cost reflected in a bill issued pursuant to subsection (d) hereof and who shall fail to file an action for declaratory judgment pursuant to the city's initial bill within thirty (30) days from the initial bill, shall be guilty of a misdemeanor and punished upon conviction by a fine of five hundred dollars (\$500.00), which fine shall be in addition to any monies due pursuant to the terms hereof. Any person who shall file an action for declaratory judgment pursuant to the city's initial bill hereunder and who shall receive a judgment to such person's disfavor or shall dismiss such action without conclusion and who shall then fail to pay such fine within ten (10) calendar days, shall be guilty of a misdemeanor and punished upon conviction by a fine of five hundred dollars (\$500.00), which fine shall be in addition to any monies due pursuant to the terms hereof.

(h) *Probation.* In all appropriate cases, the city will seek to have payment of the assessment imposed as a condition of probation. Additionally, in all appropriate cases, the city will seek to have payment of the assessment imposed as a form of restitution.

(i) *Acquittal.* If the motorist who has paid an emergency response cost recovery bill is acquitted of criminal charges after trial, the city shall provide reimbursement upon written request of the motorist.

(j) *Appeal.* Any person receiving an assessment has a right to appeal it to the city manager. The city manager will review it for accuracy. If it is found to be in error, then the bill may be corrected, or, if appropriate, rescinded. (Ord. No. 89-2-3, §§ 1-10, 2-28-89)

Secs. 17-4—17-15. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING

State law references—Stopping, standing or parking prohibited in specified places, F.S. § 316.1945; additional parking regulations, F.S. § 316.195.

State law references—Parking spaces provided by governmental agencies for certain disabled persons, F.S. § 316.1955; parking space provided by nongovernmental entities for certain disabled persons, F.S. § 316.1956.

Sec. 17-16. Parking places for handicapped persons.

(a) *Definitions.* The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them in this subsection, except where the context otherwise requires:

(1) *Access aisle:* The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift or ramp in order to exit from or enter a motor vehicle. The access aisle must be striped diagonally to designate it as a no-parking zone.

(Ord. No. 01-4-7, §1, 4-24-01)

(2) *Designated parking space:* Any parking space posted with a sign with lettering such as "Parking by Disabled Permit Only," and bearing the internationally accepted wheelchair symbol. Such parking places shall be designated and located as follows:

a. All spaces shall have accessible thereto a curb ramp or curb cut when necessary to allow access to the building served and shall be located so that users will not be compelled to wheel behind parked vehicles.

b. Diagonal or perpendicular parking places shall be a minimum of twelve (12) feet wide.

c. Parallel parking places shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such places shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(3) *Motor vehicle:* Any vehicle which is self-propelled by any means whatsoever.

(4) *Public parking space:* Any parking space on private property which the owner, lessee or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including but not limited to parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

(b) *Prohibitions.* It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 and such motor vehicle is transporting a person eligible for the parking permit. It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a motor vehicle within any such area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities. Whenever a law enforcement officer or a parking enforcement specialist or a code officer finds a motor vehicle in violation of this subsection, that officer shall charge the operator or other person in charge of the motor vehicle in violation with a noncriminal traffic infraction, punishable as provided herein. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(Ord. No. 01-4-7, §1, 4-24-01)

(c) *Penalty for violations.* If a citation issued for a violation of section shall be paid prior to the issuance of a Notice to Appear or Municipal Information, the fine shall be two hundred fifty dollars (\$250.00). After the issuance of a Notice to Appear or Municipal Information the penalties provided in Section 1-8 of this Code shall be applicable. (Code 1974, § 21-10; Ord. No. 83-6-2, § 1, 6-14-83; Ord. No. 83-7-2, § 12, 7-1-83; Ord. No. 99-10-1, § 2, 10-26-99)

Sec. 17-17. Citations for parking violations.

(a) *Administration.* Municipal citations for parking violations other than uniform traffic citations under Florida Statutes chapters 316, 318 and 322 (which citations shall include stopping and standing violations), shall be processed by the appropriate city department or by the Broward County Clerk of Courts. The Broward County Clerk of Court, pursuant to any applicable Florida Statutes, and specifically §§318.325, 316.1967(6), 320.03(8), Florida Statutes, is hereby delegated any necessary authority and responsibility for the processing of parking citations and parking citations matters may be referred to a hearing officer for enforcement to facilitate the proper enforcement of the parking violations.

(b) *Time of payment.* The citation shall notify the owner of the vehicle to pay the fine indicated on the citation within ten (10) business days from the date of issuance at the place specified on the citation, and of the violator's right to appeal. Such citation for a parking violation shall be returnable and payable to the city or Broward County Clerk of Courts.

(c) *Penalty.* If prosecution in the county court is necessary, the citation will bear a fine or penalty of ten dollars (\$10.00) in addition to the original fine and penalty. The violator shall also bear the cost of all court costs in connection with such prosecution. Unless otherwise provided, citations issued for traffic or parking related offenses under this section shall be in the amount of \$25.00 for each offence. All costs and fees associated with the administration or prosecution any citation shall be in addition to the fine provided in this section.

(Code 1974, § 21-11) (Ord. No. 20-3-2, § 2, 4-14-20)

Sec. 17-18. Prohibited stopping, standing or parking on certain roadways.

(a) *Definitions.* The following words and phrases, when used in this section shall have the meanings respectively ascribed to them in this subsection, except where the context otherwise requires:

(1) *Roadway* shall mean that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the swale or shoulder.

(2) *Swale area* shall mean that area of the publicly-owned land lying on either side, of a public roadway, between the edge of such roadway and at the edge of a public sidewalk.

(3) *Vehicle* shall mean any motor vehicle, automobile, commercial vehicle, recreational vehicle, motorcycle, moped, boat or boat trailer.

(Ord. No. 86-11-3, § 1, 11-11-86; Ord. No. 00-9-4, §1, 9-27-00)

(b) It shall be unlawful for any person to stop, stand, or park a vehicle in violation of any posted "No Parking" sign.

1. "No Parking" signs may designate a time period when standing, stopping, or parking a vehicle is prohibited in any parking lot, field, swale, park or other parking areas provided by the city.

2. Standing, stopping, or parking a vehicle shall be prohibited in any parking lot, field, swale, park or other parking areas provided by the city when the adjoining building or park is closed.

3. "No Parking" signs may designate an area where standing, stopping, or parking a vehicle is prohibited.

(c) "No Parking" signs may be placed on any municipal property which includes, but is not limited to any parking lot, field, swale, park or other parking areas provided by the city, at the discretion of the City Manager.

(d) All "No Parking" signs:

1. Shall comply with the Manual on Uniform Traffic Control Devices, as amended.

2. Must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five (5) feet from the public right-of-way line.

(e) Law enforcement officers, police service aides, and code compliance officers are hereby authorized to issue parking citations to any vehicle illegally parked in violation of the section.

1. Whenever any vehicle is found parked, stopped or standing in violation of any of the restrictions imposed by this section, an authorized city representative shall issue a parking citation on a form approved by the chief law enforcement officer for the city.

2. All parking citations shall be conspicuously affixed to the vehicle in violation.

3. The citation shall notify the owner of the vehicle to pay the fine indicated on the citation within ten (10) business days from the date of issuance at the place specified on the citation, and of the violator's right to appeal.

4. The owner of a vehicle shall be responsible for payment of any citations issued under this chapter and other parking violations to the extent imposed by § 316.1967, F.S., as amended.

5. Unless otherwise provided, citations issued for traffic or parking related offenses under this section shall be in the amount of \$25.00 for each offence, plus all applicable fees assessed by the Broward County Clerk of Courts.

(f) *Stopping, standing or parking on roadways within 1,000 feet of school to discharge or pick-up school passenger(s)*No person shall stop, stand or park a vehicle on any roadway within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school within one (1) hour before the scheduled starting time for the regular school day or school special event or within one (1) hour after the scheduled school dismissal time for the regular school day or school special event, for the purpose of actively discharging from said vehicle or picking-up into said vehicle a passenger(s) of the age of nineteen (19) or younger who is going to or leaving the school property.

(Ord. No. 99-10-1, §5, 10-26-99; (Ord. No. 09-4-3, §2, 4-28-09; Ord. No. 20-3-2, § 2, 4-14-20))

Sec. 17-19. Parking prohibited over catch basins.

(a) *Definitions.* The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) Catch basin shall mean a receptacle used for the collection and transmission of storm water runoff from roadways.

(2) Vehicle shall mean any motor vehicle, commercial vehicle, automobile, recreational vehicle, motorcycle, moped, boat or boat trailer.

(b) *Parking over catch basins.* Except in an emergency situation, or when a catch basin is located within a driveway of a residence, no person shall park, stop, stand or leave unattended any vehicle over any catch basin located within the city.

(c) *Penalties.* If a citation issued for a violation of this section shall be paid prior to the issuance of a Notice to Appear or Municipal Information, the fine shall be one hundred dollars (\$100.00). After the issuance of a Notice to Appear or Municipal Information, the penalties provided in Section 1-8 of this Code shall be applicable.

(Ord. No. 86-11-3, § 2, 11-11-86; Ord. No. 99-10-1, § 4, 10-26-99)

Sec. 17-20. Authority to move and impound vehicles.

(a) City personnel are authorized to cause to be removed and impounded a vehicle to a privately-owned garage or other place of safety, or to move or cause to be moved such vehicle, or to require the driver or person in charge of the vehicle to

remove same to a position which would not be an obstruction or in violation of this or any other city code section under those circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon any public place, street, roadway, alley or bridge, where such vehicle may obstruct or is obstructing traffic.

(2) When a vehicle on a street, roadway, alley or public place is disabled in a manner whereby traffic is or may be obstructed, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.

(3) When a vehicle is found being operated upon the streets and is not in proper condition.

(4) When any vehicle is left unattended upon a street, roadway, alley or other public place and is so parked illegally as to constitute an existing or potential hazard or obstruction to the normal movement of traffic.

(5) When the driver of a vehicle is taken into custody by the police department and his vehicle would thereby be left unattended upon a street, roadway, alley or other public place.

(6) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.

(b) The charge for towing or removal of any vehicle under this section and storage charges shall be subject to review and approval by the city manager or his/her designee. Such charge or charges shall be posted for public inspection at any authorized garages. (Ord. No. 86-11-3, §3, 11-11-86)

Sec. 17-21. Notice of impounding.

(a) Removal of vehicles pursuant to code section 17-20 shall be accomplished in accordance with the following procedure:

(1) Enforcement personnel shall attempt to locate the owner or operator of a vehicle to be towed within the immediate vicinity of the vehicle before causing the vehicle to be towed or removed.

(2) Once the vehicle is removed, a description of the vehicle shall be forwarded to the city police department, which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours of a vehicle being removed and impounded, the city police department shall give written notice by certified mail, return receipt requested to the registered owner of said vehicle. Such notice shall inform the owner of the removal, the location of the vehicle and owner's right to a hearing pursuant to Code section 17-22.

(Ord. No. 86-11-3, § 4, 11-11-86)

Sec. 17-22. Payment of costs; posting of bond; right of review.

(a) Upon payment of the costs of towing and storage, any vehicle removed and impounded pursuant to code sections 17-20 and 17-21 will be released to the registered owner of said vehicle or to the registered owner's designee. No vehicle shall be released to one other than the vehicle's registered owner except upon presentation of a notarized affidavit signed by the vehicle's registered owner stating that the individual seeking to pick up the vehicle has been permitted to do so by owner.

(b) An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a cash bond with the city's police department in an amount equal to the costs incurred in the towing and storage of his vehicle.

(c) Any owner of a vehicle towed pursuant to code sections 17-20 and 17-21 shall within ten (10) days of the sending of notice to owner pursuant to code section 17-21 have the right to request a hearing before the city manager or his designee wherein both the city's police department and the vehicle's owner will be permitted to introduce all evidence necessary in order to allow the owner due process. Should the owner of a vehicle towed pursuant to the provisions of code sections 17-20 and 17-21 contest such towing in an administrative appeal to the city manager or his designee pursuant to this section, or in a court of competent jurisdiction, and should such owner prevail in his appeal, then the costs of removal and storage of the vehicle shall be borne by the city. If such owner has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing upon his administrative appeal or judicial proceeding, the city shall reimburse the owner the full amount of such charges.

(Ord. No. 86-11-3, § 5, 11-11-86)

Sec. 17-23. Vehicle Covers.

(a) Any vehicle which is parked out of doors so that it is visible from the adjacent roadway or any adjacent properties may be covered with a custom vehicle cover or other such fitted cover, provided that the license tag on the vehicle is visible at all times by means of clear material, an opening, or otherwise adjusted to make view of the tag available. The use of a tarpaulin (tarp) or other similar covers shall not satisfy the requirements of this section.

(b) If a citation issued for a violation of this section shall be paid prior to the issuance of a Notice to Appear or Municipal Information, the fine shall be fifty dollars (\$50.00). After the issuance of a Notice to Appear or Municipal Information, the penalties provided in section 1-8 of this code shall be applicable.

(Ord. No. 2005-10-02, § 1, 10-11-05)

Secs. 17-24—17-31. Reserved.

ARTICLE III. VEHICLE IMITATIONS

Sec. 17.32. Definition.

The word "vehicle" as used in this article, shall mean any device in, upon or by which any person or property is or may be transported or drawn upon a street, road, alley or way, except devices moved by human power or used exclusively upon stationary rails or tracks. (Code 1974, § 21-5)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 17.33. Authority of chief of police to regulate use of specified streets by certain vehicles; posting of signs.

The chief of police is hereby authorized to prohibit the use of any street roadway, alley, bridge or public way by any farm tractor, construction equipment, trailer, semi-trailer, and by trucks or other commercial vehicles, and to impose limitations as to the weight thereof on designated streets, roadways, alleys, bridges, or public ways where in his opinion the public safety is concerned, but the prohibitions and limitations shall not become effective until notice thereof is given by means of appropriate signs placed on such streets, roadways, alleys, bridges, or public ways. (Code 1974, § 21-7)

Sec. 17.34. Gross weight of vehicles limited.

It shall be unlawful to drive, operate, or move any vehicle upon the streets, roads, alleys or ways of the city when the gross weight of the vehicle so driven, operated or moved shall exceed five thousand (5,000) pounds. (Code 1974, § 21-7)

Sec. 17.35. Exemptions.

- (a) The provisions of section 17-34 shall not apply to vehicles operating on Griffin Road, Stirling Road or Flamingo Road.
- (b) The provisions of section 17-34 shall not apply to any vehicle engaged in the making of a delivery or a pick-up to a location within the municipal limits of the city provided the delivery is for consumption or use on the premises where delivered, which use is not to include storage on the premises.

(Code 1974, § 21-3, 21-4)

ARTICLE IV. TRAFFIC CALMING DEVICES

Sec. 17.36. Definitions.

Affected Property Owners shall mean all homeowners with lots having direct access to a public cul-de-sac or no outlet condition roadway; and all homeowners with lots adjacent to a public through street within a quarter mile of the location of a Traffic Calming Device proposed to be placed thereon.

Eligible Street shall mean a street meeting the minimum necessary criteria for the installation of a Traffic Calming Device.

Impact Area shall mean all properties abutting a cul-de-sac or no outlet street; and all property located adjacent to a public through street within a quarter mile of the location of a Traffic Calming Device proposed to be placed thereon.

Private Road shall mean a roadway owned and maintained by a private entity.

Public Road shall mean a roadway owned and maintained by the City and/or Broward County.

Traffic Calming Device shall mean, but not be limited to speed tables, traffic circles/roundabouts, traffic islands and traffic chokers/chicanes.

Sec. 17.37. Private Roads.

(A) *Application.* The entity owning or having control of a Private Road shall apply to the City for an engineering permit prior to the installation of a Traffic Calming Device. A permit application shall include the following:

- (1) A completed permit application form. Permit application forms shall be made available by the City Engineer.
- (2) If the road is not the jurisdiction of, or owned by, a homeowner's association, community development district, or other community association, the permit application shall include the signatures of Affected Property Owners located at sixty-seven (67) percent of the addresses within the projected Impact Area followed by the printed name, address, and the telephone number of each Affected Property Owner. Only one person per address will be counted toward meeting this criterion.
- (3) A traffic study justifying the need for the installation of Traffic Calming Measure(s) as well as identifying the most appropriate traffic calming treatment to address the neighborhood's concerns. The study must also demonstrate that the evaluated road is not a major access route for emergency vehicles. The traffic study shall be performed, and signed/sealed, by a Florida licensed professional engineer.
- (4) A set of engineering construction plans, signed and sealed by a professional engineer, showing the location of the selected Traffic Calming Device to be installed, and providing sufficient design details to ensure construction of such Device.
- (5) Permit Fee. Permit fees shall be determined by the City and may be related to the cost of installation for the desired Traffic Calming Device(s).

(B) *Payment.* The applicant shall be solely responsible for all costs associated with the design, permitting, inspection, installation and maintenance of the Traffic Calming Device.

(C) *Inspection.* Traffic Calming Devices installed on Private Roads shall be subject to inspection by the City Engineer. Traffic Calming Devices deemed not to be installed in accordance with the specifications enumerated in an approved application and the provisions of this Code shall be reinstalled at the applicant's sole cost and expense.

(Ord. No. 19-5-3, § 2, - -19)

Sec. 17-38. Public Roads.

Traffic Calming Devices and measures may be installed by the City, provided all of the following conditions are met, and provided that a sufficient budget exists to fund the expenses associated with the installation of such devices/measures.

(A) *Application Process.* A petition for the installation of a Traffic Calming Device on a Public Road must be submitted to the City Engineer by the duly authorized representative of the Affected Property Owners within the Impact Area where the proposed Traffic Calming Device(s) is to be located. The petition should include the following:

(1) A cover letter requesting consideration for the installation of a Traffic Calming Device(s). The cover letter shall identify the traffic conditions that the Traffic Calming Device is intended to rectify and shall identify a single representative of the petitioners who shall be authorized to communicate with the City.

(2) Signatures of Affected Property Owners located at sixty-seven (67) percent of the addresses within the projected Impact Area followed by the printed name, address, and the telephone number of each Affected Property Owner. Only one person per address will be counted toward meeting this criterion.

(3) Petitions shall be reviewed for completeness by the City Engineer. Petitions deemed to be incomplete shall be returned to the petitioner.

(B) *Analysis and Eligibility.*

(1) The City Engineer shall conduct the appropriate traffic engineering studies to determine the eligibility of the Public Road for installation of a Traffic Calming Device(s) and the impact of such installation on the traffic patterns for the surrounding area and roadways.

(2) An Eligible Street must meet each of the following criteria:

(a) The street is in an area zoned for residential use.

(b) The street is not curved with a centerline radius of 350 feet or less.

(c) The street must have no more than two (2) lanes of traffic.

(d) The street is not an alley.

(e) The observed 85th percentile speed is at least ten (10) mph over the posted or statutory speed limit.

(f) The average daily traffic count must be no greater than 2,000 vehicles per day and no less than 500 vehicles per day.

(g) The street is not a major access route for emergency vehicles.

(h) The speed limit must be thirty (30) miles per hour or less.

(i) There are no other Traffic Calming Devices or traffic control devices, including but not limited to stop signs and traffic signals, within 600 feet of the location of the proposed Traffic Calming Device.

(j) Speed humps/tables will not be considered within 200 feet of an intersection, in front of a driveway, or adjacent to fire hydrants.

(C) *Installation of Traffic Calming Devices on Public Roads.*

(1) The installation of Traffic Calming Devices on Public Roads must be approved by the City Commission.

(2) The City Engineer shall recommend the approval or disapproval of Traffic Calming Devices to the City Commission.

(3) The cost of the engineering study, design, installation and maintenance of Traffic Calming Devices on Public Roads shall be borne by the City, contingent upon budgetary constraints.

(4) The City may, at its option, install Traffic Calming Devices in emergency situations as supported by traffic studies and approved by the City Commission. (Ord. No. 10-8-2, § 2, 8-17-10; Ord. No. 19-5-3, § 2, - -19)