

**CITY OF MEXICO BEACH  
ORDINANCE NO. 391**

**AN ORDINANCE TO ESTABLISH TRAFFIC REGULATIONS; TO ADOPT FLORIDA UNIFORM TRAFFIC CONTROL LAW; TO DESIGNATE POWERS AND DUTIES OF THE CHIEF/DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY; AUTHORITY OF PUBLIC SAFETY, PUBLIC WORKS DEPARTMENTS, AND CITY ADMINISTRATOR; SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES; AUTHORITY TO IMPOUND VEHICLES; ESTABLISH NOTICE OF IMPOUNDING VEHICLES; AUTHORITY OF POLICE TO DIRECT TRAFFIC; AUTHORITY OF FIREMEN TO DIRECT TRAFFIC; DESIGNATE FORM OF TRAFFIC TICKET AND COMPLAINT; PROHIBITING DISPLAY OF AND AUTHORITY TO REMOVE UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS; ESTABLISH SPEED LIMITS FOR ALLEYS AND PARKING LOTS; AUTHORITY TO CHANGE SPEED LIMITS; PROVIDING FOR INCORPORATION, CONFLICT, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Chapter 316, F.S., provides that chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction, as they shall deem necessary to indicate and to carry out the provisions of said Chapter or to regulate, warn, or guide traffic,

NOW, THEREFORE, BE IT ORDAINED BY THE MEXICO BEACH CITY COUNCIL, IN COUNCIL DULY ASSEMBLED, THE FOLLOWING:

**Section 1: Adoption of Florida Uniform Traffic Control Law.**

There is hereby adopted by reference, the Florida Uniform Traffic Control Law, Chapter 316, Florida Statutes, as amended, which laws shall be in full force and effect in the City as if fully set forth in this section, and shall be considered as part of this Chapter.

## **Section 2: Powers and duties of the Director of Public Safety**

(a) The Director of Public Safety, also known as the Chief of Police, except as otherwise directed by the City Council, is hereby authorized and is given the full power to: designate direction of traffic; maximum and minimum speeds insofar as such speeds shall not conflict with the laws of the state; to establish through streets and stop crossings, traffic control devices indicating prohibited or limited parking, restricted speed zones, one-way streets, through or arterial streets, stop signs, "U" turns, vehicle weight limits; to designate cross-walks, safety zones, truck routes, traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

(b) The Director of Public Safety, also known as the Chief of Police, shall have authority when he deems it in the interest of public safety or convenience to temporarily close any street, alley, or portion of the same to vehicular or foot traffic or to divert such traffic there from. Such provisions and designations shall be of the same force and effect as if provided for specifically by ordinance, and any violation thereof shall be unlawful.

(c) The Director of Public Safety, also known as the Chief of Police, shall be responsible for performing all functions relating to traffic as are required of municipalities by state law.

(d) The existence of official traffic control devices in any place within the corporate limits of the City shall be prima facie evidence that such official traffic control devices were erected or placed by and at the direction of the Director of Public Safety, also known as the Chief of Police, and in accordance with the provisions of this section.

(e) Any person failing or refusing to comply with the directions indicated on any official traffic control device erected or placed in accordance with the provisions of this section when so placed or erected, shall be guilty of a violation of this Code.

## **Section 3: Authority of Public Safety, Public Works Departments and City Administrator.**

(a) The Public Safety Department, under the direction of the Director of Public Safety, also known as the Chief of Police, shall have full power and be charged with all duties in relation to the direction of vehicle traffic and enforcement of all laws governing vehicle traffic.

(b) The Public Works Department under the direction of the City Administrator, shall have full power and be charged with all duties in relation to the planning, engineering, and management of vehicular and pedestrian traffic.

## **Section 4: Specifications for Traffic Control Devices**

All traffic control signs, signals, markings, and devices shall conform to the then current manual of Uniform Traffic Control Devices for Streets and Highways of the Florida Department of Transportation.

## **Section 5: Authority to Impound Vehicles**

Members of the police department are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety or to a garage designated or maintained by the police department, or by this municipality, when:

- (a) Any vehicle is left unattended upon any bridge causeway, where such vehicle constitutes an obstruction to traffic.
- (b) A vehicle upon a street is so disabled as to constitute an obstruction to traffic 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.
- (c) A vehicle is found being operated upon to streets and not in a condition to be safely operated.
- (d) Any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (e) Any vehicle is left unattended upon a street continuously for more than twenty-four (24) hours and may be presumed to be abandoned
- (f) The driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.
- (g) The removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.
- (h) A vehicle is left in violation of a parking control device which informs vehicle operators that the area in which the vehicle is parked is an official tow away zone.

No vehicle impounded in an authorized garage as herein provided, shall be released there from, until the charges for towing such vehicle into the garage, and storage charges have been paid.

## **Section 6: Notice of impounding**

Whenever an officer removes a vehicle from a street as authorized in section 5 hereof, and the officer knows or is able to ascertain the name and address of the owner thereto, such officer shall immediately give or cause to be given notice to such owner of the fact of such removal, the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

### **Section 7: Police to direct traffic**

Officers of the police department or such officers as are assigned by the Director of Public Safety, also known as the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

State law reference(s)--Obedience to police officers directing traffic, F.S. § 316.071 (3).

### **Section 8: Firemen may direct traffic**

Officers of the fire department, when at the scene of a fire or other emergencies, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

State law reference(s)—Obedience to firemen directing traffic, F.S. § 316.071 (3).

### **Section 9: Form of traffic ticket and complaint.**

The Director of Public Safety, also known as the Chief of Police, is hereby authorized to use a traffic ticket and complaint for use by the police department in connection with traffic offenses committed within the city limits, a copy of which is on file in the office of the City Clerk.

### **Section 10: Display of unauthorized signs, signals or markings; authority to remove**

(a) No person shall place, maintain or display, upon or in view of any street, any unauthorized sign, signal, marking or device which purports to be, or is an imitation of, or resembles an official traffic-control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device.

(b) Every such prohibited sign, signal or marking, in violation of Section 10 (a) is hereby declared to be a public nuisance, punishable by a civil infraction of \$10.00 (ten dollars), and the Director of Public Safety, also known as the Chief of Police, is hereby empowered to remove the same or cause it to be removed without notice.

### **Section 11: Speed Limits - Alleys; parking lots**

(a) No person shall drive a motor vehicle upon any alley or within any public or private parking lot in the city in excess of fifteen (15) miles per hour. For purposes of this section an alley shall mean a street or way within a city block which is set aside for public use or upon any street or other public way with a width of twenty (20) feet or less.

(b) Violation of Section 11 (a) shall be a civil infraction of \$25.00 (twenty-five dollars).

**Section 12: Speed Limits - Authority to change**

Whenever the Director of Public Safety, also known as the Chief of Police, shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, Director of Public Safety, also known as the Chief of Police, with the approval of the city council may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway, provided that no such changes shall be made on state highways or connecting links or extensions thereof.

**Section 13: Incorporation, Conflict, and Severability**

- (a) It is the intent of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Mexico Beach, Florida, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- (b) All ordinances and parts of ordinances in conflict herewith are repealed.
- (c) Should any section or provision of this ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 6: Effective Date**

This ordinance shall take effect as provided by law.

Introduced at a regular meeting of the City Council on the 13<sup>th</sup> day of March 2001, and adopted by the City Council on the 10<sup>th</sup> day of April 2001.

City of Mexico Beach, Florida

*Kathy Kingsland*  
Kathy Kingsland  
Mayor

Attest:

*Sheri Martin*  
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Sheri Martin, City Clerk

Approved as to form & legality

*Tom J. ...*  
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City Attorney