

ORDINANCE 2019-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 44, TRAFFIC AND VEHICLES, *CODE OF ORDINANCES OF THE CITY OF PALM COAST*, TO CREATE A NEW ARTICLE VI, THROUGH TRAFFIC ON RESIDENTIAL STREETS, TO REGULATE TRAFFIC IN AND ON CERTAIN RESIDENTIAL STREETS; DESIGNATING CERTAIN STREETS AS TRUCK ROUTES; AND AMENDING SECTION 2-227 SCHEDULE OF VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 316.008(1)(g), Florida Statutes, grants authority to the City to restrict the use of streets and highways under the City’s jurisdiction; and

**WHEREAS**, the City wishes to balance the needs of commerce and commercial traffic against the negative impacts of heavy traffic on the City’s roadways and neighborhoods, including, but not limited to, the safety of pedestrians and bicyclists and the reduction of noise, pollution, and excessive wear and tear on City streets; and

**WHEREAS**, for many years there has been heavy traffic on some City residential streets, including Florida Park Drive; and

**WHEREAS**, the City has conducted traffic studies on traffic throughout the City and more specifically on Florida Park Drive; and

**WHEREAS**, in order to alleviate the heavy traffic on certain streets in Palm Coast, City Council finds it necessary to implement regulations for through traffic on certain residential streets.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. AMENDMENT TO SECTION 44 TRAFFIC AND VEHICLES, OF THE CODIFIED CODE OF CITY ORDINANCES.** Chapter 44 of the *Code of*

*Ordinances* of the City of Palm Coast is amended to add Article VI, Through Truck Traffic on Residential Streets, Sections 44-300 through 44-306, as follows:

**(44-301)      *Definitions.***

*Heavy truck*, as used in this Article VI, shall be defined as:

1.      Any truck with four (4) or more axles, including an attached trailer, if any; or
2.      Any truck with a gross weight in excess of 8,000 pounds.

*Residential Street*, as used in Article VI, shall be defined as a roadway bordered by residential properties that access the residential street; including, but not limited to, direct driveway access from the individual private residential properties to the street.

*Prohibited Street*, as used in this Article VI, is a roadway described in Section 44-302.

*No Truck Zone*, as used in this Article VI, is a Prohibited Street, from the beginning to the end of the Prohibited Street, unless more particularly designated by signage.

**44-302 Prohibition.** It is unlawful to operate or permit to be operated any Heavy Truck, as defined herein, upon the following Prohibited Streets in the City, provided that the Prohibited Streets shall be properly posted to reflect this restriction:

1.      Any Residential Street within the limits of the City of Palm Coast.

2. Any street where the City of Palm Coast has erected “No Truck” signage.

**(44-303) *Exceptions.*** The restrictions set forth in this Article VI shall not apply to the following:

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

**(44-304) *Heavy Truck Routes Established.***

1. The City thoroughfares of Matanzas Woods Parkway, Palm Coast Parkway, Belle Terre Parkway, Palm Harbor Parkway, Pine Lakes Parkway, Royal Palms Parkways, Whiteview Parkway, Seminole Woods Boulevard, Old Kings Road, Citation Boulevard, Belle Terre Boulevard, US 1, SR 100, and Colbert Lane are hereby designated as Heavy Truck routes.

2. All Heavy Trucks traveling in the City shall travel on a designated Heavy Truck route and may deviate from the Heavy Truck route only as allowed in §44-303 herein.

(44-305) ***Conflicts.***

1. Chapter 316, Florida Statutes, known as the "Florida Uniform Traffic Control Law", is applicable in the City of Palm Coast, Florida, and supersedes this division in the event of any irreconcilable conflict.

(44-306) ***Penalties.***

A violation of this section shall be classified as a Class III violation and shall be subject to the fines in Section 2-227 of the City's *Code of Ordinances*.

**SECTION 3. AMENDMENT TO SECTION 2-227 SCHEDULE OF VIOLATIONS**

This section is hereby amended to include a violation classification for Heavy Trucks driving in violation of Article VI Through Truck Traffic on Residential Streets. Heavy Trucks in violation of this Article VI shall be deemed a Class III violation.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 5. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Adopted on second reading after due public notice and hearing this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**CITY OF PALM COAST, FLORIDA**

ATTEST:

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

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VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

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William Reischmann Jr. Esq.  
City Attorney