

**ORDINANCE NO. 2024-O-24**

**AN ORDINANCE AMENDING CHAPTER 7 (TRAFFIC) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.**

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. [The Police Department has determined the need to amend the parking ordinance to limit on street parking.](#)

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

**PART A. AMEND CHAPTER 7 (TRAFFIC) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA**

Chapter 7 (TRAFFIC) is amended pursuant to Exhibit “A”, which is attached and incorporated herein.

**PART B. CONFLICTING PROVISIONS**

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY AND APPLICABILITY**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

**PART D. CODIFICATION**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through E shall not be codified.

**PART E. EFFECTIVE DATE**

This ordinance shall take effect upon adoption.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diezel DePew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

## EXHIBIT "A"

### Chapter 17 TRAFFIC

#### **ARTICLE I. IN GENERAL**

##### **Sec. 17-01. State uniform traffic-control law adopted.**

F.S. Ch. 316, State Uniform Traffic-Control Law, is hereby adopted, in its entirety, as if fully set forth herein, as part of the Code of Ordinances of the city.

##### **Sec. 17-1. Traffic engineer designated.**

The chief of police is appointed as traffic engineer and he is hereby authorized to perform all duties and shall have all powers appropriate to such office.

##### **Sec. 17-2. Speed limits—Generally.**

The maximum speed of motor vehicles allowable on all streets within the city, with the exception of U.S. Highway No. 1 and Riverside Drive, shall be 25 miles per hour, unless otherwise posted.

##### **Sec. 17-3. Same—On Riverside Drive.**

The maximum speed of motor vehicles allowable on Riverside Drive shall be 30 miles per hour, unless otherwise posted; provided however, that the maximum allowable speed on Riverside Drive between Lamont Avenue and Pine Bluff Street shall be 20 miles per hour unless otherwise posted.

#### **ARTICLE II. TRUCK ROUTES**

##### **Sec. 17-4. Short title.**

This article may be cited at the Edgewater Truck Route Ordinance.

##### **Sec. 17-5. Definitions.**

For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*City* is the City of Edgewater, Florida.

*Deviating truck* is a truck which leaves and departs from a truck route while traveling inside the city.

*Person* is any person, firm, partnership, association, corporation, company or organization of any kind.

*Truck* is any vehicle or combination of vehicles designed and operated for the transportation of goods, products, waste matter or other property of any type; including trailers and truck tractors

but not including pickup trucks, station wagons or similar light vehicles designed for carrying small loads of property or passengers interchangeably. Such light vehicles shall be subject to the regulations of this article if they have been altered or modified as to materially increase their cargo capacity, in which case said vehicles shall be classified as trucks for purposes of this article.

*Truck route* is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the city must operate.

#### **Sec. 17-6. Application of regulation.**

All trucks within the city shall be operated only over and along designated streets established as the truck routes.

*Exceptions.* This article shall not prohibit:

- (a) *Operation on street of destination.* The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- (b) *Emergency vehicles.* The operation of emergency vehicles upon any street in the city.
- (c) *Public utilities.* The operation of trucks owned or operated by the state, county, city, public utilities, any contractor or material person, while engaged in providing a public service, the repair, maintenance or construction of streets, street improvements, or street utilities within the city, or other public business.
- (d) *Detoured trucks.* The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
- (e) *Public transportation.* Which will include school buses, Volusia Transit System ("Votran"), church buses, and medical transport.
- (f) *Exceptions by the police chief.* The police chief is authorized to permit the movement of vehicles having a greater width or having a load of greater length than specified in this article upon application to his office for special permission.

#### **Sec. 17-7. Designated streets for truck use.**

The following streets, and no others shall be used for truck traffic:

Interstate 95;

U.S. Highway 1;

West Park Avenue;

Indian River Boulevard (S.R. 442)—West of U.S. Highway 1;

Old Mission Road;

Mango Tree Drive south—Between West Park Avenue and 16<sup>th</sup> Street;

16<sup>th</sup> Street east/west—Hibiscus Drive to Mango Tree Drive;

Hibiscus Drive between 16<sup>th</sup> Street south and Roberts Road;

26<sup>th</sup> Street east/west—Between Hibiscus Drive and Silver Palm Drive;  
Guava Drive south—Between Indian River Boulevard (S.R. 442) and 28<sup>th</sup> Street;  
Fern Palm Drive north—Indian River Boulevard (S.R. 442) to 16<sup>th</sup> Street;  
16<sup>th</sup> Street—To Industrial Avenue;  
Industrial Avenue—To Marion Avenue;  
Marion Avenue—To U.S. Highway 1;  
Roberts Road;  
30<sup>th</sup> Street;  
Old County Road south—Between West Park Avenue and Ocean Avenue;  
Silver Palm Drive north—Between 30<sup>th</sup> Street and 22<sup>nd</sup> Street;  
Air Park Road north—Between 22<sup>nd</sup> Street and West Park Avenue;  
Flagler Avenue—North of Park Avenue;  
Parktowne Boulevard;  
Timaquan Trail;  
Megan Z Avenue;  
Pullman Road;  
Base Leg Drive;  
Dale Street;

It shall be unlawful for a truck to deviate from said designated streets except as provided herein.

**Sec. 17-8. Truck traffic in the city.**

(a) *Outside origin.*

- (1) *One inside destination point.* All trucks entering the city for a destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection with the deviating street, upon which such traffic is permitted, nearest to the destination point, a deviating truck shall return to the truck route by the shortest permissible route.
- (2) *Multiple inside destination points.* All trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the deviating street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which such traffic is permitted. Upon leaving the last destination point a deviating truck shall return to the truck route by the shortest permissible route.

(b) *Inside origin.*

- (1) *Outside destination point.* All trucks, on a trip originating in the city, and traveling in the city for a destination point outside the city shall proceed by the shortest

direction over streets on which such traffic is permitted to a truck route as herein established.

- (2) *Inside destination points.* All trucks, on a trip originating in the city, and traveling in the city for destination points in the city shall proceed only over streets upon which such traffic is permitted.

#### **Sec. 17-9. Speed limits.**

The speed limit along streets designated as a truck route which are under the jurisdiction of the city shall be 30 miles per hour, unless otherwise posted; provided however, that this shall not apply to U.S. Highway 1.

#### **Sec. 17-10. Enforcement.**

- (a) *Clerk maintains maps.* The city clerk shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the city clerk and shall be available to the public.
- (b) *Chief of police.* The chief of police shall coordinate with the appropriate city staff to assure that all truck routes and those streets upon which truck traffic is permitted to be clearly sign-posted to give notice that this article is in effect.
- (c) *Weigh-in.* The chief of police or his designee shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with.

#### **Sec. 17-11. Penalties.**

Any person, firm or corporation violating any provisions of this article shall be deemed guilty of a misdemeanor in the second degree and upon conviction thereof shall be punished as provided in section 1-8 of this Code. Each day that an offense is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder.

#### **Secs. 17-12—17-19. Reserved.**

### ***ARTICLE III. RESERVED***

#### ***Secs. 17-20—17-27. Reserved.***

### ***ARTICLE IV. TOWING OR IMPOUNDING OF VEHICLES***

#### **Sec. 17-28. Towing or impounding of vehicles.**

- (1) Police officers or code enforcement officers may authorize to have a vehicle removed from a street or highway, right-of-way, sidewalk, alleyway, parking lot, any public property or private property to a public or private garage so designated by the City of Edgewater, or other place of safety, under the circumstances hereinafter enumerated:
  - (a) When any vehicle is left unattended upon any bridge, causeway, viaduct, or where such vehicle constitutes an obstruction to the regular flow of traffic.

- (b) When a vehicle upon a street or right-of-way is so disabled as to constitute an obstruction to traffic, or the person(s) 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) When a vehicle is being driven upon the streets and is not in proper condition to be driven, as defined in F.S. § 316.215.
  - (d) When any vehicle is left unattended upon a street, right-of-way alleyway or public property and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
  - (e) When any vehicle has been parked or stored upon a street or public right-of-way for a period exceeding 48 hours subsequent to placing notice of on the vehicle.
  - (f) When the driver of such vehicle is taken into custody by the police and such vehicle would thereby be left unattended upon a street or public right-of-way; provided, however, that the police department may, in its discretion, allow the vehicle to remain in place, if lawful. Neither the city nor the individual officer shall be held liable for any damage whatsoever to a vehicle when owner of said vehicle or the driver has elected to allow the vehicle to remain in place.
  - (g) When removal is necessary in the interest of public safety due to fire, flood, storm or other emergency reason, or for the protection of property loss to the vehicle owner.
  - (h) The vehicle is in danger due to rising water, vandalism, or theft.
  - (i) A police officer has probable cause to suspect the vehicle is being or has been used in the commission of a crime and is needed for evidentiary purposes or seizure under the Florida Contraband Forfeiture Act as outlined in F.S. § 932.701.
  - (j) When removal is necessary due to the vehicle being parked illegally in an area which official traffic control signs designate a tow-away zone.
  - (k) When at any given time a parked, unattended, abandoned, disabled or inoperable vehicle is parked in a right-of-way for a period of 48 hours subsequent to placing a notice on the vehicle. A vehicle shall be deemed inoperable if it cannot be immediately started and legally driven and shall include abandoned and/or wrecked vehicles or vehicles that do not display a valid tag.
  - (l) When a vehicle is parked, stopped, or standing in violation of any city ordinance or the state traffic control law.
  - (m) When a vehicle is parked for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire or rental pursuant to F.S. § 316.1951.
- (2) The provisions of this section shall be in addition to and shall not limit the powers of law enforcement officers to authorize the removal of vehicles under state law.
- (3) Nothing herein shall preclude a police officer or code enforcement officer from taking other enforcement action, not limited to, issuing of a civil citation pursuant to section 17-45.

**Sec. 17-29. Owner of vehicle presumed to be violator.**

In the case where a competent operator is present as [specified in] (b), (c), and (f) above, the department shall, prior to towing or impounding a vehicle, afford the owner or driver at his or her option a reasonable opportunity in which to provide for the removal of the vehicle within a reasonable length of time. In lieu of impounding the vehicle, in cases where neither the driver nor the owner elects to provide for the removal of the vehicle, or in cases where neither the driver nor the owner can provide for the removal of the vehicle within a reasonable length of time, the owner or the driver may elect in writing to allow the vehicle to remain in place, if lawful. Neither the city nor its employees or agents shall be held liable for any damage to such vehicle. Prior to the impounding of such vehicle pursuant to this subsection, the police officer shall inform the owner or the driver of said vehicle of the various alternatives to impounding, and the officer, upon request, shall provide the owner or the driver with the requisite form upon which he or she may elect to allow the vehicle to remain in place. For purposes of this subsection, the driver of the vehicle shall be conclusively presumed to be the authorized agent of the owner.

**Sec. 17-30. Investigation.**

No vehicle impounded to a garage or compound as herein provided shall be released therefrom until the information necessary to complete any traffic citations and investigations has been provided to the police department and the towing, impoundment and storage charges have been paid by the owner and/or driver.

**Sec. 17-31. Fees.**

Charges for towing, removal, impoundment and storage shall be established by resolution or pursuant to an agreement for services relating to towing/impounding of vehicles of the city council and shall be posted for public inspection in the designated towing service office and the police department.

**Sec. 17-32. Cancellation.**

In the event a vehicle owner or operator returns to the vehicle after the police officer or code enforcement officer has summoned a wrecker service, the officer will so advise the wrecker service, who will cancel the response to that call. In the event that the wrecker service has arrived at the scene as the owner or operator returns to the vehicle, the wrecker service will retain the option to collect a service charge at that time as outlined in F.S. § 715.07.

**Sec. 17-33. Form.**

When vehicles are towed by a police officer or code enforcement officer's request, the officer will complete a towing form which reflects circumstances, general physical description of the car, and inventory of readily observable accessories and property in plain view in or on the vehicle. Items of value will either be secured in the vehicle, its trunk, or removed to the police department evidence section. The city assumes no liability for the safeguarding personal property, including the vehicle.

**Sec. 17-34. Notification.**

In the case of all vehicles towed and unclaimed after 72 hours, the police department or the contracted wrecker company/service will attempt to determine the legal owner of the vehicle and advise such owner of the location of the vehicle and actions necessary to effect release.

***ARTICLE V. NONMOVING VIOLATIONS; PARKING***

**Sec. 17-34.1. State law adopted as municipal regulations.**

The following state laws, as amended from time to time, are hereby adopted as city municipal regulations. City may enforce the following state statutes within the city.

**Sec. 17-35. Stopping, standing or parking outside of municipalities.**

Pursuant to the requirements contained in F.S. § 316.194, as amended from time to time.

**Sec. 17-36. Parking on highway.**

Pursuant to the requirements contained in F.S. § 316.194(1), as amended from time to time.

**Sec. 17-37. Stopping, standing, or parking prohibited in specified places.**

Pursuant to the requirements contained in F.S. § 316.1945, as amended from time to time.

**Sec. 17-38. Double parking.**

Pursuant to the requirements contained in F.S. § 316.1945(1), as amended from time to time.

**Sec. 17-39. Parking within an intersection.**

Pursuant to the requirements contained in F.S. § 316.1945(3), as amended from time to time.

**Sec. 17-40. Parking where official traffic control device prohibits.**

Pursuant to the requirements contained in F.S. § 316.1945(10), as amended from time to time.

**Sec. 17-41. Additional parking regulations; improper parking one/two way road/angle.**

Pursuant to the requirements contained in F.S. § 316.195, as amended from time to time.

**Sec. 17-42. Handicap parking.**

Pursuant to the requirements contained in F.S. §§ 316.1955, 316.1957, 316.1958 and 316.1959, as amended from time to time.

**Sec. 17-43. Parking near rural mailbox during certain hours; penalties.**

Pursuant to the requirements contained in F.S. § 316.1965, as amended from time to time.

**Sec. 17-44. Following fire apparatus prohibited; parking in fire lane.**

Pursuant to the requirements contained in F.S. § 316.2025, as amended from time to time.

**Sec. 17-45. Obstruction of traffic by parking and hindering vehicle of another being parked.**

- a) No person shall park any vehicle upon a street, except as necessary for delivery vehicles, in such a manner or under such conditions as to leave available less than eight feet of the width for each direction of travel of the travel lane for free movement of vehicular traffic. To determine if a person has violated this section, the distance shall be measured from the outside edge of the vehicle violating this section to the crown of the road.
- b) When the driver of a vehicle has lawfully stopped with the obvious intent of backing or proceeding into a legally designated parking space, it shall be unlawful for any other person to stop a vehicle so as to obstruct or prevent the driver from completing movement into the parking space. This will constitute an obstruction of a public street.

**Sec. 17-46. Enforcement.**

A violation of this chapter, except as otherwise provided, constitutes a civil infraction punishable by a civil penalty not to exceed \$500.00. Penalties for violation of specific sections of this chapter shall be established by resolution of the city council. If a person who has committed the violation does not contest the citation, a civil penalty of less than the maximum allowed will be assessed. Any citation may be contested in county court.