

ORDINANCE 21-__

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, ADOPTING AN AREAWIDE SPEED LIMIT REDUCTION WITHIN SPECIFIED NEIGHBORHOODS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Constitution of the State of Florida 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, Florida Statute 316.006(2) provides that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries except for state roads; and

WHEREAS, Florida Statute 316.008(j) provides that the provisions of Chapter 316 shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, from altering or establishing speed limits within the provisions of Chapter 316; and

WHEREAS, Florida Statute 316.183(2) provides that a municipality has the discretion to set a maximum speed limit of 20 or 25 miles per hour on local streets and highways within a residence district after an investigation determines that such a limit is reasonable, with no requirement to conduct a separate investigation for each residence district; and

WHEREAS, in addition to the requirements set forth in Florida Statutes 316.183(2), Florida Statute 316.189(1) also requires that the municipality conducts an investigation to determine that a change to 20 or 25 miles per hour is reasonable and in conformity to criteria promulgated by the Florida Department of Transportation (“FDOT”); and

WHEREAS, Section 71.01(b) of the City’s Code of Ordinances provides that:

The Public Works Director, in accordance with the procedures set forth in section 316.189, Florida Statutes, may determine and declare a reasonable and safe speed limit on any municipal street or portion thereof, which shall be effective at all times during hours of daylight or darkness, or at such other times as may be determined, as the appropriate signs giving notice thereof are erected. The procedure for establishing speed zones shall be as follows:

- (1) Prior to establishing a new speed zone or changing an existing speed zone, the Public Works Director shall conduct an investigation to determine if the change is reasonable

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and in conformity with the criteria promulgated by the state department of transportation.

- (2) Prior to posting signs establishing a new speed zone or changing an existing speed zone, the Public Works Director shall present to the City Council a proposal concerning new speed zones and obtain the Council's approval of the proposal.

WHEREAS, a speed study investigation was requested by the City Council in conjunction with a presentation on the City's multi-model plan; and

WHEREAS, a speed study investigation was conducted by Kimely Horn and contained a recommendation to reduce the speed limit in certain residential areas within the City; and

WHEREAS, the request for a speed study, speed study investigation, and recommendation were reviewed by the City's Public Works staff and determined consistent with Florida Statutes and FDOT criteria; and

WHEREAS, the City Council on June 21, 2021, considered the results of Kimley Horn's investigation (with the Residential Street Areawide Speed Limit Analysis attached here to as Exhibit "A"), testimony from staff, documents provided in the file, and testimony from the public as required by Florida Statute 316.189(1) and section 71.01(b) of the Code; and

WHEREAS, after consideration the City Council approves the proposal to reduce the speed limit in certain residential areas within the City; and

WHEREAS, the measures set forth in this Ordinance are necessary to provide for the protection of public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Establishment of Municipal Speed Limits for Specified Areas. The City of Port St. Lucie hereby establishes a speed of 25 miles per hour for the local streets within the neighborhoods depicted on Exhibit "B" attached hereto.

Section 3. Public Safety. The City of Port St. Lucie hereby determines that the establishment of the lower municipal speed limit set forth in Section 2 above is necessary in the interest of public safety and otherwise complies with the requirements set forth in Florida Statutes 316.183(2) and 316.189(1), and section 71.01(b) of the City's Code.

Section 4. Posting of Speed Limit Signs. The Public Works Director or his designee is directed to comply with the requirements for posting of speed limit signs as specified in Florida

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Statute 316.189(3). The posting of such signs is a prerequisite to the effective date of this ordinance, as set forth in Florida Statute 316.189(3).

Section 5. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon Martin, Vice-Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney