

**CITY OF BONITA SPRINGS, FLORIDA**

**ORDINANCE NO. 23 – \_\_\_**

**AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE BONITA SPRINGS CITY CODE, CHAPTER 40 – TRAFFIC AND MOTOR VEHICLES, AND CREATING A NEW ARTICLE IV – LIMITATIONS ON THRU TRUCK TRAFFIC; PROVIDING CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

**WHEREAS**, pursuant to Chapter 316, Florida Statutes, otherwise known as the "Florida Uniform Traffic Control Law," and specifically Section 316.006, municipalities have original jurisdiction to exercise traffic control over streets and highways within their boundaries; and

**WHEREAS**, additionally, the Florida Uniform Traffic Control Law authorizes municipalities to erect traffic control devices not inconsistent with it or as authorized the Federal Highway Safety Administration’s Manual on Uniform Traffic Control Devices adopted by the Florida Department of Transportation; and

**WHEREAS**, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

**WHEREAS**, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**Section 1.        Recitals Adopted.**

That each of the above stated recitals is hereby adopted as legislative findings of the City Council and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

**Section 2.        Amending Land Development Code**

The Bonita Springs City Code is hereby amending the pertinent provisions of Chapter 40, with deletions depicted with ~~strikethroughs~~ and underlined language as

additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3.**            **Severability**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.

**Section 4.**            **Conflicts of Law**

This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of the requirements of state or federal law, the more restrictive shall apply.

**Section 5.**            **Codification and Scrivener's Errors**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

**Section 6.**            **Effective Date**

This Ordinance shall be effective immediately upon its adoption.

**DULY PASSED AND ADOPTED BY THE CITY COUNCIL** of the City of Bonita Springs, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest:

**CITY OF BONITA SPRINGS, FLORIDA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
City Attorney

Vote:

Carr  
Purdon  
Forbes  
Corrie

Bogacz  
Fullick  
Steinmeyer

Date filed with City Clerk: \_\_\_\_\_

EXHIBIT "A"

**ARTICLE IV. LIMITATIONS ON THRU TRUCK TRAFFIC**

**Sec. 40-60. Restrictions on truck use of streets.**

(a) *Authority and purpose.* This section is ordained pursuant to authority granted under the Florida Uniform Traffic Control Law. The purpose of this section is to promote the public health, safety and welfare by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*No-Thru-Truck Zone.* A street or road, or segment thereof, on which trucks are prohibited, except trucks traveling to or from a place abutting the zone, which place would otherwise be inaccessible by truck.

*Truck.* A truck as defined in the Florida Uniform Traffic Control Law.

(c) *Establishment of zones.* No-thru-truck zones shall be established by the City Council, through the adoption of a resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted as provided for in subsection (e) of this section.

(d) *Considerations and guidelines.* The City Council may establish a no-thru-truck zone if one or more of the following conditions exists; however, a no-thru-truck zone shall not be established unless truck traffic that would otherwise travel through the zone has an alternate route available:

- (1) Traffic lanes are less than 12 feet wide.
- (2) The street or road cannot adequately carry truck traffic because of damage to the surface or to abutting structures.
- (3) Land use on both sides of the street or road is predominantly residential.
- (4) The character of greater right-of-way is pedestrian in nature.

(e) *Signing.* No-thru truck zones shall be signed at the beginning and end thereof, and at other places as the City may determine to be necessary, in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration.

(f) *Prohibition.* It is unlawful for any person to drive a truck in a no-thru-truck zone, unless the driving of such truck is within the exception specified in the definition of “no-thru-truck” zone in subsection (b) of this section or pursuant to Sec. 40-61.

**Sec. 40-61. Exceptions.**

The restrictions set forth in this Article shall not apply to the following:

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

**Sec. 40-62. Temporary truck routes.**

The city manager may, in the event of an emergency, or as needed for maintenance, temporarily restrict truck traffic or establish specific temporary truck routes.

**Sec. 44-63. Penalties.**

A violation of this section shall be subject to the fines in Section 1-15 of the Bonita Springs Code. Further, violation of corresponding signage may be further enforced as a violation of § 316.074, Florida Statutes.