

**ORDINANCE NO. 2024-\_\_\_\_**

**SEMINOLE COUNTY, FLORIDA**

**AN ORDINANCE AMENDING ARTICLE III (OFFICIAL TRAFFIC CONTROL DEVICES) OF PART 1 (TRAFFIC ORDINANCE) OF CHAPTER 250 (TRAFFIC) OF THE SEMINOLE COUNTY CODE; CREATING A NEW SUBSECTION ESTABLISHING A PROCEDURE FOR THE SEMINOLE COUNTY SHERIFF OR THE SEMINOLE COUNTY FIRE CHIEF TO REQUEST PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES FOR PUBLIC SAFETY AND LAW ENFORCEMENT PURPOSES; UPDATING AND CLARIFYING EXISTING PROVISIONS; REMOVING SECTIONS THAT ARE PRE-EMPTED BY CHAPTER 316, FLORIDA STATUTES; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article III (Official Traffic Control Devices) of Part 1 (Traffic Ordinance) of Chapter 250 (Traffic) of the Seminole County Code (“Article III”) was adopted by Seminole County Ordinance No. 82-39 on October 10, 1982 and this ordinance has not been updated since the original 1982 adoption date; and

**WHEREAS**, numerous provisions of Article III need to be updated and clarified; and

**WHEREAS**, certain provisions in Article III are pre-empted by Chapter 316, Florida Statutes, and these provisions should be removed; and

**WHEREAS**, a procedure needs to be established whereby the Seminole County Sheriff or the Seminole County Fire Chief may request the installation of an official traffic control device for law enforcement or public safety purposes, which is not within the County Traffic Engineer’s specific delegated authority.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. Incorporation of Recitals.** The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

**Section 2.** Article III (Traffic Control Devices) of Part 1 (Traffic Ordinance) of Chapter

250 (Traffic) of the Seminole County Code is hereby amended to read as follows:

**TRAFFIC**

**PART 1. TRAFFIC ORDINANCE**

\* \* \*

**ARTICLE III. OFFICIAL TRAFFIC CONTROL DEVICES**

**Sec. 250.20. Authority to determine the need for and to install official traffic control devices.**

(a) The County Traffic Engineer is authorized, to take the following actions on the basis of traffic engineering and ~~traffic~~ investigation:

(1) ~~To~~ The County Traffic Engineer may place and maintain official traffic control devices when and as indicated under the traffic ordinances of this County to make effective the provisions of said ordinances Chapter 250 of this Code, and may place and maintain such additional official traffic control devices as he or she may deem necessary to regulate, warn, or guide traffic under ~~the traffic ordinances of this County~~ Chapter 250 of this Code or Chapter 316, Florida Statutes, (the “Florida Uniform Traffic Control Law”), as this statute may be amended from time to time, within the funds made available to the County Traffic Engineer and budgeted for that purpose.

(2) ~~To designate~~ The County Traffic Engineer may establish and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, to designate crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary where, in his or her opinion, there is a need to assist pedestrians crossing the roadway.

52           ~~(c)~~     (3)     ~~To~~The County Traffic Engineer may establish safety zones of such kind  
and character and at such places as he or she may deem necessary for the protection of pedestrians.

54           ~~(d)~~     (4)     ~~To~~The County Traffic Engineer may mark traffic lanes upon the roadway  
of any street or highway where a regular alignment of traffic is necessary.

56           ~~(e)~~     ~~To regulate the timing of traffic signals so as to permit the movement of traffic in~~  
~~an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable~~  
58 ~~within the district or at the intersections and may erect appropriate signs giving notice thereof.~~

~~(f)~~     (5)     ~~To~~The County Traffic Engineer may place official traffic control devices  
60 within or adjacent to intersections indicating the course to be traveled by vehicles turning at such  
intersections.

62           ~~(g)~~     (6)     ~~To~~The County Traffic Engineer may determine those intersections at which  
drivers of vehicles shall not make a right, left, or U-turn, ~~and shall~~ in which event the County  
64 Traffic Engineer shall place appropriate signs at such intersections. The making of any specific  
type of turn may be prohibited between certain hours of any day and permitted at other hours, in  
66 which event, ~~the same shall~~ such restriction must be plainly indicated on the signs or the signs may  
be removed when such turns are permitted.

68           ~~(h)~~     (7)     ~~To~~The County Traffic Engineer may determine and designate one-way  
streets or alleys ~~and shall~~, in which event the County Traffic Engineer shall place and maintain  
70 official traffic control devices giving notice ~~thereof~~ of such designation. No such designation ~~shall~~  
will be effective unless such devices are in place.

72           ~~(i)~~     (8)     ~~To~~The County Traffic Engineer may determine and designate streets, parts  
of streets, or specific lanes ~~thereon~~ on them upon which vehicular traffic ~~shall~~ will proceed in one  
74 direction during one period and the opposite direction during another period of the day ~~and, in~~

which event the County Traffic Engineer shall place and maintain appropriate markings, signs,  
76 barriers or other devices to give notice thereof of such designation. The County Traffic Engineer  
may erect signs temporarily designating lanes to be used by traffic moving in a particular direction,  
78 regardless of the centerline of the roadway.

(j) (9) ~~To~~The County Traffic Engineer may erect and maintain stop signs, yield  
80 signs, or other official traffic control devices to designate through streets or to designate  
intersections or other roadway junctions at which vehicular traffic on one or more of the roadways  
82 should yield or stop and yield before entering the intersection or junction.

(k) (10) ~~To~~The County Traffic Engineer may determine upon what streets angle  
84 parking ~~shall~~ will be permitted ~~and shall to, in which event the County Traffic Engineer shall~~ mark  
or sign such streets, ~~but~~ However, such angle parking ~~shall~~ will not be ~~indicated~~ permitted upon  
86 any federal-aid or state highway within the County unless the State Highway Engineer has  
determined that the roadway is of sufficient width to permit angle parking without interfering with  
88 the free movement of traffic. Angle parking ~~shall~~ will also not be ~~indicated or~~ permitted at any  
place where ~~passing traffic would thereby be caused or required~~ it would cause or require passing  
90 traffic to drive upon the left side of the street.

(l) (11) ~~To~~The County Traffic Engineer may erect signs indicating no parking upon  
92 either or both sides of any street adjacent to any school property or any County park when such  
parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(m) (12) ~~To~~The County Traffic Engineer may erect signs indicating no parking upon  
94 any street ~~when the width of the roadway does not exceed 20 feet, or upon one side of a street as~~  
~~indicated by such signs when the width of the roadway does not exceed 30 feet~~ where necessary  
96 and consistent with public safety and sound traffic engineering principles.

(n) (13) ~~To~~The County Traffic Engineer may erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles.

(o) (14) ~~To~~The County Traffic Engineer may determine when standing, stopping, or parking may be permitted upon the left-hand side of any one-way roadway, pursuant to Section 250.73 of this Code, ~~and to~~ in which event the County Traffic Engineer shall erect signs giving notice ~~thereof~~ of such standing, stopping or parking.

(p) (15) ~~To~~The County Traffic Engineer may erect and maintain official traffic control devices on any streets or parts of streets to impose vehicle-size or weight restriction.

(q) (16) ~~To~~The County Traffic Engineer may determine and designate those heavily traveled streets upon which ~~shall~~ will be prohibited any class or kind of traffic ~~which that~~ is found to be incompatible with the normal and safe movement of traffic ~~and shall~~ in which event the County Traffic Engineer shall erect appropriate official traffic control devices giving notice ~~thereof~~ of them.

(b) If the Sheriff, Fire Chief, or their designee with the approval of the Sheriff or Fire Chief, respectively, determines that there is a public safety or law enforcement need to install an official traffic control device (i) that does not require a traffic study, (ii) that does not require a warrant pursuant to the MUTCD as described in Section 250.23 of this Code, and (iii) for reasons not listed in Section 250.20(a) of this Code, then the Sheriff, Fire Chief, or their designee may submit a request for such official traffic control device to the County Traffic Engineer. The County Traffic Engineer is authorized to approve the installation of the official traffic control device after consultation with the Public Works Director and the County Manager. The County Traffic Engineer shall ensure the requested traffic control device is consistent with traffic engineering safety standards.

**Sec. 250.21. Authority of County to authorize official traffic control devices.** The

standards ~~contained herein~~ in Section 250.20 of this Code relative to placement of official traffic control devices are intended to provide and limit the authority of the County Traffic Engineer. The Board of County Commissioners ~~shall not be~~ is not subject to the limitations ~~contained herein on the authority of the Traffic Engineer in Section 250.20 of this Code.~~ The Board of County Commissioners ~~shall have~~ has the full authority conferred upon ~~them~~ it by law for traffic matters and nothing ~~herein shall be construed to~~ in this Code limits that authority.

**Sec. 250.22. Authority of Sheriff to authorize temporary official traffic control devices.** The Sheriff may authorize the temporary placing of official traffic control devices when required by an emergency. The Sheriff shall notify the County Traffic Engineer of his or her action as soon thereafter as is practicable. Such official traffic control devices must be removed at the end of the emergency unless they are approved for permanent placement as provided elsewhere in this Chapter 250.

**Sec. 250.23. Manual and specifications for official traffic control devices.** All official traffic control signs, signals and devices ~~shall~~ must conform to the Manual on Uniform Traffic Control Devices (MUTCD), as approved by the Florida Department of Transportation pursuant to Section 316.0745, Florida Statutes. All signs and signals required ~~hereunder~~ under this Chapter 250 for a particular purpose ~~shall, so far as practicable,~~ must be uniform as to type and location throughout the County to the extent practicable. ~~All traffic control devices so erected and not inconsistent with the provisions of State law or this Part shall be official traffic control devices.~~

**Sec. 250.24. Obedience to official traffic control devices.** Drivers shall obey official traffic control devices as provided in Chapter 316, Florida Statutes, as this statute may be amended from time to time.

144           (a)     ~~The driver of any vehicle shall obey the instructions of any official traffic control~~  
~~device applicable thereto, placed in accordance with the provisions of this Part, unless otherwise~~  
146 ~~directed by a police officer, subject to the exceptions granted by law to the driver of an authorized~~  
~~emergency vehicle.~~

148           (b)     ~~No person shall drive any vehicle from a roadway to another roadway to avoid~~  
~~obeying the indicated traffic control indicated by such traffic control device.~~

150           **~~Sec. 250.25. Official traffic control devices required for enforcement purposes.~~** ~~No~~  
~~provision of this Part shall be enforced against an alleged violator if at the time and place of the~~  
152 ~~alleged violation an official traffic control is required by this Part and said official device is not in~~  
~~proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular~~  
154 ~~section does not state that an official traffic control device is required, this Section shall be~~  
~~enforced irrespective of whether or not an official traffic device is present or whether or not it is~~  
156 ~~in proper position or sufficiently legible.~~

**~~Sec. 250.26. Official traffic control devices—Presumption of legality.~~**

158           (a)     ~~Whenever official traffic control devices are placed in position approximately~~  
~~conforming to the requirements of this Part, such devices shall be presumed to have been so placed~~  
160 ~~by the official act or direction of lawful authority, unless the contrary shall be established by~~  
~~competent evidence.~~

162           (b)     ~~Any official traffic control device placed pursuant to the provisions of this Part and~~  
~~purporting to conform to the lawful requirements pertaining to such devices shall be presumed to~~  
164 ~~comply with the requirements of this Part, unless the contrary shall be established by competent~~  
~~evidence.~~

166           \*       \*       \*

**Section 3. Codification.** It is the intention of the Board of County Commissioners that

the provisions of this Ordinance will become and be made a part of the Seminole County Code,  
and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word  
or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such  
intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

**Section 4. Severability.** If any provision or application of this Ordinance to any person

or circumstance is held invalid, then it is the intent of the Board of County Commissioners that  
such invalidity will not affect other provisions or applications of this Ordinance that can be given  
effect without the invalid provision or application and, to this end, the provisions of this Ordinance  
are declared severable.

**Section 5. Effective date.** This Ordinance will take effect upon filing a copy of this

Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

**BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

\_\_\_\_\_  
JAY ZEMBOWER, Chairman