

ORDINANCE NO. 2017-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 312.18 (TRAFFIC CONTROL DEVICES) OF CHAPTER 312 (RIGHTS-OF-WAY) OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA, MODIFYING REQUIREMENTS PERTAINING TO BOARD APPROVAL OF TRAFFIC CONTROL DEVICES AND THE TRAFFIC CONTROL DEVICE LEDGER; AND PROVIDING FOR CODIFICATION, SEVERABILITY, A GENERAL REPEALER AND AN EFFECTIVE DATE.**

**WHEREAS**, section 312.18 of Indian River County Code of Ordinances requires the Indian River County Board of County Commissioners (the "Board") to semi-annually approve the installation of all traffic control devices in the unincorporated area of the county; and

**WHEREAS**, in order to reduce unnecessary bureaucratic processes, the Board wishes to delegate the authority to the Public Works Director to install traffic control devices in the unincorporated area of the county; and

**WHEREAS**, in order to promote transparency, the Board desires the Public Works Director to make the traffic control device ledger available on the County's website so the public will have access to the current information;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Board specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Legislative Findings.**

The Board finds that the "Whereas" clauses above are true and correct, and hereby incorporates such clauses as the legislative findings of the Board.

**Section 3. Amendment of Section 312.18 (Traffic control devices) of Chapter 312 (Rights-of-way) of the Indian River County Code of Ordinances.**

Section 312.18 (Traffic control devices) of Chapter 312 (Rights-of-way) of the Code of Indian River County, Florida is hereby amended to read as follows:

New language indicated by underline, and deleted language indicated by strikethrough.

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CHAPTER 312. RIGHTS-OF-WAY

\* \* \*

Sec. 312.18. – Traffic control devices.

The director of public works is delegated the authority to install traffic control devices in the unincorporated area of the county. The director of public works shall maintain or cause to be maintained a ledger reflecting the installation of all traffic control devices in the unincorporated area of the county, which shall be made available on the County's website. Semi-annually the director shall present to the board of county commissioners a resolution containing the commutative ledger for commission approval. Traffic control devices installed during the interim period are valid until such time as the commission accepts or rejects the installation at the semi-annual review.

\* \* \*

**Section 4. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 6. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 21st day of February, 2017, for a public hearing to be held on the 7th day of March, 2017, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice-Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Tim Zorc	_____
Commissioner Bob Solari	_____

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The Chairman thereupon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of March, 2017.

**BOARD OF COUNTY  
COMMISSIONERS OF INDIAN RIVER  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_\_ day of March, 2017.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY \_\_\_\_\_  
DYLAN REINGOLD  
COUNTY ATTORNEY