Chapter 20 STREETS AND SIDEWALKS*

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*Cross reference(s)--Code enforcement, Ch. 9A; property maintenance revitalization area, Ch. 16B; traffic, Ch. 23; zoning, Ch.26.

Sec. 20-1. Works in public rights-of-way; obstruction; obtaining of permit; defining standards; requiring completion; inspection; certificates of occupancy.

(a) It shall be unlawful for any person, corporation, partnership, association, municipal corporation, special district, or any other legal entity, to construct, install, remove, revise, alter or modify any structure or topographical feature on any land owned by the City of Punta Gorda, Florida, or any right-of-way or easement dedicated to the public, except in accordance with specifications prescribed by the City Building Division, and without first having obtained a permit for such work from the City Buiding Division. Activities restricted hereunder shall include, without limiting the generality of the foregoing, the cutting or installation of pavements, the planting of shrubbery, trees or other plants, the excavation of ditches, the installation or removal of signs, or any work which may be defined as utility construction. Any obstruction in the public right-of-way which is determined by the City to be detrimental to the drainage flow and/or public safety, regardless of height or width, shall be removed.

Notwithstanding the foregoing, the location and construction of all mailboxes shall conform to the rules and regulations of the United States Postal Service.

(b) Application for such permits shall be filed with the Building Division on a form prescribed by the City, accompanied by such plans and drawings as the division may deem necessary to a proper determination hereunder. Upon the filing of an application, the division shall cause the plans or drawings to be inspected and, on the basis of such inspection, the City Building Division shall then issue or refuse to issue the requisite permit, including detailed specifications for the work to be allowed by the permit and the time allotted to complete the permitted work. The City Building Division shall collect a fee of one-hundred dollars ($100.00) for the issuance of such permit from the applicant.

(c) The City Building Division shall consider the effect of the proposed activity on the streets and roads of the City, City buildings, fire protection, conservation, pollution, drainage, water supply, waste and sewage collection and disposal, and the responsibility of the applicant.

(d) After the issuance of a permit, it shall be unlawful for the permittee to do any work on such public property except in accordance with the terms and conditions of such permit. Upon completion of any such permitted work, the permittee shall notify the City Building Division which will cause an inspection to be made for the purpose of determining whether such work is in conformance with the terms of the permit. If such work is acceptable, the inspector shall endorse his

approval on the permit. If the work is found unacceptable, the inspector shall make such recommendations to the permittee as are necessary to ensure the conformance of the work with the terms of the permit, and such recommendation shall be followed and the work required thereby completed before the expiration of the permit or any extension thereof. Failure to complete such work within the term or extended term of the permit shall constitute a violation of this section. If the work is found unacceptable upon the completion by the permittee of the work required by the recommendation of the inspector, or if for any reason the permittee desires an interim inspection, the permittee shall request reinspection and, as a condition thereto, pay to the City Building Division a reinspection fee in the amount of fifty dollars ($50.00) for each such required reinspection.

(e) The time allotted to complete the work for which a permit was issued, or recommendation made under the preceding section, shall be limited to the time stipulated on the permit unless the permittee requests the City Building Division, right-of-way permitting to grant an extension of time prior to the expiration thereof in the event the permittee, as owner-contractor or agent, is constructing or enlarging a structure on lands abutting or adjoining the public property affected by a permit granted hereunder, the permit granted hereunder shall be posted and displayed on such land in the same manner as building permits are now required to be posted and displayed. No final inspection of such construction shall be made by the building department, nor shall a certificate of occupancy be issued, without the endorsement of the approval by the engineering inspector upon such posted permit required hereunder.

(Ord. No. 656-82, <sec> 1, 1-20-82; Ord. No. 685-82, <sec> 1, 7-7-82; Ord. No. 1005-90, <sec> 1, 103-90; Ord. No. 1294-00, <sec> 1, 12-6-00; Ord. No. 1515-07, <sec> 1, 11-7-07; Ord. No 1700-12, <sec> 2,1-18-12)

State law reference(s)--Supplemental and alternative method of making local municipal improvements, F.S. Ch. 170; municipal public works, F.S. Ch. 180.

Sec. 20-2. Same--Erection and lighting of barricades.

Any person carrying on or doing any construction, excavation or repair work in any street or part of street in the City pursuant to a permit from the City Council as provided in the preceding section, shall erect and maintain proper, safe and sufficient barricades, and during that period of time between one-half hours after sunset and one-half hour before sunrise shall maintain sufficient lights or flares around such barricades, work or excavations to warn persons of the presence of such excavations and work and to prevent injury to persons and property.

Sec. 20-3. Same--Replacing street.

Upon the expiration of any permit granted by the legislative body of the City pursuant to the provisions of section 20-1 hereof, the permit holder shall replace that street or part of street upon which such construction, excavation or repair work has been performed in the same condition as the street or part of street existed prior to the construction, excavation or repair work; and failure to do so shall constitute a misdemeanor against the City by the permit holder.

Sec. 20-4. Newsracks.

(a) Findings and Purpose:

The City Council finds and determines that the competing public interest of receipt of information in newspapers from newsracks on public property and rights-of-way and the public interest of safety and aesthetics requires reasonable accommodation and regulation narrowly tailored to serve the safety and aesthetic interest of the public by regulating the placement and appearance of newsracks. It is not the intent of this Section to in any way discriminate against, regulate or interfere with the publication, circulation, distribution or dissemination of any newspapers.

The purpose of this Section is to establish a comprehensive set of regulations applicable to newsracks in the public rights-of-way and on other public property. The City's regulation of newsracks in the public rights-of-way is similar to its approach to the current regulation of mailboxes, sidewalks and other structures in public rights-of-way. The purpose of this Section is to advance and improve safety and aesthetics by controlling the size, construction, placement and appearance of newsracks without restricting the free dispersal of information guaranteed by the Constitutions of the United States and the State of Florida. More specifically, the purpose of this Section is to promote the public peace, morale, health, safety and general welfare by regulating the placement, appearance and servicing of newsracks so as to protect against the dangers of impairing or distracting the vision of both motorists and/or pedestrians; the hazards of unreasonably interfering with other lawful uses of public property; unduly restricting access to the use of poles, posts, traffic signs or signals, hydrants, mailboxes or locations used for transportation purposes; unsightly structures; neglectful servicing of newsracks resulting in visual blight on public property and detracting from the aesthetics of store window displays, adjacent landscaping and other improvements; reduction in value of surrounding property; unnecessary exposure of the City to personal injury or property damage claims or suits; and public display of harmful or offensive matters.

(b) Definitions:

Newsracks means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers, periodicals or other publications.

Owner means the particular person who is responsible for installing and/or maintaining a newsrack.

Person means any individual, company, corporation, association, business or other legal entity.

Public property means parks, squares, plazas and any and all other real property owned by the City of Punta Gorda.

Public Rights-of-way means a strip of land dedicated or deeded to the public

and accepted by the City Council, occupied or intended to be occupied by a street, driveway access, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage way, water main, sanitary or storm sewer main, sidewalk/bicycle path or for similar special use and within which traditional public discourse and communication occurs and may occur.

Roadway means the portion of a street or highway, including shoulders, for the intended use of vehicles.

Rut shall be deemed to be the stripping away or compression of grass, groundcover, or ground in a drainage swale which results in a groove in the swale deeper than three inches (3").

Street means all that area dedicated to public use for public street purposes and includes, but is not limited to, roadways, parkways, alleys, medians and sidewalks.

(c) Standards and Requirements:

(1) A newsrack site permit, to be issued by the City Zoning Division without charge, shall be required for the placement of each and every newsrack within the City of Punta Gorda rights-of-way and public property. No site permit shall be issued for any newsrack to be placed within City of Punta Gorda rights-of-way and public property until the City Zoning Division has determined that the newsrack will comply with the standards and requirements set forth herein.

(2) No person shall install, use or maintain any newsrack which projects onto, into, or over any part of the roadway, or which rests, wholly or in part, upon, along or over any portion of a roadway.

(3) No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public right-of-way or other public property when such installation, use or maintenance endangers the safety of persons or property,or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence, place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

(4) Any newsrack which in whole or in part rests upon, in or over any public right-of-way or other public property, shall also comply with the following standards:

a. No newsrack, including any pedestal, shall exceed fifty four (54) inches in height, twenty seven (27) inches in width, or eighteen (18) inches in depth.

b. Newsracks shall only be placed on sidewalks within six (6) inches and parallel to the wall of a building. In instances where no sidewalk exists, newsracks shall be located at least eight (8) feet from the edge of the roadway.

c. No newsracks shall be chained, bolted or otherwise attached to any property or to any permanently fixed object not owned by the owner of the newsrack, unless the consent of the owner or lessee of such property or object is obtained.

d. Newsracks may be placed, chained or otherwise attached to one another; however, no more than three (3) newsracks may be joined or placed together in this manner, and a space of no less than eighteen (18) inches shall separate each group of three (3) newsracks so attached.

e. No newsrack, unless securely chained, bolted or otherwise securely attached to any property or permanently fixed object, or group of attached newsracks allowed under subsection (4) d. of this Section, shall weigh in the aggregate less than one hundred twenty five (125) pounds when empty.

f. Every newsrack shall be installed level and plumb. Every newsrack on a single pedestal or a multiple post, shall be securely bolted to a level concrete base set in the ground. Installation of any concrete base within a City right-of-way shall require a right-of-way permit, issued by the Building Division, right-of-way permitting, at an established fee of $100 pursuant to Chapter 20, Section 20-1(b) of this Code and shall be installed by the owner at their sole cost and expense. Each newsrack shall be constructed, installed and maintained in a safe and secure condition.

g. No newsrack shall be installed, used or maintained:

    1. Within three (3) feet of any marked or unmarked crosswalk;

    2. Within ten (10) feet of any fire hydrant, fire callbox or other emergency facility;

    3. Within three (3) feet of any driveway;

    4. At any location whereby the clear space for the passageway of pedestrians is reduced to less than four (4) feet;

    5. Within three (3) feet of any display window of any building abutting the sidewalk or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

    6. Visibility at street intersections shall conform to Chapter 26 of the

h. No newsrack shall be used for advertising signs.

i. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times.

j. A site will be deemed inappropriate for newsracks, and a site permit may be revoked by the City Zoning Division, if vehicular traffic creates ruts or other wear and tear upon the paved or unpaved portion of the roadway, right-of-way or other public property to the extent that maintenance of same is required more frequently than once each six (6) months by the City unless the permit holder agrees in writing to reimburse the City for its required maintenance, or immediately upon the existence of any other health, safety or welfare problem within or without this Section at such site.

(5) Every person who places or maintains a newsrack upon, in or over any public right-of-way or other public property shall permanently affix to each newsrack the owner's name, address, telephone number and City site permit number in a place where such legible information may be easily seen.

(6) No person shall sell, offer for sale or keep or maintain any newspaper, periodical, or other publication in any newsrack on any public right-of-way or other public property in such manner as to expose to the public view any photograph, cartoon or drawing, which displays nudity in a manner which predominantly appeals to the prurient interest and taken as a whole, lacks serious literary, artistic, political or scientific value.

(7) The owner of each newsrack shall execute a document, approved as to form by the City Attorney, agreeing to defend, indemnify and hold harmless the City, its officers, employees and agents from any claim, demand or judgment in favor of any person, arising out of the installation, use or maintenance of any newsrack located upon, in or over a public right-of-way or other public property.

(8) Newsracks shall be regularly stocked with newspapers, periodicals or other publications by the owner. Newsracks which remain empty for thirty (30) or more consecutive days shall be considered abandoned and must be removed by the owner.

(9) Site permit may not be transferred without prior approval by the City Zoning Division.

(10) Every newsrack shall at all times remain in compliance with the standards and requirements imposed by this Section.

(d) Enforcement:

It shall be unlawful and a violation of this Section to install or maintain a newsrack upon, in or over any public right-of-way or other public property without first obtaining a site permit. It shall further be a violation of this Section to install or maintain any newsrack which fails to comply with the Standards and Requirements of this Section.

(1) Any newsrack installed, used or maintained in violation of the provisions of this ordinance, after notice as set forth below, shall be removed and stored in any convenient place by the City Manager or any person designated by same.

The permit holder of any newsrack found to be in violation of this Section shall be given informal notice of the violation and fourteen (14) days within which to correct the violation.

In the event the violation is not corrected within fourteen (14) days, formal written notice, mailed return receipt requested, shall be given to the person designated pursuant to Section 20-4(c)(5). Said notice shall give the owner the opportunity to cure the violation within fourteen (14) days or to file a written request for a hearing before the City Council in reference to such alleged violation. A hearing so requested shall be granted as a matter of right.

If a written request for a hearing is filed within the aforementioned formal fourteen (14) day period, said request shall operate as a stay on the fourteen (14) day compliance or removal period until such time as the City Council has held a hearing on the alleged violation and rendered a decision thereon. Any owner dissatisfied with the City Council decision may appeal such decision to a court of competent jurisdiction. After removal of the newsracks, the owner shall again be given written notice thereof. Upon failure of the owner, following such notice, to claim the newsrack and pay the expenses of removal and storage plus administrative expenses within thirty (30) days after notice, except where an appeal of the City Council decision has been filed, the newsrack shall be deemed unclaimed property in possession of the City and may be disposed of pursuant to law.

(2) In the event of an emergency where the installation, use or maintenance of any newsrack poses an imminent or immediate health or safety hazard to pedestrians or vehicles, the City Manager or any person designated by same shall, when feasible, give telephone notice to the newsrack owner of the nature of the emergency and afford the owner the opportunity to remove or otherwise relocate the newsrack. Where telephone notice is not feasible or where the owner fails to remove or relocate the newsrack following telephone notice of the emergency, the City Manager or any person designated by same may summarily and temporarily remove or relocate such newsrack. Immediately following removal or relocation of any newsrack under these emergency procedures, the owner shall be provided written notice of the action and the nature of the emergency necessitating such action. Upon failure of the owner following such written notice, to claim the newsrack and pay the costs of removal or relocation and storage

within thirty (30) days after notice, the newsrack shall be deemed unclaimed property in possession of the City and may be disposed of pursuant to law. The owner of any newsrack may file a written request for a hearing before the City Council after an emergency removal or relocation. The owner of a newsrack may claim and take possession of the newsrack prior to the hearing. A hearing so requested shall be granted as a matter of right.Any owner dissatisfied with the City Council decision at such hearing may appeal such decision to a court of competent jurisdiction.

(3) Any newsrack placed upon, in or over any public right-of-way or other public property without a permit pursuant to this Section shall be deemed a public nuisance and may be removed by the City without further notice.

(4) This Section may also be enforced in accordance with the provisions of Chapter 9A, Code of Ordinances, City of Punta Gorda, Florida.

(Ord. No. 1080-93 <sec> 4, 7-7-93; Ord. No. 1648-10, <sec> 1, 8-18-10)

(Ord. 1080-93 rewrote ordinance No. 943-89 which was not codified) Editor's note--Ord. No. 685-85, <sec> 2, adopted July 7, 1982, repealed former <sec> 20-4 which pertained to obstruction and encroachments on public streets and was derived from Ord. No. 496, <sec> 1, adopted June 15, 1977.

Sec. 20-5. Damage to trees and shrubs.

It shall be unlawful for any person to cut, destroy or injure any of the trees growing in or upon any of the public squares or streets of the City; provided nothing herein contained shall be so construed as to prevent the City from trimming or removing the same at its discretion.

Sec. 20-6. Construction and repair of sidewalks; duty of property owner; procedure upon failure of owner to act.

It shall be the duty of the legislative body of the City to designate certain streets or parts of streets where sidewalks shall be constructed and maintained at the expense of the owner of the real estate along which such sidewalk shall be constructed and maintained. The owners of real estate within the City shall construct and always keep in good repair, at their own expense, good and substantial sidewalks around their lots, which shall always be the width prescribed by the City, and upon their failure to do so, the mayor-Manager shall notify them of such neglect, and that if not done by them in thirty days, the City shall have the work done by the City at the expense of the owner of the lot, which shall be a lien on the lot and be enforced in the same manner as mechanics' lien. The notice shall be in writing and specify the kind of sidewalk to be built or the repairs to be made.

In the event a proposed development is in an area where there are currently no sidewalks identified on the “Alternative Transportation Plan 2030” (Plan), the property owner shall pay a fee in lieu of constructing the sidewalks in the right-of-way in front of and/or in the right-of-way along the sides of the new development, as applicable. However, if the proposed development is in an area identified upon said “Plan” the developer shall have the option of either installing the sidewalks or use the fee-in-lieu

of method. The amount of the fee shall be set by the Director of Public Works in the actual amount of contract cost to install such sidewalk, or bike path, depending on the width and configuration of the right-of-way. The fees paid shall be held in a separate account to be used at such time the sidewalks or bike paths are actually constructed at that location according to the "Plan" and shall be tied to the annual Capital Improvements Program. A record shall be kept of all fees collected, which shall be available for review upon request.

(Ord. No. 1462-07, <sec> 1, 1-3-07)

Sec. 20-7. Construction of private driveways on public rights-of-way.

(a) Permits. It shall be unlawful for any person to install or construct any private driveway paving upon or across any portion of a public right-of-way without first obtaining a permit. Application for such permit shall be made to the City Building Division, right-of-way permitting who shall be authorized to issue permits where conformance to the following regulations has been found. Any improvements to driveways in the public right-of-way over and above a standard four-inch-thick reinforced concrete driveway, specifically, but not exclusively brick pavers, tile, cementations/decorative overlays and color coatings/finishings will not be replaced by the City when the driveway in the right-of-way is removed and replaced in accordance with City-authorized work. Any such improvements must be in addition to the required four-inch-thick reinforced concrete driveway; and any improvements exceeding one-fourth of an inch in thickness and not constructed in conjunction with a permitted driveway so as to establish proper elevations for drainage, will require replacement of the existing driveway in the right-of-way.

(b) Regulations. Points of access, driveways and/or other openings for vehicles onto public streets may be permitted as follows:
Total driveway width permitted for residential property shall not exceed 28 feet, with no single driveway to exceed 24 feet in width through the right-of-way. Any existing driveway that is widened or upgraded is subject to review and approval by the City engineering division as though the entire drive were new construction. If the engineering division finds the grade, slope or elevation of the existing driveway to be unsuitable for proper drainage purposes, the entire driveway apron shall be replaced. For properties that front on more than one street, the second street front shall be allowed only one driveway not to exceed 24 feet in width through the right-of-way.
Non-residential and multi-family driveways shall be a maximum of 20 feet in width for one-way traffic and 24 feet in width for two-way traffic. In no case shall a driveway width exceed 24 feet, except as required by the Florida Department of Transportation and Fire Safety requirements. No driveway shall be located closer than six (6) feet from an adjoining lot under other ownership or in a recorded easement in the Special Residential Overlay District, and not closer than five (5) feet at the property line in other residential districts, and subject to setback requirements in the mixed use and commercial districts. Driveway flairs and any culvert drainage pipe shall not extend more than three (3) feet on each side of the driveway. In any event, driveway flairs may not extend beyond the property line. Non-residential sites may utilize radii in lieu of flairs where space permits and with approval of the Development Review Committee. If radii are used,

proper engineering practice shall govern the distance between the driveway location and property line. Construction materials and public drainage accommodations shall be in accordance with proper engineering practice as set forth by the City engineer, approved by the City Council, and made available to applicants on request.

(c) Construction activity which affects public drainage improvements shall require the owner to replace the drainage facility, at the owner's expense, with equivalent drainage capacity, with plans for said improvement being approved by the Public Works Department.

(d) Variances. The City Council, acting only in the case of unique circumstances creating a real hardship, may authorize the issuance of nonconforming permits by formal action.

(Ord. No. 578-79, <sec> 1, 12-5-79; Ord. No. 881-87, <sec> 1, 8-5-87; Ord. No. 1005, <sec> 2, 10-3-90; Ord. No. 1330-02, <sec> 1, 3-20-02; Ord. No. 1515-07, <sec>2, 11-7-07; Ord. No. 1756-13; <sec> 2, 7-3-13)

Sec. 20-8. Inspection and penalty for unlawful weight and load; review; maximum weights; liability for damage to streets and structures.

(a) Inspection:

(1) Any law enforcement officer of the City of Punta Gorda having reason to believe that the weight of a vehicle and load on City streets, including state roads within the City limits to be unlawful, is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require such vehicle be driven to the nearest public scales, provided such public scales are within five (5) miles.

(2) Whenever said law enforcement officer, upon weighing a vehicle or combination of vehicles with load on City streets, including state roads within the City limits, determines that the axle weight or gross weight is unlawful, may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond six thousand (6,000) pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. For enforcement purposes, all scaled weights of the gross or axle weights of vehicles and combinations of vehicles shall be deemed to be not closer than ten (10) per cent to the true gross weight. However, if the driver of any vehicle can comply with the requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this section.

(b) Penalty for violation:

(1) When the excess weight is one hundred (100) pounds or less than the

maximum herein provided, the penalty shall be ten dollars ($10.00).

(2) Five cents ($0.05) per pound for each pound of weight in excess of the maximum herein provided when the weight exceeds one hundred (100) pounds on state roads within the City limits and ten cents ($0.10) per pound for each pound of weight in excess of the maximum herein provided when the weight exceeds one hundred (100) pounds on City streets. However, whenever the gross weight of the vehicle does not exceed the maximum allowable gross weight, the maximum fine for the first one thousand (1,000) pounds of lawful axle weight shall be twenty dollars ($20.00).

(c) Lien upon overloaded vehicles; bond. Whenever any person violates the provisions of this section and becomes indebted to the City because of such violation in the amounts aforesaid and refuses to pay said penalty, such penalty shall become a lien upon the overloaded vehicle, and the same shall be foreclosed by the City in a court of equity. It shall be presumed that the owner of the overloaded motor vehicle is liable for the sum. Any person, firm or corporation claiming an interest in the seized motor vehicle may, at any time after the City's lien is attached to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the City, payable to the City in twice the amount of the City's lien, with a corporate surety duly authorized to transact business in the State of Florida as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of said lien. It shall be presumed that the owner of the overloaded motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the City Clerk, the vehicle shall be released. The lien of the City against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of the court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his forthcoming bond, the City shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties of the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the City may, at its option, proceed to sue out execution against the defendant and his sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

(d) Disposition of penalties. Any law enforcement officer of the City issuing a citation for violation as herein defined, shall give the owner or driver of the overloaded vehicle a copy of said citation. Such officer shall cooperate with the owner or drivers of motor vehicles so as not to unduly delay the vehicles. All penalties imposed and collected under this section shall be paid to the City Clerk of the City of Punta Gorda, which shall be used to repair and maintain the streets and bridges of the City and to enforce this section relating to weight of vehicles.

(e) Maximum weights.

Table 1

Maximum legal weight based on the distance from the truck's front axle to rear axle. (Single axle, 22,000; tandem axle, 44,000)

Distance between first and last axle* (in feet)	Maximum weights** allowed to be hauled (in pounds)
4	44,000
5	44,000
6	44,000
7	44,000
8	44,000
9	48,554
10	49,478
11	50,391
12	51,304
13	52,228
14	53,141
15	54,065
16	54,978
17	55,891
18	56,805
19	57,728
20	58,641
21	59,554
22	60,478
23	61,391
24	62,304
25	63,217
26	64,141
27	65,054
28	65,967
29	66,891
30	67,804
31	68,717
32	69,641
33	70,554
34	71,467
35	72,380
36 or more	73,271

***This is the overall distance and includes any combination of units**

****Remember: The 10% scale tolerance is built into these weights.**

Table 2

Maximum legal weight based on the total number of axles and the distance between the axles, or sets of axles.
(Use this for gross and interbridge weight)

Distance between any group of two or more consecutive axles (in feet)	Maximum weight allowed on this number of axles (in pounds)					
(in feet)	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	44,000					
5	"					
6	"					
7	"					
8	"	44,000				
9	"	"				
10	"	"				
11	"	44,500				
12	"	45,000	50,000			
13	"	46,000	50,500			
14	"	46,500	51,500			
15	"	47,500	52,000			
16	"	48,000	52,500	58,000		
17	"	49,000	53,500	58,500		
18	"	49,500	54,000	59,500		
19	"	50,500	54,500	60,000		
20	"	51,000	55,500	60,500	66,000	
21	"	52,000	56,000	61,000	66,500	
22	"	52,500	56,500	62,000	67,000	
23	"	53,500	57,500	62,500	68,000	
24	"	54,500	58,000	63,000	68,500	74,000
25	"	55,000	58,500	63,500	69,000	74,500
26	"	55,500	59,500	64,500	69,500	75,000
27	"	56,500	60,000	65,000	70,000	76,000
28	"	57,000	60,500	65,500	71,000	76,500
29	"	58,000	61,500	66,000	71,500	77,000
30	"	58,500	62,000	67,000	72,000	77,500
31	"	59,500	62,500	67,500	72,500	78,000
32	"	60,000	63,500	68,000	73,000	78,500
33	"	61,000	64,000	68,500	74,000	79,500
34	"	61,500	64,500	69,500	74,500	80,000
35	"	62,500	65,500	70,000	75,000	
36	"	63,000	68,000	70,500	75,500	
37	"	64,000	68,000	71,000	76,000	
38	"	64,500	68,000	72,000	77,000	
39	"	65,500	68,000	72,500	77,500	
40	"	66,000	68,500	73,000	78,000	
41	"		69,500	73,500	78,500	
42	"		70,000	74,500	79,000	

Distance between any group of two or more consecutive axles	Maximum weight allowed on this number of axles (in pounds)					
(in feet)	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
43	44,000		70,500	75,000	80,000	
44	"		71,500	75,500		
45	"		72,000	76,000		
46	"		72,500	77,000		
47	"		73,500	77,500		
48	"		74,000	78,000		
49	"		74,500	78,500		
50	"		75,500	79,500		
51	"		76,000	80,000		

Warning: You may be legal on gross weight, but not on interbridge. So be sure to check those weights before using the interstate highways.

Table 3

Maximum legal weight for single unit dump trucks, concrete mixing trucks, garbage trucks, and fuel oil and gasoline trucks based on six hundred five pounds per inch of tire width.

If your tire size is	Total weight for two tires on one axle is (in pounds)	Total weight for four tires on one axle is (in pounds)
7:50	9,075	18,150
8:00	9,680	19,360
8:22.5	9,680	19,360
8:25	9,983	19,965
9:00	10,890	21,780
9:22.5	10,890	21,780
10:00	12,100	Legal axle weight
10:22.5	12,100	Legal axle weight
10:3-22.5	12,463	Legal axle weight
11:00	13,310	Legal axle weight
11:22.5	13,310	Legal axle weight
11:24.5	13,310	Legal axle weight
12:00	14,520	Legal axle weight
12:22.5	14,520	Legal axle weight
12:24.5	14,520	Legal axle weight
13:00	15,730	Legal axle weight
14:00	16,940	Legal axle weight
15:00	18,150	Legal axle weight
16:00	19,360	Legal axle weight
16:5	19,965	Legal axle weight
17:00	20,570	Legal axle weight
18:00	21,780	Legal axle weight
19:00	_____Legal axle weight_____	

Maximum is still 22,000 with no exception (10% tolerance is included).

(f) Damage to streets; liability. Any person driving or moving any vehicle, object, or contrivance upon any City street shall be liable for all damages which the street or structure may sustain as a result of any illegal operating, driving, or moving of such vehicles, objects or contrivance, whether or not such damage is a result of operating, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weights as provided in this section but which may be authorized by special permit issued by the City. Whenever the driver is not the owner of the vehicle, object or contrivance but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the City.

(g) Appeal to City Council. Any person aggrieved by the imposition of a civil penalty pursuant to this section may apply to the City Council for a modification, cancellation or revocation of the penalty, and the City Council is authorized to modify, cancel, revoke, or sustain such penalty.

(Ord. No. 758-84, <sec> 1, 8-1-84; Ord. No. 784-85, <sec><sec> 1, 2, 3- 6-85)

Sec. 20-9. Vacation of streets and rights-of-way; closing, widening, narrowing or changing the name of any street.

(a) Authorization. The City Council may consider the vacation of a street or right-of-way or the closing, widening, narrowing, or changing the name of any street pursuant to this section, and it shall consider such a vacation, closing, widening, narrowing, or name change when requested by petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated, closed, widened, narrowed, or to have its name changed.

(b) Public hearing; notice. Upon the receipt of a petition complying with the requirements of subsection (a), above, or upon its own initiative, the City Council shall, by resolution declare its intention to vacate any public right-of-way or to close, widen, narrow, or rename any street and setting a date, time, and place for a public hearing before the City Council on the proposed or requested vacation, closing, widening, narrowing, or name change. Notice of such hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days prior to the date set for the hearing. At least fifteen (15) days prior to the date set for the public hearing, notice thereof shall also be mailed to the owners, as shown by the most recent tax rolls and at the addresses shown thereon, of all property abutting the portion of the street or right-of-way proposed to be vacated, closed, widened, narrowed, or to have its name changed. At least fifteen days prior to the date set for the public hearing, notice thereof shall also be mailed or delivered to each residence or place of business located on property abutting the portion of the street

or right-of-way proposed to be vacated, closed, widened, narrowed, or to have its name changed.

(c) Planning Commission recommendation. Prior to the City Council public hearing on a proposed or requested vacation, closing, widening, narrowing, or name change, the Planning Commission shall be requested to consider the proposal or request and to forward to the City Council its recommendation thereon. If such recommendation has not been received by the date of the City Council public hearing, such public hearing shall be continued, and no final action on the request or proposal may be taken by the City Council until after such recommendation is received.

(d) City Council action. Following its public hearing on a proposed or requested vacation, closing, widening, narrowing, or name change, the City Council may in its discretion, by resolution, approve all or any part of such proposal or request. Any resolution vacating any portion of a public right-of-way shall be sent by the City Clerk to the Clerk of the Circuit Court for recording in the public records of Charlotte County.

(e) Effect of notice; defective notice or hearing. It is not the intent of this section, by providing for notice to owners and occupants of lands abutting a portion of a street or right-of-way for which a vacation, closing, widening, narrowing, or name change is requested or proposed, to create any substantive or procedural right in such owners and occupants or to render the decision on any proposed or requested vacation, closing, widening, narrowing, or name change quasi-judicial in nature. No defective notice or hearing, as called for herein, shall affect the validity of any resolution adopted by the City Council approving any proposed or requested street or right-of-way vacation, closing, widening, narrowing, or name change.

(Ord. No. 1176-97, <sec> 1, 2-19-97)

Sec. 20-10 Operation of motor vehicles.

(a) The operation of any motor vehicle shall be prohibited on all multi-use recreational trails, linear parks, the Harborwalk, sidewalks or any other designated bike paths within the City of Punta Gorda. This prohibition shall not apply to electric wheelchairs, electric personal assistive mobility devises as defined in Section 316.003, Florida Statutes, government vehicles or contractor vehicles engaged in official duties on behalf of the City. In addition, golf carts shall be permitted to cross over the tidal creek bridge pursuant to Section 23-7, Punta Gorda Code.

(b) Any person violating the provisions of this Section shall be deemed guilty of a civil infraction which shall be punishable by a fine of twenty-five dollars ($25.00). Each violation shall constitute a separate offense.

(c) Any person issued a citation pursuant hereto shall comply with the directions on the citation. In the event that payment is not received or a response to the

citation is not received within the time period specified thereon, the City shall notify the violator, if known to be different from the registered owner, and the registered owner of the vehicle which was cited, by mail to the address given on the motor vehicle registration, of the citation. Mailing of the notice to this address shall constitute notification to the registered owner.

(d) Any person who elects to contest the citation may appear before the City of Punta Gorda Code Enforcement Board to present evidence, provided a hearing is requested, through the City Code Compliance Division, within ten (10) days after the date of the citation. Said person shall, however, be deemed to have waived his or her right to pay the civil penalty for the citation. The Code Enforcement Board, after a hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty not to exceed one hundred dollars ($100.00), plus costs in the amount of one hundred dollars ($100.00). The Code Enforcement Board may in their sound discretion, impose less than this amount for costs in appropriate instances.

(Ord. No. 1688-11, <sec> 1, 9-7-11; Ord. No. 1930-29, <sec> 3, 11-20-2019)

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