



# MEMORANDUM

Office of the City Attorney

Legistar No. 001596

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**TO:** Mayor and City Commission

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-01-38  
An ordinance of the City of Gainesville, Florida, relating to speed limits in school zones, amending Section 26-27 of the Code of Ordinances of the City of Gainesville, providing for a minimum and maximum school zone speed limit, providing consistency in accordance with Chapter 316, Florida Statutes, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

**DATE:** August 27, 2001  
~~August 13, 2001~~  
FIRST READING  
SECOND READING

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of July 23, 2001, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to a minimum and maximum school zone speed limit in order to provide consistency in accordance with Chapter 316, Florida Statutes.

Prepared by: Julie M. Cirigliano  
Julie M. Cirigliano,  
Assistant City Attorney

Approved and  
Submitted by: Marion J. Radson  
Marion J. Radson,  
City Attorney

MJR:JMC:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

**D R A F T**

8-6-01

Ordinance No. \_\_\_\_\_  
0-01-38

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3  
4 **An ordinance of the City of Gainesville, Florida, relating to speed**  
5 **limits in school zones, amending Section 26-27 of the Code of**  
6 **Ordinances of the City of Gainesville, providing for a minimum and**  
7 **maximum school zone speed limit, providing directions to the codifier;**  
8 **providing a severability clause; providing a repealing clause; and**  
9 **providing effective dates.**

10  
11 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper  
12 of general circulation notifying the public of this proposed ordinance and of a Public  
13 Hearing in the Auditorium of City Hall in the City of Gainesville; and

14 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at  
15 which hearing the parties in interest and all others had an opportunity to be and were, in  
16 fact, heard;

17 **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
18 CITY OF GAINESVILLE, FLORIDA:

19 **Section 1.** Section 26-27 of the Code of Ordinances is amended to read as follows:

20 **Sec. 26-27. Speed limit.**

21 No person shall operate any vehicle in the city at a rate of speed greater than the  
22 posted speed limit in a school zone which shall not be less than 15 miles per hour nor  
23 more than 20 miles per hour, 15 miles per hour in a school zone or at a rate of speed  
24 greater than 30 miles per hour at other times and places; except, the city manager may  
25 designate the speed up to 45 miles per hour as lawful upon the various thoroughfares in  
26 the city, and such increased speeds shall be lawful where appropriate signs giving notice  
27 thereof are erected. The city manager may also designate reduced speed limits where  
28 he/she deems it necessary. Provided, however, where speed limits are controlled and

Code: text underlined is added; text ~~stricken~~ is deleted.

**D R A F T**

**8-6-01**

1 prescribed by an agency of the State of Florida on streets within the city, those limits  
2 shall prevail and shall be the speed limits under this section.

3 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
4 this Ordinance shall become and be made a part of the Code of Ordinances of the City of  
5 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 3.** If any section, sentence, clause or phrase of this Ordinance is held to be  
8 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
9 in no way affect the validity of the remaining portions of this Ordinance.

10 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
11 such conflict hereby repealed.

12 **Section 5.** Except as otherwise stated, this ordinance shall become effective immediately  
13 upon final adoption.

14  
15 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2001.

16  
17  
18 \_\_\_\_\_  
19 THOMAS D. BUSSING  
20 MAYOR

21  
22 ATTEST: Approved as to form and legality

23  
24 \_\_\_\_\_  
25 KURT M. LANNON MARION J. RADSON  
26 CLERK OF THE COMMISSION CITY ATTORNEY

27 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2001.

28 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2001.

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