

ORDINANCE NO. 2025-___

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS PROVIDING PROCEDURE REQUIREMENTS TO CLOSE POLK COUNTY-OWNED ROADS; PROHIBITING ROAD CLOSURES EXCEEDING FIVE DAYS WITHOUT THE APPROVAL OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FOR COMPLIANCE, ENFORCEMENT, AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk County is responsible for the maintenance of existing county-owned roadway and drainage infrastructure and the construction of new infrastructure to provide safe roadways for residents and visitors; and

WHEREAS, at times, these roadway construction projects require road closures that impede traffic; and

WHEREAS, for the safety of the traveling public and those performing work in the right of way, road closures are required; and

WHEREAS, road closures severely inconvenience the general public and increase traffic on detour roads; and

WHEREAS, it is in the interest of public health, safety, and welfare for the Polk County Board of County Commissioners to improve the policies and procedures concerning road closures in order to ensure that road closures are granted only in instances when no other option exists and for the shortest time required to complete the necessary roadway construction projects;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT:

SECTION 1. INCORPORATION OF RECITALS:

The above recitals are hereby fully incorporated in the body of this Ordinance.

SECTION 2. DEFINITIONS:

- (A) Road closure – the closing, detouring, or otherwise restricting all lanes of traffic on a county road for more than two (2) hours.
- (B) Road Closure Request Form – the application that must be completed and submitted to the Division when requesting a road closure.
- (C) Division – the Roads and Drainage Division, which is the division of Polk County government responsible for the maintenance of existing county-owned roadway

and drainage infrastructure and the construction of new infrastructure to provide safe roadways; or the Land Development Division, which is the division responsible for approval of improvements to the road infrastructure associated with development; or any other division designated by the County Manager to carry out the provisions of this Ordinance.

SECTION 3. PROHIBITION OF COUNTY ROAD CLOSURES WITHOUT COUNTY APPROVALS:

County road closures not approved in accordance with this Ordinance or exceeding the time period(s) approved in accordance with this Ordinance are hereby prohibited.

SECTION 4. PROCEDURAL REQUIREMENTS FOR A ROAD CLOSURE:

- (A) The Division shall review all requests, set conditions for same, and authorize or deny road closure requests for five (5) days or less for roads that are classified as “collector roads” in the County’s road inventory and road closure requests for thirty (30) days or less for roads that are classified as “local residential roads” in the County’s road inventory.
- (B) Road closure requests exceeding five (5) days for roads that are classified as “collector roads” in the County’s road inventory, road closure requests exceeding thirty (30) days for roads that are classified as “local residential roads” in the County’s road inventory, and all requests for extensions to previously granted road closures, must be submitted to the Division for initial review to confirm compliance with this Ordinance. Upon completion of the initial review by the Division, the request will be placed on agenda of the Polk County Board of County Commissioners to approve, approve with conditions, or deny. Whether to approve a road closure shall be at the sole discretion of the Polk County Board of County Commissioners acting in its legislative capacity after considering what is in the best interest of the public. Nothing herein shall create a right for an individual, corporation, or other entity to have a road closed at any time.
- (C) All applicants seeking a road closure must complete a Road Closure Request Form approved by the Division and must include the following:
 - a. An aerial location map depicting the work zone location with northing arrow and major roads labeled;
 - b. A traffic control plan that contains a detour route, the location of signs and devices, and required message boards;
 - c. Reason(s) for the road closure;
 - d. Any additional information required by the Division.

In addition:

- e. All requests for an extension must have the originally approved Road Closure Request Form; and
 - f. All road closure requests exceeding fourteen (14) days must also contain a Road Closure Agreement signed by the applicant (See Section 4(F)).
- (D) The reason(s) for the road closure must be specific and justifiable. Road closure approvals will only be granted upon the following conditions:
- a. All other possible alternatives have been explored and found to be impossible or impractical;
 - b. The road closure enhances public safety;
 - c. The road closure is necessary to mitigate hazardous working conditions; and
 - d. The road closure is not merely for the convenience of the applicant, contractor, or requesting party.
- (E) Road closure approvals will only be granted for the shortest time required to complete the indicated scope of work.
- (F) Road closures exceeding fourteen (14) days require the applicant to enter into a Road Closure Agreement with Polk County at least three (3) days prior to the scheduled closure date. The Road Closure Agreement shall contain the following terms and conditions:
- a. The approved date of completion;
 - b. An “Extensions Clause” that allows Polk County, in its sole discretion, to grant extensions of the road closure due to unforeseen delays;
 - c. A “Liquidated Damages Clause” whereby the applicant must pay liquidated damages for each calendar day that the applicant fails to reopen the roadway;
 - d. A “Letter of Credit Clause” whereby the applicant agrees to provide an irrevocable standby Letter of Credit payable to Polk County in an amount that is reasonable to cover the project costs;
 - e. An “Indemnification Clause” whereby the applicant shall indemnify Polk County; and
 - f. Any other term or condition that may be deemed reasonable or necessary.
- (G) All road closure requests that do not exceed five (5) days must be submitted at least ten (10) working days prior to the anticipated date of closure. Road closures exceeding five (5) days must be submitted at least forty-five (45) working days prior to the anticipated date of closure. The road may not be closed without written approval by the County in accordance with this Ordinance.

- (H) Once a road closure request is approved, the applicant must display signage announcing the road closure. Said signage must be displayed for at least five (5) days prior to the date of the road closure and in a conspicuous location in both directions of travel.

SECTION 5. EXEMPTIONS:

The following circumstances are exempt from this Ordinance:

- (A) An emergency road closure in response to an act of God or other sudden unexpected event or any occurrence, or threat thereof, whether natural, technological, or manmade, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage or loss of property. In said case of emergency, the Division must be informed as soon as reasonably possible, but no more than twenty-four (24) hours, and the County Manager or the County Manager’s designee must approve the road closure.
- (B) Road closures effected by Polk County and approved by the Division.
- (C) CSX road closures for railroad work.
- (D) Road closures due to utility work.
- (E) Road closures associated with municipality work.

SECTION 6. COMPLIANCE, ENFORCEMENT, AND PENALTIES:

- (A) The Roads and Drainage, Code Enforcement, Land Development, and Utilities Divisions shall ensure compliance and enforcement. In addition, the County’s Code Enforcement Officers, the Polk County Sheriff’s Office, and any other person authorized to enforce County ordinances may enforce provisions of this Ordinance.
- (B) Any enforcement action or legal remedy that shall be available under controlling state law, including, but not limited to, prosecution in the same manner as a misdemeanor with a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty. When enforced by a Code Enforcement Officer, the enforcement provisions and procedures contained in the Polk County Code Enforcement Special Magistrate Ordinance, as may be amended, are incorporated herein by reference and will apply. Nothing stated in this Section shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of any part of this Ordinance, including without limitation, pursuit of injunctive relief and/or

declaratory relief in a court of competent jurisdiction or utilizing any other action or enforcement method permitted by law.

SECTION 7. STATUTORY CONSTRUCTION AND SEVERABILITY:

The provisions of this Ordinance are severable. If any of the provisions of this Ordinance shall be held unconstitutional or unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such an unconstitutional provision not been included herein.

SECTION 8. EFFECTIVE DATE:

This Ordinance shall become effective upon filing a certified copy with the Florida Department of State.