



INTRODUCED BY:

MAYOR ELAINE BROWN

VICE MAYOR FRED JONES

ORDINANCE NO. 2021-06

A BILL TO BE ENTITLED

AN ORDINANCE CREATING SECTION 7-29, ARTICLE II, CHAPTER 7 (BEACHES AND WATERWAYS); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY'S BEACHES; CREATING SECTION 22-8, ARTICLE I, CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY STREETS AND SIDEWALKS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, pursuant to Fla. Stat. §316.008(h) and §316.20655(1), the City has right to regulate the operation of bicycles and electric bicycles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, pursuant to Fla. Stat. §316.008(s), the City has right to regulate the operation of skates, coaster, and other toy vehicles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, the City also has the right to regulate conduct on the beaches under the City's jurisdiction;

WHEREAS, the City has received complaints from members of the public regarding the reckless use of bicycle, electric bicycles, skateboards, scooters, roller skates, and personal mobility devices on the City's beaches, sidewalks, and streets;

WHEREAS, the unsafe use of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches, sidewalks, and streets presents an imminent and present danger to the health, safety, and welfare of those using the beaches for recreation;

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Creating Section 7-29, Beach personal vehicle regulations. Creating Section 7-29, Beach personal vehicle regulations, Article II, Chapter 7 (Beaches and Waterways), City of Neptune Beach Code of Ordinances as follows:

Sec. 7-29. – Beach personal vehicle regulations.

(a) Definitions.

- (1) *Bicycle* shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;
- (2) *Electric bicycle* shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;
- (3) *Personal mobility device* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;
- (4) *Roller skates* shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";
- (5) *Skateboard* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;
- (6) *Reckless* shall mean
 - a. At a speed in excess of fifteen (15) miles per hour; or
 - b. In willful or wanton disregard for the safety of persons; or
 - c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's beaches; or

- d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.
- (b) No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the beaches within the city in a reckless manner.
- (c) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.
- (d) Penalties.

- (1) The amount of penalties for violations of this section shall be as provided for in Fla. Stat. §318.18(3), as amended from time to time.

Section 2. Creating Section 22-8, Street and sidewalk personal vehicle regulations.
Creating Section 22-8, Street and sidewalk personal vehicle regulations, Article I, Chapter 22 (Traffic and Motor Vehicles), City of Neptune Beach Code of Ordinances as follows:

Sec. 22-8. – Street and sidewalk personal vehicle regulations.

(a) Definitions.

- (1) *Bicycle* shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;
- (2) *Electric bicycle* shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;
- (3) *Personal mobility device* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;
- (4) *Roller skates* shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";
- (5) *Skateboard* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;
- (6) *Reckless* shall mean
 - a. At a speed in excess of fifteen (15) miles per hour; or

b. In willful or wanton disregard for the safety of persons; or

c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's streets and sidewalks; or

d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.

(b) No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the streets or sidewalks within the city in a reckless manner.

(c) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

(d) Penalties.

(2) The amount of penalties for violations of this section shall be as provided for in Fla. Stat. §318.18(3), as amended from time to time.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES

Passed on First Reading this 8th day of September, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	ABSENT
Councilor Josh Messinger	ABSENT
Councilor Lauren Key	YES

Passed on Second and Final Reading this 4th day of October, 2021.

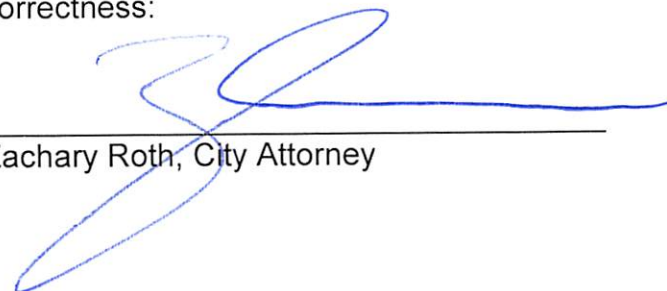

Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC, City Clerk



Approved as to form and
correctness:


Zachary Roth, City Attorney