

Introduced by: Council Member Hoffman

1st Reading: May 4, 2020

2nd Reading: May 18, 2020

**ORDINANCE NO. 2020-8139**

**AN ORDINANCE AMENDING CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE I. – IN GENERAL, SECTION 31-5 – RIDING BICYCLES ON SIDEWALKS PROHIBITED, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES; CHANGING THE TITLE; REMOVING THE PROHIBITION OF RIDING BICYCLES ON PUBLIC SIDEWALKS, AND ADDING MULTIPLE SUBSECTIONS THAT AUTHORIZE, REGULATE OR PROHIBIT USE OF CERTAIN OTHER DEVICES ON SIDEWALKS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, municipalities are empowered to legislate by both Florida Constitutional provisions and Florida Statute, Florida Constitution Article VIII, §2(b); §166.021, Florida Statutes; and

**WHEREAS**, pursuant to Section 316.008(1)(h), Florida Statutes, municipalities are empowered to regulate the operation of bicycles; and

**WHEREAS**, pursuant to Section 316.003(76), Florida Statutes, a sidewalk is that portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians; and

**WHEREAS**, Section 316.008(7)(a), Florida Statutes, empowers a municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas; and

**WHEREAS**, Section 316.2128(1), Florida Statutes, empowers a local government to adopt an ordinance governing the operation of micromobility devices and motorized scooters, as defined in Section 316.003, Florida Statutes, on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

**WHEREAS**, Section 316.2065 (9) and (10), Florida Statutes, authorizes persons to ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk; and

**WHEREAS**, Section 316.2065 (9) and (10), Florida Statutes, also provides that a bicyclist has all the rights and duties applicable to a pedestrian under the same circumstances, and requires a bicyclist to yield the right-of-way to any pedestrian and give an audible signal before overtaking and passing such pedestrian on a sidewalk; and

**WHEREAS**, in 1955, the City of Jacksonville Beach (“City”) enacted in its Code of Ordinances Sec. 31-5. – *Riding bicycles on sidewalks prohibited*, which states that it shall be unlawful for anyone to ride a bicycle on the sidewalks or boardwalks in the City; and

**WHEREAS**, Sec. 31-5 cites its State law reference as Section 316.2065, Florida Statutes, Bicycle Regulations, and Sec. 31-1. – Adoption of Florida Uniform Traffic Control Law, states that the “Florida Uniform Traffic Control Law,” Chapter 316 of the Florida Statutes, shall be in full force and effect in the City; and

**WHEREAS**, City residents, including families with young children, have indicated that it is dangerous for them to ride their bicycles on streets and roads in the City, and that they prefer to safely ride on the City sidewalks; and

**WHEREAS**, it has been common practice for citizens, residents, and tourists of the City, and neighboring communities, to ride bicycles upon and along sidewalks, in part to avoid potential dangers associated with riding in the street; and

**WHEREAS**, the use of bicycles and electric personal assistive mobility devices help alleviate traffic congestion and parking problems, and can be a positive activity for families in the City; and

**WHEREAS**, pursuant to City Code of Ordinances Sec. 28-6. - *Skating, skateboarding, driving, etc.*, on the promenade adjacent to bulkhead line, it is unlawful for any person to skate on roller skates or for any person to ride or operate a skateboard or bicycle or motorcycle or drive any motor vehicle on or upon the concrete walkway or promenade located adjacent to and abutting the bulkhead line of the City; and

**WHEREAS**, the City Council deems it beneficial for the public’s health, safety, and welfare, and in the City’s best interests to amend Sec. 31-5 of the City’s Code of Ordinances to conform with Florida Statutes and serve as a more practical set of regulations of bicycles, bicyclists and other devices; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves a legitimate government purpose, it is a permissible exercise of the City’s powers and authority, and benefits the public health, safety, and welfare of the citizens, residents and guests of the City of Jacksonville Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.** The above recitals and legislative findings are ratified and made a part of this Ordinance.

**SECTION 2. THAT SECTION 31-5 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:**

Sec. 31-5. - ~~Riding bicycles on sidewalks prohibited.~~ Bicycle and Bicyclist; Electric Personal Assistive Mobility Devices; Micromobility Devices; and Motorized Scooters Regulations.

(a) ~~It shall be unlawful for anyone to ride a bicycle on the sidewalks or boardwalks in the city.~~ Bicycle riding is allowed upon and along the public sidewalks and crosswalks in the City.

- (b) No person shall ride a bicycle over and upon any sidewalk or crosswalk within the City in a manner which impedes pedestrian traffic.
- (c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (d) Each person who rides or propels any bicycle upon any sidewalk shall yield to all persons exiting or entering a commercial building or place of business.
- (e) Each person who rides or propels any bicycle upon any street, sidewalk, crosswalk, or bicycle path of the City shall comply with all signal lights, stop signs and other traffic-control devices or signals.
- (f) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and shall not exceed the posted speed limit.
- (g) No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand firmly upon the handlebars and in full control of the bicycle.
- (h) It is unlawful for any person to ride or operate a bicycle on or upon the concrete walkway or promenade located adjacent to and abutting the bulkhead line of the City.
- (i) It is unlawful for any person to ride or operate a bicycle on or upon the beach dune crossover walkways.
- (j) Bicycle riders are required to comply with all regulations in Section 316.2065, Florida Statutes, (Bicycle Regulations), as amended.
- (k) Pursuant to Section 316.2068, Florida Statutes, an electric personal assistive mobility device, as defined in Section, 316.003(22), Florida Statutes, may be operated on a sidewalk if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian. No person shall operate an electric personal assistive mobility device on a sidewalk at a speed greater than fifteen (15) miles per hour. The operator of an electric personal assistive mobility device must otherwise comply with all parts, requirements and regulations of Section 316.2068, Florida Statutes.
- (l) Micromobility devices and motorized scooters, as defined in Section 316.003(38) and (45), Florida Statutes, are prohibited from being operated on sidewalks, sidewalk areas, and the promenade adjacent to the bulkhead line.
- (m) Except as specifically provided in this Section, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area.
- (n) Official emergency services and law enforcement agencies and personnel in the course and scope of their duties are exempt from this Section.
- (o) In accordance with Section 316.1995(3), Florida Statutes, this Section does not apply to motorized wheelchairs.

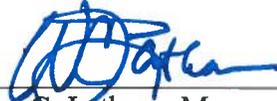
**SECTION 3. CONFLICTING ORDINANCES AND ACTS.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this Ordinance are repealed to the extent inconsistent herewith.

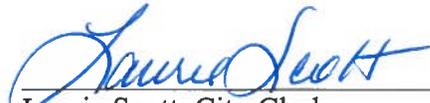
**SECTION 4. SEVERABILITY.** If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. CODIFICATION.** The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

**SECTION 6. EFFECTIVE DATE.** This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS 20<sup>th</sup> DAY OF May, A.D., 2020.

  
\_\_\_\_\_  
William C. Latham, Mayor

  
\_\_\_\_\_  
Laurie Scott, City Clerk