

**ORDINANCE NO. 2023-482**

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATED TO TRAFFIC REGULATIONS; SPECIFICALLY AMENDING SECTIONS 17-1 OF THE CODE OF ORDINANCES TO PROVIDE UPDATED REGULATIONS FOR THE OPERATION OF MOTORIZED SCOOTERS, MOTORIZED SKATEBOARDS, HOVERBOARDS AND OTHER MICROMOBILITY DEVICES WITHIN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Chapter 166, Florida Statutes, grants the City broad municipal home rule powers to enact ordinances which represent official legislative action of the City Commission and are enforceable as a matter of law; and

**WHEREAS**, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) has determined the need to amend the City’s Code of Ordinances (the “Code”) to provide update traffic regulations; and

**WHEREAS** the City Commission desires to specifically amend Chapter 17-1 of the City’s Code to provide updated regulations for the operation of motorized scooters, skateboards, hoverboards and other micromobility devices within the City; and

**WHEREAS**, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:**

~~Strikethrough~~ = deletion

**Bold underline** = addition

**Section 1: Recitals**

The above recitals are true and correct.

**Section 2: Effective Date**

This Ordinance shall become effective upon final approval by the City Commission.

**Section 3: Amendment**

Section 17-1 of Chapter 17 of the Code of Ordinances is hereby amended to read as follows:

**Sec. 17-1. Traffic regulations.**

(a) For the purposes of this Chapter, the following definitions shall apply:

Hoverboard, (with or without a seat), shall be defined as a self-balancing scooter (also hoverboard, self-balancing board, segway or electric scooter board) is a self-balancing personal transporter consisting of two motorized wheels connected to a pair of articulated pads on which the rider places their feet.

Motorized scooters shall be defined as any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Recreational micro mobility devices shall mean electric bicycle or other micro mobility devices. This term shall not mean bicycles, mopeds or any self-propelled or motorized vehicle capable of exceeding 28 mph.

Skateboard shall mean a board made of wood, fiberglass, or other material or combination of materials mounted on two axles, front and rear, with two wheels made of clay, polyurethane, or other material or combination of materials attached to each axle. The term "skateboard" includes motorized skateboards propelled by a motor mounted on the skateboard or controlled by another electrical device, such as a mobile phone or any type of remote-control device.

Skateboarding means lying, sitting, squatting, kneeling, or standing upon a skateboard and propelling oneself by any means which causes the skateboard to move, including but not limited to jumping on a skateboard, being pulled or pushed while situated on a skateboard, pushing the ground or other surface with one foot while keeping one's other foot on the skateboard, riding a skateboard from one elevation to a lower elevation, or operation of a motor mounted on/or internal motor or electric motor in a skateboard.

~~(a)~~(b) It shall be unlawful for any person to operate any motor vehicle on any of the streets, avenues, or thoroughfares of the city at a greater rate of speed than twenty-five (25) miles per hour.

~~(b)~~(c) The operation of ~~motorized scooters,~~ a mobility device (such as scooters, hoverboards (with or without a seat), or skateboards) or any other mobility device, micromobility device, not previously addressed, with or without a visible motor or with an electric motor in the city is prohibited, except on private property. ~~Motorized scooters shall be defined as any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.~~

(d) The riding and operating of recreational devices is permissible upon all multi-use and/or shared use paths a bicycle may legally travel, located on or within City of Key Colony Beach limits, with restrictions as follows:

(i) Recreational devices shall be restricted to a maximum speed of 10 miles per hour when operating on a public multi-use and/or shared path.

(ii) A person operating a recreational device upon and along a sidewalk, sidewalk area, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a bicyclist under the same circumstances, and shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Notwithstanding the above provision, an individual utilizing a recreational device or other micromobility devices pursuant to the Americans with Disabilities Act (ADA) may operate those devices on any city street, multi-use/shared-use path or sidewalk, regardless of designation.

(e) Violations of 17-1 (b) and/or (c) shall be penalized, subject to prosecution and fines under civil citation procedures as provided in section 1-10. Each violation will be \$25.00 per occurrence.

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#### **Section 4: Severability and Conflict**

If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

#### **Section 5: Inclusion in the Code of Ordinances**

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

#### **Section 6: Effective Date**

This Ordinance shall become effective upon its final adoption by the City of Key Colony Beach Commission.

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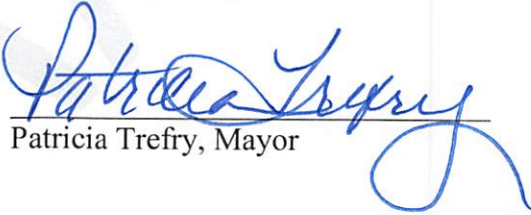
**FIRST READING** by the City of Key Colony Beach City Commission this 16<sup>th</sup> day of March 2023.

Mayor Patricia Trefry	NO _____ YES <u>X</u> _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u>X</u> _____
Commissioner Freddie Foster	NO _____ YES <u>X</u> _____
Commissioner Tom Harding	NO _____ YES <u>X</u> _____
Commissioner Joey Raspe	NO _____ YES <u>X</u> _____

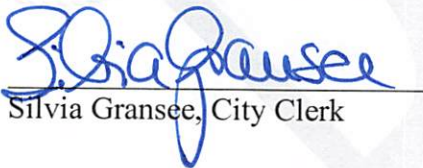
**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City Commission on this 20<sup>th</sup> day of April 2023.

Mayor Patricia Trefry	NO _____ YES <u>X</u> _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u>X</u> _____
Commissioner Freddie Foster	NO _____ YES <u>X</u> _____
Commissioner Tom Harding	NO _____ YES <u>X</u> _____
Commissioner Joey Raspe	NO _____ YES <u>X</u> _____

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA,** this 20<sup>th</sup> day of April 2023.




Patricia Trefry, Mayor



Silvia Gransee, City Clerk

*Approved as to form and legal sufficiency:*



Dirk M. Smits, Esq. B.C.S., City Attorney