

ORDINANCE NO. 720

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING DIVISION 1, "GENERALLY," OF ARTICLE II, "PARKING, STOPPING AND STANDING," OF CHAPTER 30, "TRAFFIC AND VEHICLES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-21, "DEFINITIONS," TO INCLUDE A DEFINITION OF MOTORIZED SCOOTER AND AMENDING SECTIONS 30-22, "STOPPING, PARKING AND STANDING IN PROHIBITED SPECIFIED AREAS," SECTION 30-24, "REMOVAL OF VIOLATING VEHICLES," AND SECTION 30-26, "PARKING CITATION PROCEDURE," TO INCLUDE MOTORIZED SCOOTERS WITHIN THE PROHIBITIONS GENERALLY APPLICABLE TO MOTOR VEHICLES AND PROVIDE FOR AN ENFORCEMENT MECHANISM; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, through the adoption of Chapter 2019-109, Laws of Florida, the Florida Legislature amended Section 316.2128, Florida Statutes, to give motorized scooter riders all of the rights and duties applicable to bicycle riders and to eliminate all insurance, registration and license requirements; and

WHEREAS, Section 316.2128, Florida Statutes, further allows a local government to regulate the operation of motorized scooters on the streets and sidewalks within its jurisdiction; and

WHEREAS, Article II of Chapter 30 of the Town Code of Ordinances regulates the stopping, parking and standing of motor vehicles within the Town; and

WHEREAS, the Town Council wishes to regulate the stopping, parking or standing of motorized scooters in the same manner as motor vehicles to prevent their proliferation throughout the Town; and

WHEREAS, the Town Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Town of Juno Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH as follows:

Section 1. The foregoing recitals are hereby ratified as true and correct and incorporated herein.

Section 2. The Town Council hereby amends Division 1, "Generally," of Article II, "Parking, Stopping and Standing," of Chapter 30, "Traffic and Vehicles," of the Town Code of Ordinances to read as follows (additional language underlined and deleted language ~~stricken through~~):

ARTICLE II. PARKING, STOPPING AND STANDING

DIVISION 1. GENERALLY

Sec. 30-21. Definitions.

When used in this article, the following terms shall the meanings ascribed to them herein:

* * *

Motorized scooter means any vehicle that is powered by a motor with or without a seat or saddle for the use of the rider, specifically including a motorized bicycle, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.

* * *

Sec. 30-22. Stopping, parking and standing prohibited in specified areas.

(a) No person shall stop, park or leave standing a motor vehicle or motorized scooter in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street so as to impede travel on the roadway ("double parking");
- (2) On a sidewalk, or in such a manner that any part of such vehicle is protruding over a sidewalk;
- (3) Within an intersection or crosswalk;
- (4) Upon any bridge;
- (5) On a bicycle path or exclusive bicycle lane;
- (6) Within a marked fire lane;
- (7) Within any area where a traffic control device prohibits standing, stopping or parking;
- (8) On a roadway when it is reasonably practical to stop, park or leave the vehicle off the roadway; and

- (9) In any portion of a parking space specifically designated and marked for the disabled, in accordance with division 2 below.

* * *

Sec. 30-24. Removal of violating vehicles.

Whenever any police officer of the town shall find a motor vehicle or motorized scooter standing upon a street, highway, sidewalk or bicycle path in violation of this article, such police officer is authorized to remove such vehicle or scooter to a position off the paved or main traveled part of such highway, street, sidewalk or bicycle path. If such vehicle or scooter is unattended and constitutes an obstruction to traffic or a hazard to public safety, such police officer is authorized to provide for the removal of such vehicle or scooter, with the cost of such removal and the storage charges to be a lien against such motor vehicle or otherwise charged to the owner.

* * *

Sec. 30-26. Parking citation procedure.

- (a) Any violators of the restrictions set forth in this article which relate to the stopping, standing, or parking of a motor vehicle or motorized scooter may be notified of said violation by the attachment of a citation to said vehicle or scooter.
- (b) Payment of the parking fine may be made at town center, within the time frame specified on the citation.
- (c) If the violator does not pay the citation within the specified time frame, the town shall assess a delinquent fee
- (d) Persons wishing to challenge the issuance of a parking citation may request a hearing before the town's code enforcement special magistrate. A request for a hearing constitutes a waiver of the right to pay the amount of the civil penalty indicated on the citation and subjects the person to whom a citation is issued to a fine of up to up \$100.00 plus administrative costs incurred by the town (except for fines for disabled parking violations which shall not exceed \$250.00 plus administrative costs incurred by the town).
- (e) If the specified fine, delinquent fee, and/or administrative costs are not paid by the time set forth for payment, the

entire amount may be referred for collection to a collection agency designated by the town council.

Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the Town of Juno Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall become effective immediately upon adoption.

FIRST READING this 11th day of December, 2019.

SECOND, FINAL READING AND ADOPTION this 22nd day of January, 2020.

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JASON HASELKORN, MAYOR

JIM LYONS, VICE MAYOR

FRANK FAHY, VICE MAYOR PRO TEM

STUART KATZ, MD, COUNCILMEMBER

PEGGY WHEELER, COUNCILMEMBER

ATTEST:

CAITLIN COPELAND, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

LEONARD G. RUBIN
TOWN ATTORNEY