

ORDINANCE NO. 1315

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING SECTION 22-100 OF ARTICLE VI OF CHAPTER 22 OF THE CODE OF ORDINANCES RELATING TO MOTORCYCLE RENTALS; REPEALING THE REQUIREMENT THAT FLAGS BE AFFIXED TO SCOOTERS ON AND AFTER SEPTEMBER 1, 2014; CLARIFYING THE REQUIREMENT OF VESTS TO BE LIMITED TO CITY STREETS; PROVIDING FOR RECIPROCAL ENFORCEMENT OF ANY SIMILAR LAW ENACTED BY BAY COUNTY, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH

WHEREAS, Ordinance 1310 adopted May 8, 2014, required persons operating a rented scooter, as there defined, on the public streets "of the city" to wear a fluorescent vest; and

WHEREAS, the city desires to clarify that the requirement of a vest shall apply to persons operating upon the streets and highways within the city a scooter rented within the city, or rented within the county should the county adopt a similar requirement.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 22-100 of ARTICLE VI of Chapter 22 of the Panama City Beach Code of Ordinances is amended to read as follows (deleted text ~~stricken~~, new text underlined):

ARTICLE VI. VEHICLE RENTALS

Sec. 22-100. Prohibited acts.

(a) It shall be unlawful for any person to rent, lease or hire within the City a motorcycle, motor scooter or any other two- or three-wheeled, self-propelled vehicle, or solicit the same within the City, unless each of the following is requirements is met:

(1) There is promptly available for delivery with each such vehicle available for rental if requested by the customer, protective headgear and eye-protective devices of a type approved by the Department of Highway Safety and Motor Vehicles, and there is present

on the same premises a vest described in this section for each scooter available for rental.

(2) Protective headgear and an eye-protective device approved by the Department of Highway Safety and Motor Vehicles are furnished without charge if requested by the customer.

(3) Reserved.

(4) For each motor scooter rented all occupants are outfitted with a florescent green highway safety vest meeting at a minimum Class 2 ANSI 107-2010 or equivalent revised standards, upon the back of which the word "RENTAL" is applied in black, block letters four inches (4") high, and the occupants are not allowed to leave the rental business on the vehicle unless wearing the vest in a normal fashion.

(5) All persons who will operate the vehicle hold and have in their possession a valid driver's license authorizing operation of the vehicle upon the public streets of Florida and the name and address of all operators and the number and state of issuance of all licenses shall be made a part of the contract pursuant to which possession of the vehicle is transferred.

(6) Reserved.

(7) All operators listed on the rental agreement for each motor scooter shall be required to read, print their name, sign and date a brochure in form and substance approved by the Chief of Police outlining the laws applicable to the operation of motorcycles in Florida (a "Safety Brochure"). The Safety Brochure shall also explain (i) that that the City understands that the rental about to commence is more of an

amusement ride than transportation, (ii) that flags and vests are required to maximize the visibility of the amusement vehicles for the occupants' safety and the protection of property, and (iii) that the police are particularly sensitive to reckless and unlawful operation of the amusement vehicles because they have seen frequent injuries and damages caused by them. A subsequent rental on a following day shall require a new Safety Brochure.

(8) There is prominently affixed to such vehicle a current registration decal supplied by the City.

(9) ~~**Reserved.** For each motor scooter rented on or after September 1, 2014, there is prominently affixed to the rear fender or portion behind the saddle of each such motor scooter a flexible, fiberglass, vertical rod not less than thirty inches (30") long at the top of which is displayed a triangular flag approximately fifty (50) square inches in size and in a color or pattern determined by the Chief of Police or his or her designee.~~

(10) The entity owning and renting a motorcycle or motor scooter shall have provided and have in effect a policy of insurance through an insurance company licensed to do business in Florida insuring the owner and operator of such rented scooter against loss

from liability for bodily injury, death, and property damage arising out of the ownership, maintenance or use of the vehicle in not less than the limits described below and conforming to the requirements of FS 324.151 (2013) subject to the usual policy exclusions that have been approved in policy forms by the Florida Office of Insurance Regulation:

In the amount of \$10,000 because of bodily injury to, or death of, one person in any one crash; and

Subject to such limits for one person, in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one crash; and

In the amount of \$10,000 because of injury to, or destruction of, property of others in any one crash.

(11) There is conspicuously posted at all entrances to such business premises and above wherever rental forms are signed, on a sign in size and form (including font) approved by the Chief of Police displaying the schedule of maximum deposits allowed and including substantially the following notices:

CITY ORDINANCE REQUIRES DELIVERY OF A WRITTEN ITEMIZATION OF PARTS AND LABOR CHARGED AGAINST A SECURITY DEPOSIT AND A CLEAR PHOTOGRAPH OF ANY DAMAGE CLAIMED.

CITY ORDINANCE PROHIBITS YOUR DEPOSIT BEING USED FOR ANOTHER PERSON UNLESS YOU CONSENT BY SEPARATE WRITTEN INSTRUMENT.

IN ORDER TO RENT A MOTORCYCLE, YOU MUST HOLD A VALID DRIVER'S LICENSE WHICH WOULD PERMIT YOU TO OPERATE A MOTORCYCLE IN YOUR HOME STATE.

IT IS ILLEGAL FOR ANYONE NOT LISTED AS AN OPERATOR ON THE RENTAL AGREEMENT TO OPERATE THE MOTORCYCLE OR SCOOTER.

TO RENT A MOTOR SCOOTER YOU MUST READ, SIGN AND HAVE IN YOUR POSSESSION WHILE DRIVING IN THE CITY A "SAFETY BROCHURE" AND WEAR A VEST WHICH THIS BUSINESS WILL GIVE TO YOU.

OPERATING A MOTOR SCOOTER WITHOUT THE BROCHURE OR WITHOUT WEARING THE VEST ON CITY STREETS, OR VIOLATING ANY FLORIDA TRAFFIC LAWS, WILL SUBJECT YOU TO A CIVIL PENALTY OF BETWEEN \$100 AND \$500 DOLLARS, OR MORE.

Said notice shall have a white background with black Roman lettering in substantially the form on file and available for inspection in the office of the City Clerk.

(b) It shall be unlawful for any person to rent, lease or hire within the City a motorcycle, motor scooter or any other two- or three-wheeled, self-propelled vehicle, or solicit the same

within the City, to a person who is under the influence of alcoholic beverages or any controlled substance. A person is under the influence of alcoholic beverages or any controlled substance when affected to the extent that the person's normal faculties are impaired.

(c) It shall be unlawful for any person to operate on the public streets of the city a motor scooter which is rented, leased or hired within the City (or within the County, as described and provided below), unless each of the following requirements is met:

~~(1) After September 1, 2014, there is prominently affixed to the rear fender or portion behind the saddle of the vehicle a flexible, fiberglass, vertical rod not less than thirty inches (30") long at the top of which is displayed a triangular flag approximately seventy (70) square inches in size and in a color or pattern assigned to the rental business by the Chief of Police or his or her designee.~~

~~(2) Occupants of the vehicle are outfitted with a florescent green highway safety vest upon the back of which the word "RENTAL" is applied in black, block letters four inches (4") high.~~

~~(1) (3) The person operating the vehicle is listed as an operator in the rental agreement under which the vehicle is being operated and a copy of that rental agreement is secured in the vehicle or in the possession of the operator; and~~

~~(2) (4) The operator of the vehicle has in his or her possession a Safety Brochure dated and signed by him or her that same day.~~

~~(5) The vehicle bears a current inspection sticker issued and affixed by the police department pursuant to this Article.~~

(de) It shall be unlawful for any person to operate on any street or highway under the City's jurisdiction a motor scooter which is rented, leased or hired within the City (or within the County, as described and provided below), unless all occupants of the vehicle are outfitted with a florescent green highway safety vest upon the back of which the word "RENTAL" is applied in black, block letters four inches (4") high.

(ed) It shall be unlawful for any person to operate on the public streets of the city a motor scooter which is rented, leased or hired within the City if there is on or in the vehicle an alcoholic beverage in a container not sealed with the manufacturer's original seal.

(fe) The City consents to the applicability within its boundaries, and may enforce against persons who rent, lease, or hire, motor scooters within the unincorporated area of Bay County bounded by Phillips Inlet, the Intracoastal Waterway and St. Andrews Bay, any requirements imposed by Bay County upon such persons to the extent consistent with this ordinance or any interlocal agreement entered between the City and Bay County.

(g) As used in this Article, the term motor scooter, or scooter, shall mean a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed

greater than 30 miles per hour on level ground, and shall include a moped as defined in FS 316.03 (77) (2013), and any other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2013)).

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 28th day of August, 2014.

CITY OF PANAMA CITY BEACH

ATTEST:



HOLLY J. WHITE, CITY CLERK

By 
GAYLE F. OBERST, MAYOR

POSTED AT:

www.pcbgov.com

Dated August 29, 2014