

ORDINANCE NO. 1351 - "L"
(Limit immediately)

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATING TO RENTED TWO WHEELED MOTOR SCOOTERS AND THREE OR FOUR WHEELED MOTOR SCOOTERS ("SCOOT COUPES"), COLLECTIVELY "SCOOTERS"; LIMITING THE NUMBER OF SCOOTERS WHICH MAY BE RENTED AT ANY LOCATION WITHIN THE CITY; PROHIBITING THE OVERNIGHT RENTAL AND OPERATION AFTER DARK OF SCOOTERS DURING COLLEGE SPRING BREAK; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AMENDING THE CITY'S LAND DEVELOPMENT CODE TO DEFINE AND PROHIBIT THE LOCATION AND OPERATION OF SCOOTER RENTAL BUSINESSES IN THE CITY AND CONDITIONING THE GRANDFATHERING OF EXISTING SCOOTER RENTAL BUSINESSES UPON CERTAIN LIMITATIONS UPON THE MAXIMUM NUMBER OF SCOOTERS AVAILABLE TO RENT AT EACH LOCATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach is a tourist destination frequented by tens of thousands at a time; and

WHEREAS, while drawn to town by the beach, visitors look for other forms of amusement off the beach as well; and

WHEREAS, the rental of scooters has proven itself to be a popular form of amusement, as demonstrated by the increasing number of scooters registered with the City each year; and

WHEREAS, since 1993 the City has required rented scooters to be registered to regulate a variety of issues created by the industry; and

WHEREAS, in 2007 there were less than 700 rental scooters registered with the City, in 2009 there were between 1,500 and 1,600 rental scooters registered, in 2014 there were 1600 rental scooters registered, and in 2015 there are now approximately 1600 scooters registered and 1500 operating; and

WHEREAS, the City is only 8 miles long and 1 mile wide, and the streets have become dangerously congested with rented scooters; and

WHEREAS, given the youth and immaturity of the average rented scooter operator,

and the fact that scooters are rented for amusement purposes, many of these vehicles are operated in a manner and in places that are dangerous and frequently inconsistent with the City ordinances or the state's traffic laws; and

WHEREAS, the operation of these rented scooters in a manner inconsistent with state and local laws has increased with the number of rented scooters operating as amusements within the city; and

WHEREAS, the recitals contained in Ordinance No.1337, adopted January 8, 2015, finding it necessary to require the operators of rented scooters to read and carry a safety brochure and wear vests in order to promote self-awareness and overcome the recreational aspect of operation are incorporated here as if set forth in full to support this ordinance and the reduction of such rentals in such large numbers as now occurs; and

WHEREAS, the City has attempted to help the operators of rented scooters become more mindful of their surroundings and more responsible in the operation of those scooters through a brochure and vest requirement; and

WHEREAS, by the admission of the scooter business owners, the rental businesses cannot control what their renters do once they leave the business property; and

WHEREAS, the Council finds that the use of vests and brochures has increased the responsibility of the rented scooter operators in the City, but that the sheer number of scooters being rented and operated continues to support an unacceptable level of irresponsible operation that will continue unless the number of rented scooters is decreased; and

WHEREAS, on April 23, 2015, the Council preliminarily determined that the rental of scooters should be phased out in the City altogether over a three year period, in order that the businesses who rent scooters could achieve their investment expectations in the current inventory of scooters and also plan and prepare alternative business models and imposed a moratorium that has been respected without challenge; and

WHEREAS, the Council has found it desirable and necessary to begin reducing the number of rental scooters available in the City and has considered the alternatives of either reducing the number of scooters that a business may register each year by a percentage of the number registered the prior year, or by allowing the existing inventory to decrease by attrition; and

WHEREAS, reducing the number of rental scooters available in the City by a percentage each year, commencing immediately, has the advantage of providing immediate and certain relief from the excessive numbers; and

WHEREAS, every owner and operator of a scooter rental business has advised the

City that the provisions of this ordinance will allow them to recoup their respective investment and expectations for their current inventory of scooters with the understanding that as of September 5, 2017, the maximum number of scooters which may be made available for rental at any existing location will be sixty (60);

WHEREAS, the Council finds that the operation of rented scooters is particularly dangerous at night during spring break because of the congestion and proclivities of the students and the extraordinary demands placed upon law enforcement prevent adequate policing of scooter operation at night, in addition to the typical fact that visitors who rent scooters and are unfamiliar with the area, and often are not skilled scooter drivers so that they become more easily confused and distracted in nighttime traffic with reduced visibility and the glare of artificial lights; and

WHEREAS, in addition, the cover of darkness coupled with the nighttime market for illegal substances during spring break and the ability of a limited number of skilled scooter drivers to nimbly maneuver scooters in traffic to evade law enforcement, combined, create an environment that is contrary to the City's goal of being a safe, drug-free and family-oriented tourist destination; and

WHEREAS, in light of these findings, the Council determines that the rental of scooters at night during spring break should be prohibited in order to protect the health, safety and welfare of all citizens and visitors in the City after dark; and

WHEREAS, the Council finds that the operation of three or four wheeled scooters (semi-enclosed "scoot coupes") gives undue confidence and an unwarranted sense of security to many of the inexperienced drivers who rent them, such that the scoot coupes have been observed often on the connectors and high traffic corridors of the city which are not a safe venue for operation of such a vehicle by a vacationer unfamiliar with the city and intent on recreation and enjoying the ride; and

WHEREAS, the Council finds that the rented scout coupes are operated in the same reckless disregard of traffic rules as two wheeled scooters, including riding on the shoulder of the road, on sidewalks, and passing each other in "hop-scotch" fashion; and

WHEREAS, the Council also finds that the rented scoot coupes are also especially dangerous when operated by vacationers because they sit low to the ground and do not provide for a distracted or unfocused and unfamiliar operator an adequate perspective on routes of travel and other vehicles, as a result of which the Council finds that the operators of these scoot coupes frequently find that they have taken a wrong turn and are unsure how and where to get back on track; and

WHEREAS, the Council finds that the operation of scoot coupes should be phased out at the same time and over the same period as the two wheeled scooters, because their operation is so similar to the rented scooters and in fact are manufactured using the same

or similar chassis, and because their impractical operation by young drivers and vacationers unfamiliar with the City presents similar challenges that would only be enhanced if the number of such vehicles on the road were to increase; and

WHEREAS, the Council finds that the operation of 4-wheeled, low speed street vehicles is consistent with the laid-back atmosphere of the City's beach community, and has observed that the operation of low speed street vehicles on City streets is not inconsistent with state and local traffic laws, particularly because the 4-wheeled, low speed street vehicles cannot weave and maneuver through traffic and off the pavement the way the scooters and scoot coupes can and do; and

WHEREAS, the Council finds a majority of the businesses currently renting scooters and scoot coupes also make available for rent 4-wheeled, low speed street vehicles, such that a prohibition on the rental of scooters and scoot coupes would not be devastating over a three year period during which the businesses could reduce the inventory of the two and three and four wheeled scooters while building up the inventory of 4-wheeled, low speed street vehicles; and

WHEREAS, the Council acknowledges that the cost to purchase and maintain a 4-wheeled, low speed street vehicle is greater than the cost to purchase and maintain a scooter or scoot coupe, but the Council also finds the life span of a 4-wheeled, low speed street vehicle is greater than a scooter or scoot coupe and therefor can offset the higher cost; and

WHEREAS, despite the popularity of the amusement, the Council finds that a reduction in the volume of the number of rented scooters and scoot coupes, coupled with the prohibition of their use after dark during spring break, are the most reasonable measures left available to the Council to protect the health, safety and welfare of the community and the reputation of the City as a safe and comfortable tourist destination; and

WHEREAS, all of the 12 scooter business locations within the City are located on Front Beach Road, the City's primary tourist and scenic corridor, and 9 of those locations are non-conforming uses; and

WHEREAS, the Council finds that a majority of the businesses currently engaged in the rental of scooters and scoot coupes are non-conforming uses because they do not have available an on-site or adjacent training area controlled by them in order to train interested renters on the proper operation of scooters and scoot coupes; and

WHEREAS, the Council finds that this lack of training area directly contributes to the cavalier and careless operation of rented scooters and scoot coupes; and

WHEREAS, the prohibition of rental scooters and scoot coupes does not eliminate any mode of transportation because the operation of owner operated scooters and scoot

coupes (not rented in the city for short periods of time essentially as an amusement) are not affected; and

WHEREAS, Council finds that a three season, phased-down reduction in the number of scooter rentals at each location to a maximum of sixty (60) units, beginning in April of 2015 and ending in September of 2017, will allow a grace period during which persons who currently rent motor scooters may continue to do so, and if they choose, to transition their rental inventory toward bicycles, motorcycles or 4-wheeled, low speed street vehicles; and

WHEREAS, City possesses home rule powers to legislate on any matter not inconsistent with general law or special law, and is specifically authorized to create and implement plan of zoning uses, and to amend the list of uses that are permitted or prohibited; and

WHEREAS, recognizing that scooter rental businesses have a greater potential detriment than other uses, the City has long designated motor scooter rental businesses as a conditional use, and now finds that the extent of the present use has an adverse effect on existing traffic patterns and materially increases congestion in the public streets, which will only be exacerbated if the use is not decreased over time; and

WHEREAS, given the number of scooter business locations which are also non-conforming uses, the Council finds that permitting the expansion of these businesses and their motor scooter inventory fails to serve the useful purpose of reducing the burden these non-conforming properties impose on the policies and priorities of the City's Land Development Code; and

WHEREAS, the City is authorized to establish and amend the actual list of permitted or prohibited uses within a zoning category, and finds it necessary and appropriate to prohibit scooter rentals.

WHEREAS, City Manager is authorized to prohibit or regulate the use of heavily travelled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic pursuant to Section 19-50(a)(13) of the City's Code of Ordinances and Section 316,008(1)(h), Florida Statutes (2015), which action is subject to review by the City Council.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. The forgoing recitals are correct and express the legislative intent of the people of the City of Panama City Beach. In summation, the City Council finds that the

number of rented scooters in the City is creating a nuisance and must be reduced, that initially successful attempts to diminish the irresponsible operation of rented scooters have been overcome by the sheer volume of rented scooters operated in the City, that by the rental companies' own admissions they cannot control what the operators of rented scooters do despite required training or the offering of safety gear intended to improve rider safety and the requirement of vests and brochures to increase operator self-consciousness, and therefore intends to immediately begin to reduce by percentages the number of rented scooters (including three and four wheeled scooters sometimes referred to as "scoot coupes") and limit such rentals to a maximum of sixty (60) units per location after September 5, 2017. Further, the Council finds that by reducing the number of scooters rented, not only will the City be better able to police the rental drivers but also the economics of having fewer units available for rent should have a positive effect upon the responsibility of the operators to whom the remaining units are rented. Nonetheless, the Council finds and have advised the scooter rental operators that if safety and responsible driving habits do not substantially improve, more restrictive measures shall be required including the potential of prohibiting the rental of scooters within the City.

SECTION 2. From and after the effective date of this ordinance, Articles I and VI, of Chapter 22 of the Code of Ordinances of the City of Panama City Beach, related to Vehicle Rentals is amended to read as follows (omitted text ~~stricken~~; new text underlined):

Chapter 22 TRAFFIC AND MOTOR VEHICLES

ARTICLE I. - IN GENERAL

Sec. 22-05. - Definitions.

Definitions. The following words, terms or phrases, when used in this Chapter 22, shall have the meanings respectively ascribed to them:

• • •

Low speed street vehicle shall mean any four-wheeled vehicle whose top speed is no greater than 25 miles per hour, but shall not include golf carts or motor scooters.

• • •

Motor scooter or scooter shall mean a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motorcycle at a speed greater than thirty (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)).

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ARTICLE VI. VEHICLE RENTALS

Sec. 22-100. Prohibited acts.

Sec. 22-101. ~~Reserved.~~ **Overnight rentals and operation of rented motor scooters at night prohibited during college spring break.**

Sec. 22-102. Itemization of damage claims.

Sec. 22-103. Threat of arrest.

Sec. 22-104. Limitations on deposits; cross-collateralization prohibited; exceptions.

Sec. 22-105. Registration and inspection.

Sec. 22-105.5. Enforcement and penalties.

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 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) **For each motor scooter rented, there is affixed to it one of the number of unique medallions issued by the City for that location as required by the City's Land Development Code as a condition of the continuation of the rental of scooters as a non-conforming use.** ~~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 **on the outside of all clothing or apparel.**

(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 the City understands that the rental about to commence is more of an amusement ride than transportation, (ii) that 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.

(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 ten thousand dollars (\$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 twenty thousand dollars (\$20,000) because of bodily injury to, or death of, two or more persons in any one crash; and

In the amount of ten thousand dollars (\$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, 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:

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

(d) 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 **wearing on the outside of all clothing or apparel** ~~equipped~~

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.

(e) 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.

(f) 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 article 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 fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motorcycle at a speed greater than thirty (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)).~~

Sec. 22-101. Reserved. Overnight rentals and operation of rented motor scooters at night prohibited during college spring break.

As used here, college spring break means the period commencing March 1 at 12:01 AM and ending March 31 at 11:59 PM each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized here.

(1) No person who makes a scooter available for rent shall make a scooter available for rent overnight, or rent a scooter overnight or between sunset and sunrise each day, during college spring break.

(2) Any rented scooter operated on the road at night (between one half hour after sunset and one-half hour before sunrise as estimated by the times listed in any local publication or government website) during college spring break shall be confiscated and impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the city with private parties for those services.

Sec. 22-102. Itemization of damage claims.

No person or business renting, leasing or hiring within the City a motorcycle, motor scooter, moped or any other two- or three-wheeled, self-propelled vehicle, shall make any charge for damage to such vehicle without first delivering to the customer a written, itemized statement of such charge, separately stating each replacement part and its cost, all labor costs, and any other charge made, and one (1) or more color photographs clearly depicting the damaged parts. No additional charge may be made for such statement and photographs.

Sec. 22-103. Threat of arrest.

No person or business renting, leasing or hiring within the City a motorcycle, motor scooter, moped or any other two- or three-wheeled, self-propelled vehicle, shall threaten a customer with arrest or criminal prosecution for refusal to pay a damage claim or any other charge.

Sec. 22-104. Limitations on deposits; cross-collateralization prohibited; exceptions.

(a) No person or business renting, leasing or hiring within the City (hereafter in this section "renting" or "rental") a self-propelled vehicle intended to be operated upon a public street shall accept anything of value as security or collateral for the full performance of the rental agreement therefor (hereafter in this section a "deposit"), other than (i) cash, or (ii) a credit card invoice upon which a maximum amount is clearly written, and in either case not exceeding the amount per vehicle set forth in subsection (d). The fee paid by a

customer as consideration for the rental is not a deposit.

(b) Any value transferred to a person or business renting a vehicle within the City in connection with such rental shall be conclusively deemed to be a deposit within the meaning of the forgoing prohibition whenever the circumstances of the rental provide or reasonably infer that such value will be returned to the customer if the customer fully performs the customer's obligations under the rental agreement, including the obligation to pay the cost to repair any damage or loss sustained by the vehicle during the rental period. Nothing herein shall prohibit such person or business from collecting a non-refundable, voluntary fee to limit a customer's liability in the event of damage or loss to the rented vehicle, such a fee not being a deposit; however, any value held to secure satisfaction of the customer's liability so limited is a deposit within the meaning of the forgoing prohibition.

(c) No person or business renting within the City a self-propelled vehicle intended to be operated upon a public street shall permit or require the cash or credit card deposit given by one (1) or more persons, individually or jointly, with respect to one or more vehicles to be applied in excess of the amount per vehicle set forth in subsection (d).

(d) Maximum deposits permitted:

Vehicle Type	Deposit Cap
Motor Scooter Moped -(2 or 3 <u>or 4</u> wheel, less than 50cc)	\$150
Electric Car or Dune Buggy (3 or 4 wheel)	\$300
Motorcycle (50cc or greater)	\$500
All other vehicles	\$500

Sec. 22-105. Registration and inspection.

(a) Each motorcycle, motor scooter, moped or any other two- or three-wheeled, self-propelled vehicle, or low-speed vehicle rented, leased or hired within the City shall be inspected and registered annually with the Chief of Police at the offices of the Police Department at such times as shall be specified by the Chief. The annual application for registration of each vehicle shall include:

(1) The name, residence and mailing address of the owner, and

(2) The name, location and mailing address of the rental, etc. business, and

(3) A description of each type of vehicle to be rented by the business, including make, model and manufacturer, engine displacement, maximum brake horsepower, maximum seat height from ground, and whether equipped with pedals to permit propulsion by human power, and

(4) The approximate number of vehicles of each type to be rented by the business, subject to a continuing obligation to promptly advise the Chief of Police of any material change in such number, and

(5) A description of each type of protective headgear and eye protective device to be used, including manufacturer, make model and serial number, if any, and the approximate number of each type, and

(6) Evidence satisfactory to the City of the trust deposit or bond required by law.

(b) Each application shall be accompanied by a registration fee in the amount of fifty dollars (\$50), plus one dollar (\$1) for each decal furnished, to defray the cost of enforcing the regulations contained in this Article.

(c) Each registration shall expire on December 31 next following issuance, regardless of the date of issuance.

(d) Each vehicle to be rented pursuant to this Article shall be inspected by the Chief of Police or his designee to confirm that the throttle, brakes, lights, blinkers and horn are in apparent working order, that the vehicle has a current tag and does not appear to leak fuel.

(e) If all conditions in the application and inspection are met, the Chief of Police or his designee shall supply and place upon each vehicle to be rented a decal, in form and content specified by the Chief of Police or his designee, to identify the vehicle as a rental vehicle associated with the business renting the vehicle.

Sec. 22-105.5. Enforcement and penalties.

(a) The City finds that a violation of any section of this Article, except Section 22-105, presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.

(b) Each violation of this Article shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

First violation of this Article: \$100.

Second violation of this Article: \$200.

Third and all subsequent violations of this Article: \$500.

Unless otherwise specified, a person who does not contest the civil citation for violation of this Article shall be subject to a civil penalty in the following amount:

First violation of this Article: \$50.

Second violation of this Article: \$100.

Third and all subsequent violations of this Article: \$250.

The penalty for uncontested civil citations may be paid directly to the City Clerk.

(c) This Article may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.

(d) The penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Panama City Beach Code of Ordinances, or state law.

(e) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

SECTION 3. From and after the effective date of this Ordinance, the following sections of the City's Land Development Code are amended as follows (omitted text ~~stricken~~; new text **underlined**) in order to define motor scooters and to immediately prohibit the location and operation of new scooter rental businesses within the city. Bold text not underlined is existing, current law.

Table of Contents

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5.06.12 ~~Moped, Motorcycle and Motor Scooter~~ Rentals and Deliveries

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1.07.02 Definitions

As used in the *LDC*, the following terms shall have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

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Motor Scooter or Scooter- a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motorcycle at a speed greater than thirty (30) miles per hour on level ground, and shall include a moped as defined in FS 316.03(77)(2015), 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 (2015)).

Motor Scooter Rental or Scooter Rental- the rental or hire of a Motor Scooter for any valuable consideration.

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Table 2.03.02: Land Uses in Base Zoning Districts

Land Uses

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~~Moped, Motorcycle and Motor Scooter-Rentals~~

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2.03.00 LAND USES ALLOWED IN ZONING DISTRICTS

2.03.01 Generally

A. Table 2.03.02 describes the *Land Uses* that are permissible, prohibited or permissible subject to *Conditional Use* standards and procedures or permissible when complying with supplemental standards in addition to the standards for the zoning district. Issuance of *Local Development Orders* or *Building Permits* for any specific *Land Use* requires compliance with the *Use* standards referenced in Table 2.03.02, as well as with site design standards, wetlands and other environmental standards, conditional standards when applicable and supplemental standards when applicable. Additional use prohibitions are established in the Front Beach Overlay districts (see Section 7.02.03D) and may be established pursuant to discretionary *Development Permit* approvals.

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D. The following *Land Uses* are prohibited in every zoning district:

1. ~~Junk Yards and Salvage Yards; and;~~
2. Landfills other than land clearing debris and construction debris landfills, ~~and;~~
3. Motor Scooter Rentals.

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Table 4.05.02.A: Parking Space Requirements

Type of Use or activity

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~~Moped,~~ Motorcycle, ~~motor scooter~~ and paddle boat rentals

...

Table 4.05.03.B: Maximum Distance from Principal Uses to Parking Lots serving the Use1 Use Maximum Distance

Use

...

~~Moped-~~ Motorcycle Operations

...

5.06.00 CONDITIONAL USES

...

5.06.12 ~~Moped, Motorcycle and Motor Scooter~~ Rentals and Deliveries

~~Moped, motorcycle and motor scooter~~ rentals and delivery may be allowed in the CH zoning district subject to conditional use approval and compliance with the following conditions. These *Uses* are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

A. The *Use* must be located no greater than five hundred (500) feet from Front Beach Road, Thomas Drive or South Thomas Drive.

B. The *Use* must be located no closer than one thousand five hundred (1,500) feet to a *Single Family* zoning district (R-1A, R-1B, R-1C, R-1CT and R-0) or a limited *Multi-family* zoning district (R-TH and R-2).

C. On-site repair and maintenance activities are limited to equipment rented on site.

D. A minimum area of fifty (50) feet in width and eighty (80) feet in length shall be provided for training and practicing. Such area shall not be dedicated or used for any other purpose.

E. As part of the application, the applicant shall submit information and plans in sufficient detail to show the specific number of ~~mopeds, motor scooters, and~~ motorcycles to be associated with the property, as well as the specific location where the ~~mopeds, motor scooters and~~ motorcycles will be displayed, rented and stored on the property. If approved, the applicant shall submit to the Building and Planning Department the identification number of each moped, motor scooter and motorcycle available for rent prior to commencement of business operations. Such total number of ~~mopeds, motor scooters and~~ motorcycles shall not exceed that approved by the Planning Board.

F. The area dedicated to repair and maintenance shall be enclosed with a *Solid Faced* masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

G. One medium or large tree shall be required for every twenty (20) feet of side and rear property boundary. Any medium or large tree required by this section shall not be counted toward any landscaping otherwise required by this Code.

9.02.01 Continuation of Non-conforming Development

A. Subject to section 9.02.02, *Non-conforming Development* may remain in *Use* and in place in its nonconforming state, if such *Development* is otherwise lawful and in existence on the date of enactment or subsequent amendment of this *LDC*. **Notwithstanding the forgoing, Motor Scooter Rental Uses are subject to the limitations upon the number of Scooters at each location set forth in sub-section D of this Section.**

B. Nothing in this chapter shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures. A non-conforming structure may be issued a roofing permit, regardless of the other provisions of this section.

C. Where an existing *Use* is located in conformity with this *LDC* (or similar, preceding law), the subsequent establishment of a neighboring *Use*, which due to distance limitations would make the pre-existing use non-conforming, shall not cause the prior *Use* to be in violation of this *LDC*. Such *Use* shall not become a non-conforming *Use* but shall continue as if a lawful, conforming *Use* except that the *Use* shall be brought into full compliance with the *Use* regulations in this *LDC* upon discontinuance of occupancy and/or *Use* of the *Development* for a period of more than 180 days in any 365 day period.

D. Any location with eighty (80) Scooters or less offered for rental consistently during the summer of 2015 shall be limited to offering a maximum of sixty (60) Scooters. Any other Scooter rental location shall be limited to the following maximum number of rental Scooters:

- **Immediately: Seventy-five percent (75%) of the number of Scooters consistently offered for rent at that location during the summer of 2015.**
- **After September 5, 2016: Fifty percent (50%) of the number of Scooters consistently offered for rent at that location during the summer of 2015.**
- **After September 5, 2017: Sixty (60) Scooters.**

The City shall prepare and issue for each Non-Conforming Use Scooter Rental location a number of medallions unique to that location and each Scooter available for rent at a Non-Conforming Use must have one of those medallions affixed to it. Excess medallions must be returned to the City on or before September 5, 2016, and September 5, 2017. Medallions may be used only at the location for which issued.

SECTION 4. From and after the effective date of this ordinance, no conditional use applications shall be accepted by the City for the operation of a business renting one or more motor scooters.

SECTION 5. ALTERNATE AMUSEMENTS. City Staff are hereby authorized and directed to work with the industry to explore the accommodation of alternate amusements to fill the gap created by the reduction of rented motor scooters.

SECTION 6. REPEAL. All ordinances or parts of ordinances in conflict herewith are

repealed to the extent of such conflict.

SECTION 7. CODIFICATION. 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 of Ordinances and the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 9. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 10. EFFECTIVE DATE. 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 12th day of November, 2015.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 12th day of November, 2015.


MAYOR

Published in the PC News Herald on the 14th day of October, 2015 and

Published in the PC News Herald on the 4th day of November, 2015.

Posted on pcbgov.com on the 16th day of November, 2015.