

RESOLUTION NO. 16-82

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO LOW SPEED VEHICLES MADE AVAILABLE FOR RENTAL IN THE CITY; PROVIDING THAT NO LOW SPEED VEHICLES SHALL BE REGISTERED FOR RENTAL USE IN THE CITY AFTER THE EFFECTIVE DATE OF THIS RESOLUTION UNLESS THE OWNER OF SUCH VEHICLE CAN PRODUCE CLEAR AND CONVINCING EVIDENCE OF OWNER'S PURCHASE OR LEGALLY BINDING AGREEMENT AND PAYMENT FOR PURCHASE OF ANY SUCH LOW SPEED VEHICLE ON OR BEFORE MAY 12, 2016.

WHEREAS, on November 4, 2015, the City adopted Ordinance 1351-L, providing among other things, a limitation on the number of scooters which may be rented at any location within the City, and requiring the inspection and registration of low speed vehicles to be offered for rent in the City; and

WHEREAS, the Council finds that the registration of rented low speed vehicles in the City has increased from a total of 93 in November 2015 to a total of 194 as of May 12, 2016; and

WHEREAS, while the City anticipated that the adoption of Ordinance 1351-L would mean a rise in the rental of low speed vehicles or other vehicles rented in tourist destinations, the volume of these registrations in such a short period of time indicates that the time has come to begin considering the impacts of such use; and

WHEREAS, Ordinance 1351-L authorized staff to work with the industry to explore the accommodation of alternate amusements to fill the gap created by the reduction of rented motor scooters; and

WHEREAS, the City Council finds that rented low speed vehicles are fairly to be considered amusements intended to fill the gap created by the reduction of rented motor scooters, as such low speed vehicles are primarily made available for rent by the same businesses whose ability to rent motor scooters has been limited by Ordinance 1351-L; and

WHEREAS, the City Council finds that the rented low speed vehicles are rented to persons who drive traditional motor vehicles to the City or adjacent unincorporated areas of Bay County, and thereafter rent the low-speed vehicles upon their arrival to town as an amusement to enjoy the sights and sounds of Front Beach Road rather than as a means of transportation around and throughout the community (since their operation in fact is limited to Front Beach Road and adjacent neighborhood roads with a posted speed limit of 35mph or less); and

WHEREAS, the Council finds that it is necessary and appropriate and in the best interests of the City's residents and guests to prohibit further registration of these rented vehicles immediately, and before the summer tourist season begins in earnest; and

WHEREAS, at its May 12, 2016 meeting, the City Council directed staff to prepare amendments for the Council's consideration to the City's land use regulations to address the rental of low speed vehicles in the City before attempts at regulating the rental of low-speed vehicles are overcome by the volume of low speed vehicles being rented and operated in the City, and in connection therewith specifically directed that no additional low speed vehicles shall be eligible for registration and permit by the City; and

WHEREAS, the City acknowledges that owners of existing low speed rental businesses who purchased new inventory of low speed vehicles on or before the Council's May 12, 2016, statement of intent (to immediately prohibit the registration of additional low speed vehicles) should not be denied the benefit of any such investment made by them before the City's May 12, 2016, decision.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Panama City Beach, that a low-speed vehicle may not be registered with the City in accordance with City Code Section 22-105, until the earlier of one of the following:

(1) the Council takes an affirmative action to abandon its May 12, 2016, intent to regulate the number and rental of low speed vehicles on the road; and

(2) the Council in some way effects that or a substituted intent by adoption of an ordinance; or

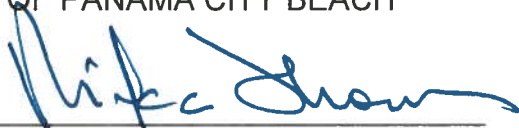
(3) the passage of 120 days from the adoption of this Resolution.

This prohibition shall not apply to a low speed vehicle offered or intended to be offered for rental when the owner of such vehicle provides clear and convincing evidence of having entered a legally binding agreement to purchase the low speed vehicle and paid all or a portion of the purchase price on or before May 12,

2016, and is unable to cancel the agreement and receive a return of the payment made, less a reasonable refund fee.

APPROVED AND ADOPTED, in regular session this 26th day of May, 2016.

CITY OF PANAMA CITY BEACH

By: 
Mike Thomas, Mayor

ATTEST:


Diane Fowler, City Clerk