

ORDINANCE NO. 563

AN ORDINANCE REPEALING ORDINANCE NO. 140 RELATING TO THE PARKING OR OPERATION OF MOTOR VEHICLES, MOTOR SCOOTERS, MOTORCYCLES, MOTOR BIKES, AND OTHER POWER OPERATED VEHICLES WITHIN CERTAIN AREAS OF THE CITY OF MEXICO BEACH, FLORIDA; PROHIBITING THE OPERATION OF SAID VEHICLES IN CERTAIN AREAS; CREATING AN EXCEPTION FOR CERTAIN HANDICAPPED VEHICLES; CLARIFYING DEFINITIONS AND PROHIBITIONS; PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the best interests of the people of the City of Mexico Beach that this ordinance be enacted, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1. DRIVING ON THE BEACH

- A. It shall be unlawful for any person to operate a motor vehicle, except as provided in Section 2 below, in or upon the sand beach areas between the waters of the Gulf of Mexico and the coastal construction control line established by the State Department of Natural Resources.
- B. It shall be unlawful for any owner or person entitled to control of a motor vehicle to knowingly permit the operation of that motor vehicle in violation of this Ordinance.
- C. As used herein, the term "vehicle" shall mean that in or on which a person or thing is or may be carried from one place to another, especially along the ground, but also through the air; any carriage moving on land, either on wheels or runners or a cushion of air; that which is used as an instrument of conveyance on land.

Section 2. EXCEPTIONS

The prohibition contained in Section 1 above, shall not apply to:

- A. A work vehicle operated between sunrise and sunset, provided such work vehicle is operated for the sole purpose of transporting beach boxes, chairs, umbrellas, similar stationary equipment, and water sports vehicles approved by the Chief of Police or his designee, but excluding personal and other motor driven vessels, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico;

- B. A work vehicle operated between sunrise and sunset provided such work vehicle is operated for the sole purpose of servicing, repairing, or replacing broken stationary equipment and water sports vehicles, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; in addition, such a work vehicle otherwise lawfully upon the beach may also during these times, move water sports vehicles to and from storage and other areas, provided such use is entirely within the boundaries of the property on which the business for which the vehicle was at that time providing service, repair, or replacement is lawfully entitled to operate;
- C. Permitted beach cleaning vehicles and equipment;
- D. Wildlife monitoring vehicles operated at public expense;
- E. Ambulances or other life rescue and law enforcement vehicles;
- F. Beach Patrol vehicles operated at public expense;
- G. Work vehicles consisting of a single passenger, all-terrain or light industrial vehicle operated to move water sports vehicles to and from the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; and
- H. A handicapped vehicle operated for the sole purpose of transporting upon the sandy beach a person with an ambulatory disability which materially impairs his or her ability to walk on the sandy beach, provided such vehicle's weight shall not exceed 350 pounds, its length shall not exceed sixty (60) inches, its width shall not exceed thirty four (34) inches, its seating capacity shall not exceed two (2) persons, and its power source shall not enable the vehicle to achieve speeds in excess of three (3) miles per hour on level sand.

Nothing herein shall be construed to permit the operation of any vehicle on the beach in violation of any other applicable law.

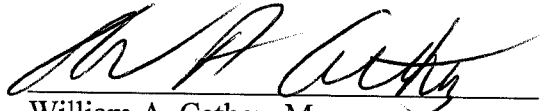
Section 3. All ordinances or parts of ordinances thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Any person found guilty of the violation of this ordinance shall be guilty of a misdemeanor of the second degree punishable as provided in Florida Statute 375.314.

Section 5. This ordinance shall take effect immediately upon passage.


INTRODUCED at the Regular Meeting of the City Council on the 12th day of August, 2008. Adopted at the Regular Meeting of the City Council on the 9th day of September, 2008.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



Deborah McLeod, City Clerk