

ORDINANCE NO. 866

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, ADDING CHAPTER 74 TO THE CODE; ADDING DEFINITIONS; RESTRICTING CERTAIN ACTIVITIES ON SIDEWALKS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Section 1. INDEX AMENDMENT. The Index for Chapter 74 entitled "Electric Bicycles, Mopeds and Scooters" of the Mexico Beach Code of Ordinances is amended as follows:

<u>74.01</u>	<u>DEFINITIONS</u>
<u>74.02</u>	<u>RESTRICTIONS ON OPERATIONS ON SIDEWALKS</u>
<u>74.03</u>	<u>PENALTIES FOR VIOLATIONS</u>

Section 2. TEXT AMENDMENTS. Chapter 74 of the Mexico Beach Code of Ordinances is added as follows:

§ 74.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) Bicycle. Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.

(B) Electric bicycle. A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts.

(C) Moped. Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(D) Pedestrian. Any person afoot.

(E) Person. Any natural person, firm, association, or any other legal entity.

(F) Sidewalk. That portion of a street between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(G) Street or highway.

(1) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(2) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under s. 316.006(2)(b) or (3)(b), Florida Statutes, as may be amended or superseded, the City exercises traffic control jurisdiction over said way or place; or

(3) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park open to the general public.

#### § 74.02 RESTRICTIONS ON OPERATIONS ON SIDEWALKS.

(A) No person shall operate a moped on a public sidewalk or on the beach within the city.

(B) Any person operating any type of vehicle allowed to be operated on public sidewalks or on the beach including but shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and give warning when necessary to avoid startling or colliding with a pedestrian.

(C) No bicycle or any other vehicle allowed to be operated on public sidewalks including but limited to an electric bicycle when using motor assist shall be operated on any public sidewalk at speeds exceeding 15 miles per hour.

#### § 74.03 PENALTIES FOR VIOLATIONS.

Any person violating this chapter is guilty of a misdemeanor of the second degree, with a punishment not to exceed the penalty provisions of state statutes; however, the fine shall be \$50.00 for the first offense and each subsequent or continuing offense shall be \$100.00 each. In addition to and not in lieu of any criminal enforcement, this chapter may be enforced by any code enforcement officer of the city pursuant to the terms of the city's code of ordinances with the first offense being \$50.00 and each subsequent or continuing offense being \$100.00 each.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. If any penalty of this section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

Section 4. Scrivener's Errors. The City Attorney may correct any scrivener's errors found in this Ordinance, without public hearing, by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

Section 5. Ordinance to be Liberally Construed. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 6. Codification. The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. Repeal of Conflicting Codes, Ordinances, and Resolutions. All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Mexico Beach, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Mexico Beach, Florida as of this 14th day of October, 2025.

CITY OF MEXICO BEACH, FLORIDA

By:   
RICHARD WOLFF, Mayor

ATTEST

By:   
TAMMY BRUNSON, City Clerk

\*In this Ordinance, language added to an existing section is printed in underscored type, and language deleted is printed in ~~struck through type~~.