

**CITY OF HOLMES BEACH  
ORDINANCE NO. 21 - 19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA, ESTABLISHING A MORATORIUM ON THE OPERATION OF ANY BUSINESS OFFERING FOR RENT OR USE OF GOLF CARTS AND LOW SPEED VEHICLES UNTIL FEBRUARY 1, 2022; PROVIDING FOR SEVERABILITY, REPEAL OF ALL ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Holmes Beach has taken an active role in regulating the use of and the business of renting micromobility devices and other modes of transportation using City streets and bicycle lanes; and

**WHEREAS**, the City Commission has determined that the regulation of such transportation options is necessitated in Holmes Beach because of the constrained nature of travel lanes and right-of-way and the large number of people and traditional vehicles that converge on Anna Maria Island to enjoy the City's beaches and unique businesses; and

**WHEREAS**, the overcrowded streets, bicycle paths, and sidewalks require the City Commission to impose reasonable regulations on the use and rental of all forms of transportation, including golf carts and other low speed vehicles; and

**WHEREAS**, the City Commission has determined that additional time is needed to study the impact on the community and on businesses that rent or offer the use of golf carts and other low speed vehicles, and the City Commission has had time to determine the scope of regulation that may be needed on rental businesses that offer golf carts and other low speed vehicles; and

**WHEREAS**, the City Commission has decided to impose a five-month moratorium that prohibits new businesses from renting or offering for rent or use of golf carts and other low speed vehicles in the City of Holmes Beach; and

**WHEREAS**, the City Commission intends to offer an opportunity for all interested parties to be heard during the moratorium and will review all relevant evidence in determining whether the regulation of golf cart and low speed vehicle rental businesses is needed and the extent of any needed regulations; and

**WHEREAS**, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), *Florida Statutes*, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

**NOW, THEREFORE,** be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

**SECTION 1. Findings of Fact.** The above "whereas" clauses are adopted herein as findings of fact.

**SECTION 2. Moratorium Imposed.** The City of Holmes Beach hereby establishes a moratorium on the permitting, licensing, or approval of the operation of any business that offers golf carts or other low speed vehicles for rent or use within Holmes Beach. The moratorium shall expire on February 1, 2022, or the effective date of an ordinance that regulates such businesses, whichever occurs first. This Ordinance does not apply to any business located within the City of Holmes Beach that currently offers golf carts and other low speed vehicles for rent on or before July 27, 2021, or has a pending application for the operation of such business. However, any business that offers golf carts or other low speed vehicles before that date may not expand its operation and offer more golf carts or other low speed vehicles for rent or use during the moratorium period. The term "golf cart" and "low speed vehicle" shall have the meaning ascribed to them by the Florida Uniform Traffic Control Law or any other applicable law or ordinance.

**SECTION 3. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 4. Conflicting Ordinances.** Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

**SECTION 5. Effective Date.** The effective date of this Ordinance shall be July 27, 2021, the day that the City Commission first took official action to direct the adoption this moratorium in accordance with *Smith v. City of Clearwater, 383 So.2d 681 (Florida Second DCA 1980)*, and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

**PASSED AND ADOPTED,** by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 24<sup>th</sup> day of August, 2021.


First Reading: 8-10-21


Publication Date: 8-13-21

Second Reading and Public Hearing Date: 8-24-21

  
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Jim Kihm

  
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Carol Soustek

  
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Terry Schaefer

  
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Kim Rash

  
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Jayne Christenson

APPROVED BY ME THIS 25<sup>th</sup> DAY OF August, 2021.

  
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Judy Titsworth, Mayor

ATTEST:   
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Stacey Johnston, MMC, City Clerk