

ORDINANCE NO. 2023-36

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA; AMENDING CHAPTER 20, BEACH CODE, ARTICLE IV, DIVISION 1, SECTION 20-174(21) TO PROHIBIT CERTAIN VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

SECTION I: Section 20-174, Article VI, Division 1 of Chapter 20 of the Code of Ordinances is hereby amended as follows:

Sec. 20-174. - Prohibited acts.

It shall be unlawful for any person to:

(1) Violate any of the provisions of the Florida Uniform Traffic Control Law, F.S. ch. 316, which is incorporated as part of this article by reference.

...

(19) Operate any e-bike, e-scooter, or other electric motorized devices in a Natural Beach Management Area designated in the Volusia County Habitat Conservation Plan. Natural Beach Management Areas are those regions described below:

- a. HCP Region 2 - Southern boundary of North Peninsula State Recreation Area (NPRSA) to 200 feet north of Granada Blvd. in Ormond Beach.
- b. HCP Region 6 - Emilia Ave. to Beach Street in Ponce Inlet.

1 c. HCP Region 9 - 27th Street in New Smyrna Beach to the north boundary of
2 Canaveral National Seashore (CNS).

3 Violation of this subsection constitutes a non-criminal violation.

4 (20) Operate any e-bike, e-scooter, or other electric motorized device in a
5 conservation zone as designated in the Volusia County Habitat Conservation Plan.

6 (21) Operate any motor vehicle if, by alteration of the suspension, frame, or chassis,
7 the height of the front fender is raised or lowered four or more inches greater than
8 the height of the rear fender. For purposes of this section, the height of the fender
9 shall be a vertical measurement from and perpendicular to the ground, through the
10 centerline of the wheel, and to the bottom of the fender. As referenced herein,
11 “fender” means the pressed and formed part mounted over the road wheels of a
12 motor vehicle to reduce the splashing of mud, water, or similar substances.

13 ...

14 **SECTION II. SEVERABILITY.** The provisions of the Ordinance are declared
15 to be severable and if any section, sentence, clause or phrase of the Ordinance
16 shall, for any reason, be held to be invalid or unconstitutional, such decision shall not
17 affect the validity of the remaining sections, sentences, clauses, and phrases of this
18 Ordinance but shall remain in effect, it being the legislative intent that this Ordinance
19 shall stand notwithstanding the invalidity of any part.

20 **SECTION III: CONFLICTING ORDINANCES** - All ordinances, or part thereof,
21 in conflict herewith are, to the extent of such conflict, repealed.

22 **SECTION IV. EFFECTIVE DATE** – This ordinance shall take effect upon
23 electronic filing of a certified copy by email with the Department of State.

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2 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
3 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS
4 AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA
5 AVENUE, DELAND, FLORIDA, THIS 15th DAY OF August 2023.
6

7 COUNTY COUNCIL
8 COUNTY OF VOLUSIA, FLORIDA
9

10
11 By: 
12 Jeffrey S. Brower, County Chair
13

14 ATTEST:

15
16 By: 
17 George Recktenwald, County Manager

