

## **ORDINANCE NO. 20-18-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **BACKGROUND RECITALS**

**WHEREAS**, the City of Destin is a tourist destination frequented by tens of thousands at a time; and

**WHEREAS**, while drawn to the City by the beach, visitors look for other forms of amusement off the beach as well; and

**WHEREAS**, several decades ago rental scooters began operating in the City and provided an entertaining means of touring the City; and

**WHEREAS**, over the years the rental of scooters has proven itself to be a popular form of amusement; and

**WHEREAS**, as the popularity of rental scooters increased the behavior of scooter operators became noticeably dangerous as traffic violations were more common among rental scooter than other vehicles; and

**WHEREAS**, irresponsible driving behavior by scooter renters has become so common that it frequently affects visitors and residents who are all-to-often forced to modify their own behavior or routes of travel to compensate for this irresponsible behavior, or else fall victim to a motor vehicle accident involving a renter scooter; and

**WHEREAS**, because neither safety equipment nor insurance are required under state law for motor scooters, parties to a motor vehicle accident involving a motor scooter (especially a rented motor scooter) are at risk of greater damages than in a conventional motor vehicle accident as the scooter driver is entirely unprotected (physically and fiscally) from the effects of the collision and the other party is left without adequate compensation for the losses sustained; and

**WHEREAS**, the typical reckless and often illegal driving behavior of rental operators create an impracticable strain upon law enforcement resources and siphons those valuable resources from other important police work; and

**WHEREAS**, the City is fortunate to enjoy a robust and growing tourism and more recently local and regional retail economy which has resulted in the expansion of major roads and connectors and even more significant increases in the number of vehicles on those roads because the City is linear, being approximately 7 miles long but only one-mile-wide with only two parallel major thoroughfares, all of which combined has resulted in increased congestion on City streets; and

**WHEREAS**, the materially increased congestion and size of City roads and intersections of roads have made it increasingly dangerous for inexperienced operators of rented scooters to operate and, frequently play, in the streets; and

**WHEREAS**, additionally the increased congestion has created greater and greater incentives for the operators of rented scooters to take short cuts through parking lots, on pedestrian sidewalks, on the pier board-walk, and generally through private or quasi-public property where through traffic of any kind is inappropriate, and frequently when those areas are occupied by pedestrians; and

**WHEREAS**, the limits of the City's infrastructure capacity, resources to police dangerous, disrespectful and, frequently simply mindless, behavior of the rented scooter drivers, combined with the sheer volume of rented motor scooters on the street have materially and adversely impacted the tourists' experiences and the residents' quality of life; and

**WHEREAS**, the City of Panama City Beach completely prohibited scooter rentals within the City. After a Bay County Circuit Court upheld the City's ordinances, Classy Cycles appealed. Subsequently, the First District Court of Appeals upheld the ruling. A request for Supreme Court intervention was denied. Each court found that the City's home rule powers enabled it to regulate the public's safety and its right to restrict certain vehicles in congested areas; and

**WHEREAS**, despite the popularity of the rented-scooters and the benefit of this amusement to the tourism industry which is the lifeblood of the City, the Council regretfully finds that a prohibition is in the best interests of the City, is of great public need, and is the most reasonable measure available to the Council to protect the health, safety and welfare of the community and the reputation of the City as a safe and comfortable tourist destination and the benefit to the public outweighs the loss to the affected parties; an

**WHEREAS**, the City possesses home rule powers to legislate on any matter not

inconsistent with general law or special law, and is specifically authorized to create and implement a plan of zoning uses, and to amend the list of uses that are permitted or prohibited; and

**WHEREAS**, in order to deny access to the rented-scooter resource the City in the exercise of its police power is prohibiting the conduct of renting a scooter anywhere within the city; and

**WHEREAS**, the City Council finds and determines that prohibiting the rental of scooters within the City will eliminate the problems associated with the behavior of the operators of those scooters; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, a public hearing has been conducted by the City Council after due public notice.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:**

**NOTE:** Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

**SECTION 3. AMENDMENT OF ARTICLE VIII OF THE LAND DEVELOPMENT CODE.**

Article III of the Land Development Code is hereby amended as follows:

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**Article III- DEFINITIONS**

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Motor Scooter or Scooter - Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground and shall include a moped as defined in FS 316.03(41) (2019), and any other two or three wheeled, self-propelled vehicle for

which state law does not require proof of financial responsibility (see Chapter 324, Florida Statutes (2019)).

**Motor Scooter Rental or Scooter Rental** - the provision, rental, hire, or delivery of a Motor Scooter for any valuable consideration or the solicitation of that service or good.

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Article VIII of the Land Development Code is hereby amended as follows:

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#### **Article VIII- TRANSPORTATION**

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##### **Sec. 8.11.00. Prohibition and attrition of the rental of motor scooters.**

The act of providing, renting, or delivering a motor scooter, or the solicitation of that service or good, or the rental or hire of a motor scooter, within the City is prohibited.

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**SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES.** This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

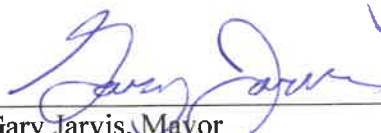
**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its

adoption by the City Council and signature by the Mayor.

ADOPTED THIS 21<sup>ST</sup> DAY OF DECEMBER  
2020.

By:

  
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Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has  
been reviewed and approved by the City Land Use  
Attorney, for the City of Destin, only.

  
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Rey Bailey, City Clerk

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Kimberly Kopp, City Land Use Attorney

First Reading: DECEMBER 7, 2020  
Second Reading: DECEMBER 21, 2020