

## **ORDINANCE 2049**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 11, TRAFFIC & VEHICLES, OF THE CODE OF ORDINANCES TO INCLUDE NEW REGULATIONS ADDRESSING COMMERCIAL MEGACYCLES; PROVIDING DEFINITIONS; CREATING STANDARDS FOR OPERATION; CREATING OTHER MISCELLANEOUS PROVISIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Pursuant to §316.2069, Florida Statutes, the governing body of a municipality may authorize the operation of a commercial megacycle on roads or streets within its jurisdiction if certain criteria are met;

**WHEREAS**, the City Council desires to allow the establishment of a one (1) year pilot program to evaluate the operation of commercial megacycles within the City of Fort Walton Beach;

**WHEREAS**, the City has identified specific roads and streets that will allow for the safe operation of commercial megacycles within the City of Fort Walton Beach;

**WHEREAS**, the City Council has, after review, determined that commercial megacycles can safely travel on, or cross, certain identified public roads or streets within the city limits when considering the speed, volume, and character of motor vehicles using the city roads and streets;

**WHEREAS**, any commercial megacycle operator will be required to comply with all requirements of §316.2069, Florida Statutes and the City's ordinance while operating within the city limits of Fort Walton Beach; and

**WHEREAS**, City Staff will monitor the pilot program and City Council reserves the right to suspend or end the program at any time.

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

### **Section 1. Authority and Intent**

The authority for enactment of this ordinance is pursuant to the powers vested in the City by Section 166.021 (1) and 316.2069 of the Florida Statutes, and the Fort Walton Beach City Charter.

### **Section 2. Amendment of Chapter 11, Traffic & Vehicles**

#### **11.15 – COMMERCIAL MEGACYCLES**

##### **11.15.01 - Definition.**

Commercial Megacycle. Pursuant to F.S. § 316.003 (12), and for the purposes of this section, a "commercial megacycle" is defined as a vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements: (a) Has four wheels and is operated in a manner similar to a bicycle. (b) Has at least 5 but no more than 15 seats for passengers. (c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.

##### **11.15.02 – Use and Operation of Commercial Megacycles.**

(a) Commercial megacycles shall only be permitted to operate on the following roads.

(1) Brooks Street SE from Miracle Strip Parkway SE to Florida Blanca Place SE;

(2) Florida Blanca Place SE from Brooks Street SE to First Street SE;

(3) First Street SE from Florida Blanca Place SE to Ferry Road SE;

(4) Ferry Road SE from First Street SE to Miracle Strip Parkway SE.

(b) Commercial megacycles may cross Florida Department of Transportation (FDOT) roadways at designated intersections in accordance with all traffic laws. FDOT roadways within the authorized roadways include SR 145 (Perry Avenue).

(c) Commercial megacycles shall not block or impede any roadway, driveway, accessway, or sidewalk in a way that hinders normal traffic flow or pedestrian traffic flow.

(d) Open consumption of alcohol is permissible in the Downtown Business and Entertainment District in accordance with Section 8.09.04 of the Code of Ordinances.

(e) Hours of operation for commercial megacycles: Commercial Megacycles may only operate between the hours of 9:00 a.m. – 11:00 p.m. daily.

(f) An operator's fleet is limited to two (2) commercial megacycles.

(g) The City reserves the right to terminate commercial megacycle permits. If an operator's permit is terminated, operator shall decommission commercial megacycle fleet within thirty (30) days unless a different time period is determined by the City of Fort Walton Beach.

(h) The City may take any appropriate steps or assess any penalties or sanctions to compel operators to comply with this ordinance, any other City ordinance, or any other law. This shall include termination of an operator's permit.

(i) The City shall establish, and all operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special events.

(j) The City has the power and is authorized to do all acts and things necessary or convenient to implement this ordinance, to promote and protect public safety, and to ensure the right-of-way is not impeded.

### **11.15.03 – Application for Permits.**

(a) No commercial megacycle shall operate within the City without first obtaining a commercial megacycle permit from the City. The operator must submit the following items for review with their commercial megacycle permit application submittal:

(1) Images and description of megacycle to include the make, model, serial number, color, and passenger capacity of each megacycle to be used in the business.

(2) Size of fleet at launch.

(3) A certificate of insurance pursuant to Section 11.15.03.

(4) Copy of photo identification of all commercial megacycle drivers who will be driving the applicant's megacycle.

(5) The proposed commercial megacycle route includes all proposed loading and unloading zones and temporary stopping locations.

(b) The applicant shall possess a valid City Business Tax Receipt.

(c) All commercial megacycle permits shall expire at the end of the pilot program unless the program is extended beyond the term of the pilot program through approval by City Council.

(d) The City shall consider issuance of commercial megacycle permits based upon the City population.

(1) The maximum number of permits approved for commercial megacycle businesses in the City shall not exceed one (1) for every ten thousand (10,000) residents, as certified in the most recent census or periodic demographic studies recognized by the City, including the Bureau of Economic and Business Research (BEBR) Florida Estimates of Population. For example:

<u>Residents Indicated</u>	<u>Commercial Megacycle Permits</u>
<u>0 – 10,000</u>	<u>1</u>
<u>10,001 – 20,000</u>	<u>2</u>
<u>20,001 – 30,000</u>	<u>3</u>
<u>30,001 – 40,000</u>	<u>4</u>

#### **11.15.04 – Safety Regulations.**

(a) Commercial Megacycles shall be subject to the following regulations at all times:

(1) Operated at all times by its owner or lessee or an employee of the owner or lessee;

(2) Operated by a driver at least 18 years of age who possess a Class E driver license;

(3) Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion;

(4) Insured with minimum commercial general liability insurance of not less than \$1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the City;

(5) Passengers under sixteen (16) years of age are recommended to wear a protective bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap;

(6) All passenger seats on the commercial megacycle must have seat backs and seat belts; and

(7) The commercial megacycle must have front headlights and rear taillights that are visible from a distance of at least three hundred (300') feet under normal atmospheric conditions at night.

(b) For any reason, such as, but not necessarily including, safety concerns or multiple violations of this article, the City Council may at any time suspend or terminate the operations of any or all commercial megacycles in order to maintain health and safety in the City. Should commercial megacycle operation be suspended or terminated, operators will not be entitled to the refund of any fee or expense.

#### **11.15.04 - Compliance with Traffic Laws.**

Commercial megacycles shall comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as motor vehicles.

#### **11.15.05 - Enforcement.**

- (a) The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws.
- (b) The city code enforcement board shall be the point of appeal on all city ordinance violations cited under this section.
- (c) Operators found in violations of this section shall be fined for an initial offense, and for any repeat offenses within thirty (30) days of the last same offense by the same operator. Fine rates shall be included in the City's Comprehensive Fee Schedule.

#### **Section 3. Severability**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

#### **Section 4. Effective Date**

This Ordinance shall take effect immediately upon approval upon second reading by City Council and the signature of the Mayor.

Adopted: March 9, 2021

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Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

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Hayward Dykes, Jr., City Attorney

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kirby Locklear, Council Member
<b>SECONDER:</b>	Nic Allegretto, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Locklear, Moran, Schmidt
<b>ABSENT:</b>	Nathan Kelley