



CITY OF CLERMONT
ORDINANCE NO. 2020-32

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 54 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE V, “PARKS AND RECREATION AREAS”, AMENDING SECTION 54-122 “DEFINITIONS”; CREATING NEW SECTION 54-129 “BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS” OF THE CITY CODE, PROVIDING FOR DEFINITIONS, PROHIBITION OF OBSTRUCTION OF STREETS, SIDEWALKS AND TRAILS, PROHIBITION OF MOTORIZED SCOOTERS AND MICROMOBILITY DEVICES IN CITY PARKS AND ON CITY TRAILS, AND STAGING OF BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS; RENUMBERING “ENFORCEMENT; PENALTIES” TO SECTION 54-130 OF THE CLERMONT CITY CODE; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont recognizes that the State of Florida has expanded the rights of motorized scooter and micromobility device operators within the state and expanded the areas where micromobility device and motorized scooter operators may operate these devices under Section 316.2128, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, the City finds the proliferation of motorized scooters and micromobility devices in city parks and on city trails has dramatically increased the risk of injuries related to micromobility device and motorized scooter operators colliding with pedestrians and bicyclists in City parks or on City trails; and

WHEREAS, the narrow paths and high pedestrian and bicycle traffic in City Parks, including, but not limited to, the City’s system of trails create unique hazards to pedestrians and bicycle operators and operators of micromobility devices, motorized scooters, and bicycles not present in most cities; and

WHEREAS, motorized scooters and micromobility devices present a greater risk to riders and pedestrians than devices propelled by human power such as bicycles; and

WHEREAS, a study conducted by the Journal of American Medicine found that 94.3% of observed micromobility device riders were not wearing helmets and that only 4.4% of micromobility device riders admitted to the hospital were wearing a helmet at the time of the accident; and



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WHEREAS, micromobility devices, motorized scooters, and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit “stopping, standing, or parking,” and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to “permit, control, or regulate” vehicles operating in City parks or on City owned trail systems, including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, notwithstanding that Section 316.1995, Florida Statutes, with limited exceptions, prohibits operation of vehicles on sidewalks, including micromobility devices and motorized scooters except to the extent a micromobility device or motorized scooter is propelled by human power, and this Ordinance reiterates such prohibitions; and

WHEREAS, the City finds a regulatory measure is necessary to mitigate the risks and dangers posed by motorized scooters and micromobility devices in specified areas within the City.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1: RECITALS

The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Council of the City of Clermont.

SECTION 2

Chapter 54, **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**, Article V, Parks and Recreation Areas, Section 54-112 Definitions is amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 54-112. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:



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City park means land owned or maintained by the City of Clermont and which is designated as a public park or public recreation area by the city's comprehensive plan (recreation and open space element), by a resolution adopted by the city council, or by dedication that has been accepted by the city council. Included in the definition of the term "city park" are the city's special use facilities (for example, arts and recreation center) and all natural resources, wildlife, facilities, improvements, waters and materials in, on or under the lands so designated. Properties in any system of trails owned by the city are intended to be designated as a city park.

Bicycle means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor designed to or capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Motorized scooter means 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 designed to or capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla.Stat. § 316.003(45). An Electric Personal Assistive Mobility Device as defined in Fla. Stat. §316.003 (22), shall not be considered a motorized scooter hereunder.

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not designed or capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38).

Stage or Staging means the unauthorized parking and or placing of bicycles, micromobility devices and motorized scooters on public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

SECTION 3

Chapter 54, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Article V, Parks and Recreation Areas, is amended to create Section 54-129 to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 54-129. Bicycles, Micromobility Devices and Motorized Scooters.

(a) No bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.



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(b) It shall be unlawful to operate any motorized scooter or micromobility devices in or upon the city parks, including but not limited, to any trail or path of the City designed and dedicated for non-motor vehicle, bicycle or pedestrian traffic.

(c) It shall be unlawful to stage micromobility devices and motorized scooters within the limits of the City.

SECTION 4

Chapter 54, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Article V, Parks and Recreation Areas, is amended to renumber Section 54-129 Enforcement; penalties” to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 54-129 130. Enforcement; penalties.

City law enforcement and code enforcement officers, the parks and recreation director or authorized designee, and the city manager or authorized designee shall be responsible for enforcing the provisions of this article, and shall have the authority to order any person or persons acting in violation of this article to leave the city park. It is unlawful for a person to remain in the city parks when the person is asked to leave the city park by a city official pursuant to this section.

SECTION 5: CONFLICT

All Ordinances or parts of Ordinances, all City Code Sections or parts of City Code Sections, and all Resolutions or parts of Resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6: SEVERABILITY

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7: ADMINISTRATIVE CORRECTION

Regardless of whether such inclusion in the Code as described in Section 8 is accomplished, sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener’s errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 8: CODIFICATION



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The text of Sections 2, 3 and 4 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "Article" for "Ordinance"; "Section" for "Paragraph"; or otherwise to take such editorial license.

SECTION 9: PUBLICATION AND EFFECTIVE DATE

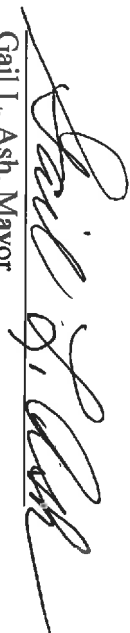
This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage.

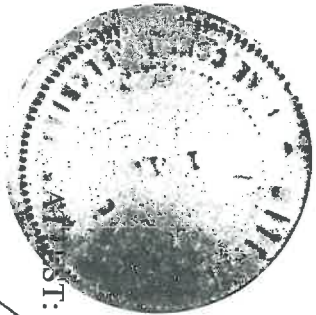


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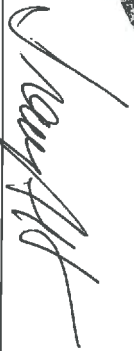
PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 22nd day of September, 2020.

CITY OF CLERMONT


Gail L. Ash, Mayor



ATTEST:


Tracy Ackroyd Howe, City Clerk

LEGAL IN FORM AND

VALID AS ADOPTED



Daniel F. Mantzaris, City Attorney