

ORDINANCE 1398

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE REGULATION OF AMUSEMENT VEHICLES; AMENDING THE CITY'S CODE OF ORDINANCES TO DEFINE AMUSEMENT VEHICLES AND AMENDING DEFINITIONS, EXPAND THE APPLICATION OF EXISTING RULES FOR MOTOR SCOOTER RENTALS TO AMUSEMENT VEHICLES; DELETE CERTAIN REQUIREMENTS RELATED TO THE PROVISION OF INSURANCE AND VESTS, CLARIFYING THE HOURS DURING SPRING BREAK IN WHICH RENTED MOTOR SCOOTERS MAY NOT BE MADE AVAILABLE FOR RENT, REQUIRE THE REGISTRATION OF AMUSEMENT VEHICLES, AND LIMIT THE NUMBER OF LOW SPEED VEHICLES RENTED IN THE CITY AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S LAND DEVELOPMENT CODE TO CREATE A NEW SUPPLEMENTAL USE CATEGORY FOR LOW SPEED RENTAL BUSINESSES IN CH ZONES; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR LOCATION, STORAGE, AND DISPLAY OF VEHICLES, SIGNAGE, AND APPEARANCE OF SUCH BUSINESSES AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; AMENDING ARTICLE VII RELATED TO GOLF CARTS TO PERMIT THEIR OPERATION BETWEEN SUNSET AND SUNRISE; PROVIDING A METHOD OF APPEAL FOR ADDITIONAL TIME TO COMPLY WITH CERTAIN AMENDMENTS TO THE LAND DEVELOPMENT CODE; PROVIDING FOR AUTOMATIC REPEAL OF THE LIMIT ON LOW SPEED VEHICLE RENTALS IF NOT EXTENDED WITHIN TWO YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach is a tourist destination frequented by thousands at any given time; and

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

WHEREAS, the rental of scooters and other amusement vehicles has long been a popular form of entertainment for visitors; and

WHEREAS, the City has consistently acted in conjunction with the amusement rental industry to regulate and enhance the amusement rental experience for visitors and residents of the City; and

WHEREAS, while scooters were traditionally the primary form of amusement rental in the City, other forms of amusement vehicles have entered the market and provide visitors with many ways to tour the City; and

WHEREAS, the Council finds that the registration of rented low speed vehicles in the City has increased from a total of 93 in November 2015 to a total of 194 as of May 12, 2016; and

WHEREAS, during that same time frame increased development throughout the City, increased population, and increases in the number of visitors to the City have dramatically increased the congestion and pressure placed upon the City's infrastructure and administration to maintain and safeguard visitors and residents experience as they travel throughout the City; and

WHEREAS, Ordinance 1351-L authorized staff to work with the industry to explore the accommodation of alternate amusements to fill the gap created by the reduction of rented motor scooters which was limited by the City's adoption of Ordinance 1351-L; and

WHEREAS, given the rapid increase in the number of rented low speed vehicles, on May 26, 2016, Council adopted Resolution 16-82, providing for a moratorium on the registration of further low speed vehicles; and

WHEREAS, on June 23, 2016, the Council adopted Ordinance 1388, establishing a 6 month moratorium, which was extended by adoption of Resolution 16-82 and Ordinance 1399 until March 1, 2017 on the issuance of development orders and permits and on the processing of applications concerning motor vehicle sales, rental or service facilities on Front Beach Road or on a City road with a posted speed limit of 45 mph or less that connects directly to Front Beach Road, or permits relates to the establishment, change of use, expansion or altering of buildings or parking areas on property throughout the City on which low speed vehicles are offered or intended to be offered for rental; and

WHEREAS, after careful consideration of the analysis by City staff, testimony from the Chief of Police, City Manager, industry representatives, members of the City Council, and the public, the City makes the findings of fact detailed herein; and

WHEREAS, the City Council finds that rented low-speed vehicles are fairly to be considered amusements intended to fill the gap created by the reduction of rented motor scooters, as such low-speed vehicles are primarily made available for rent by the same businesses whose ability to rent motor scooters has been limited by Ordinance 1351-L; and

WHEREAS, the City finds that the rented low-speed vehicles are rented to persons who drive traditional motor vehicles to the City or adjacent unincorporated areas of Bay County, and thereafter rent the low-speed vehicles upon their arrival to town as an amusement to enjoy the sights and sounds of Front Beach Road rather than as a means of transportation around and throughout the community (since their operation in fact is limited to Front Beach Road and adjacent neighborhood roads with a posted speed limit of 35mph or less); and

WHEREAS, although low speed vehicles are safer, due to being stabilized by four wheels, many rental operators become so enthralled with the entertainment of the ride, and interacting with their fellow passengers, that they fail to heed to rules of the road and forget they are operating a motor vehicle. This increased distraction makes low speed vehicles more susceptible to violations of the Uniform Traffic Code and thus requires increased enforcement by the City Police Department; and

WHEREAS, the City Police Department is without adequate resources to monitor and enforce the Uniform Traffic Code as the number of low speed vehicles increase throughout the City; and

WHEREAS, the Council finds that due to their lower top speed of 25 miles per hour, low speed vehicles increase congestion by slowing other vehicles behind them. As the number of low speed vehicles increase, congestion increases on the City's already crowded roads; and

WHEREAS, the Council finds that it must prevent increased congestion on its already failing roads by limiting the amount of low speed vehicles rented throughout the City; and

WHEREAS, limiting the amount of low speed vehicles will allow the City to better police the action of all travelers upon its roads including those riding motor scooters and low speed vehicles for amusement; and

WHEREAS, limiting the number of low speed vehicles available shall encourage responsibility by the vehicle owners to maintain each vehicle and ensure that renters are properly educated on safe methods of operation; and

WHEREAS, the City finds that allowing 300 low speed vehicles to be available for rent allows the industry to meet the demand of the its customers while also preventing undue hardship on the City's roads, infrastructure and Police Department and;

WHEREAS, the City finds that the best and most efficient means of continuing cooperation and regulation of low speed vehicles is to place the limited number of low speed vehicle medallions in the hands of the business owners who

have experience in this industry and have worked closely with the City in enacting these regulations; and

WHEREAS, the larger size of low speed vehicles requires considerable amounts of space to display the vehicles from the rental businesses. These displays and rental activities tend to interfere with the vision of renters entering and exiting the businesses property as well as impede the flow of traffic; and

WHEREAS, the lack of consistent standards of use for the rental of low speed vehicles has created interference with existing traffic patterns by the excessive display of low speed vehicles in or near the right-of-way; and

WHEREAS, uniform outdoor display of low speed vehicles, signage will substantially reduce interference with lines of sight, congestion, and traffic flow by both customers of amusement vehicle businesses and travelers throughout the City, and enhance the appearance of the Front Beach Road corridor where the businesses are located; and

WHEREAS, the entertaining nature of low speed vehicles often causes riders to use the vehicles to sight see and explore the area which can sometimes disturb residential neighborhood so that limiting the location of businesses will decrease such disturbances; and

WHEREAS, uniform land development standards will allow each amusement vehicle business to clearly display low speed vehicles and signs and delineate clear spaces for the display and signage; and

WHEREAS, the Council desires to review the effect of these changes on the tourist and local experience and to re-consider the state of the City's amusement vehicle regulation in two years; and

WHEREAS, the City's Land Development Code allows for amendment as new uses arise and from time to time and as the City deems necessary consistent with the City Charter and the City's Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. Intent. The City Council finds that the number of rented low speed vehicles in the City is rising at such a rapid rate that the number must be capped and regulations established before efforts to do so are overcome by the sheer volume of rented low speed vehicles operated in the City, and therefore

intends to immediately limit the number of rented low speed vehicles to a maximum of three hundred (300) units throughout the City on the effective date of this Ordinance. Further, the Council finds that by limiting the number of low speed vehicles that may be rented, not only will the City be better able to police the rental drivers but also the economics of having fewer units available for rent should have a positive effect upon the congestion of Front Beach Road and the responsibility of the operators to whom the remaining units are rented.

SECTION 2. From and after the effective date of this ordinance, Chapter 22 of the Code of Ordinances of the City of Panama City Beach related to Traffic and Motor Vehicles, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 22-05. Definitions.

Definitions. The following words, terms or phrases, when used in this Chapter 22, shall have the meanings respectively ascribed to them:

Amusement vehicle shall mean a motorcycle, moped, motor scooter, motorized scooter, low speed street vehicle, golf cart, dune or swamp buggy, go-cart, megacycle, or other vehicle rented or leased to customers which provides locomotion not capable of propelling the vehicle of a speed greater than 45 miles per hour on a street or highway, but not including bicycles.

Bicycles shall mean every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than twenty (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. The term does not include such a vehicle with a seat height of no more than twenty-five (25) inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

Emergency vehicles shall include, but not be limited to, law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles which are marked as such.

Fire and safety lane shall mean a fire apparatus or emergency vehicle access way to or beside a commercial building, having an all-weather driving surface of not less than ten (10) feet of unobstructed width and required by governmental authority.

Golf cart shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes **and that is not capable of exceeding speeds of 20 miles per hour. A low speed vehicle modified pursuant to section 319.14(10)(a), Florida Statutes, shall**

be considered a golf cart for the purpose of this section once proof of compliance is presented to the City.

Low speed street vehicle shall mean any four-wheeled vehicles whose top speed is **greater than 20 miles per hour but is not greater than 25 miles per hour**, but shall not include golf carts or motor scooters. **Low-speed vehicles must comply with the safety standards enumerated in C.F.R. s. 571.500 and section 316.2122, Florida Statutes.**

Marked fire and safety lane shall mean a fire and safety lane marked by a pavement stripe and posted at intervals of fifty feet (50') or less by signs which state: "Fire and Safety Lane. Parking of motor vehicles prohibited at all times."

Moped shall mean any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of two (2) brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed fifty (50) cubic centimeters.

Motor scooter or scooter shall mean a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such ~~motoreycle~~ **motor scooter** at a speed greater than thirty (30) miles per hour on level ground, and shall include a moped as defined in this section FS 316.03(77)(2013), and any other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2013)).

Motorized scooter shall mean any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

Private property shall mean any real property within the city which is privately owned and which is not public property.

Public property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Registered owner shall mean the person or entity that is registered by state law as the title holder of a motor vehicle on the date that a violation of this section occurs.

Stop, stand or park shall mean any stopping, standing or parking of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Vehicle shall mean every device ~~including golf carts, bicycles, motor scooters, motor vehicles, and mopeds~~ in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

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ARTICLE VI. - VEHICLE RENTALS

Sec. 22-100. - Prohibited acts.

(a) It shall be unlawful for any person to rent, lease or hire within the City a an amusement vehicle, ~~motorcycle, motor scooter or any other two or three wheeled, self propelled vehicle~~, or solicit the same within the City, unless each of the following requirements is met:

(1) There is promptly available for delivery without charge with each such vehicle available for rental if requested by the customer, protective headgear, and eye-protective devices, and a florescent highway safety vest, of a type approved by the Department of Highway Safety and Motor Vehicles, ~~and there is present on the same premises a vest described in this section for each scooter available for rental.~~

~~(2) Protective headgear and an eye protective device approved by the Department of Highway Safety and Motor Vehicles are furnished without charge if requested by the customer.~~

~~(3)~~ (2) For each motor scooter rented, there is affixed to it one of the number of unique medallions issued by the City for that location as required by the City's Land Development Code as a condition of the continuation of the rental of scooters as a non-conforming use.

~~(4) For each motor scooter rented, all occupants are outfitted with a florescent green highway safety vest meeting at a minimum Class 2 ANSI 107-2010 or equivalent revised standards, upon the back of which the word "RENTAL" is applied in black, block letters four inches (4") high, and the occupants are not allowed to leave the rental business on the vehicle unless wearing the vest in a normal fashion on the outside of all clothing or apparel.~~

~~(5)~~ (3) All persons who will operate the vehicle hold and have in their possession a valid driver's license authorizing operation of the vehicle upon the public streets of Florida and the name and address of all operators and the number and state of issuance of all licenses shall be made a part of the contract pursuant to which possession of the vehicle is transferred.

~~(6) Reserved.~~

~~(7)~~ (4) All operators listed on the rental agreement for each ~~motor scooter~~ amusement vehicle shall be required to read, print their name, sign and date a brochure in form and substance approved by the Chief of Police outlining the laws applicable to the operation of ~~motorcycles~~ the rented amusement vehicle in Florida (a "Safety Brochure"). The Safety Brochure shall also explain (i) that the City understands that the rental about to commence is more of an amusement ride than transportation, and (ii) ~~that vests are required to maximize the visibility of the amusement vehicles for the occupants' safety and the protection of property, and (iii) that the police are particularly sensitive to reckless and unlawful operation of the amusement vehicles because they have seen frequent injuries and damages caused by them. A subsequent rental on a following day shall require a new Safety Brochure.~~

~~(8)~~ (5) There is prominently affixed to such vehicle a current registration decal or medallion, or both, supplied by the City.

~~(9) Reserved.~~

~~(10) The entity owning and renting a motorcycle or motor scooter shall have provided and have in effect a policy of insurance through an insurance company licensed to do business in Florida insuring the owner and operator of such rented scooter against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance or use of the vehicle in not less than the limits described below and conforming to the requirements of FS 324.151 (2013)~~

subject to the usual policy exclusions that have been approved in policy forms by the Florida Office of Insurance Regulation:

~~In the amount of ten thousand dollars (\$10,000) because of bodily injury to, or death of, one (1) person in any one (1) crash; and~~

~~Subject to such limits for one (1) person, in the amount of twenty thousand dollars (\$20,000) because of bodily injury to, or death of, two or more persons in any one (1) crash; and~~

~~In the amount of ten thousand dollars (\$10,000) because of injury to, or destruction of, property of others in any one (1) crash.~~

~~(14) (6) There is conspicuously posted at all entrances to such business premises and above wherever rental forms are signed, on a sign in size and form (including font) approved by the Chief of Police displaying the schedule of maximum deposits allowed and including substantially the following notices:~~

~~CITY ORDINANCE REQUIRES DELIVERY OF A WRITTEN ITEMIZATION OF PARTS AND LABOR CHARGED AGAINST A SECURITY DEPOSIT AND A CLEAR PHOTOGRAPH OF ANY DAMAGE CLAIMED.~~

~~CITY ORDINANCE PROHIBITS YOUR DEPOSIT BEING USED FOR ANOTHER PERSON UNLESS YOU CONSENT BY SEPARATE WRITTEN INSTRUMENT.~~

~~IN ORDER TO RENT A MOTORCYCLE AN AMUSEMENT VEHICLE, YOU MUST HOLD A VALID DRIVER'S LICENSE WHICH WOULD PERMIT YOU TO OPERATE A MOTORCYCLE SUCH VEHICLE IN YOUR HOME STATE.~~

~~IT IS ILLEGAL FOR ANYONE NOT LISTED AS AN OPERATOR ON THE RENTAL AGREEMENT TO OPERATE THE RENTAL VEHICLE MOTORCYCLE OR SCOOTER.~~

~~TO RENT AN AMUSEMENT VEHICLE A MOTOR SCOOTER YOU MUST READ, SIGN AND HAVE IN YOUR POSSESSION WHILE DRIVING IN THE CITY A "SAFETY BROCHURE" AND WEAR A VEST WHICH THIS BUSINESS WILL GIVE TO YOU.~~

~~OPERATING A MOTOR SCOOTER AN AMUSEMENT VEHICLE WITHOUT THE BROCHURE OR WITHOUT WEARING THE VEST, OR VIOLATING ANY FLORIDA TRAFFIC LAWS, WILL SUBJECT YOU TO A CIVIL PENALTY OF BETWEEN \$100 AND \$500 DOLLARS, OR MORE.~~

~~Said notice shall have a white background with black Roman lettering in substantially the form on file and available for inspection in the office of the City Clerk.~~

(b) It shall be unlawful for any person to rent, lease or hire within the City a an amusement vehicle, motorcycle, motor scooter or any other two or three wheeled, self-propelled vehicle, or solicit the same within the City, to a person who is under the influence of alcoholic beverages or any controlled substance. A person is under the influence of alcoholic beverages or any controlled substance when affected to the extent that the person's normal faculties are impaired.

(c) It shall be unlawful for any person to rent, lease or hire within the City an amusement vehicle, or solicit the same within the City, to a person who does not have a valid driver's license authorizing operation of a motor vehicle on public streets of Florida.

~~(e) (d)~~ It shall be unlawful for any person to operate on the public streets of the City a ~~motor scooter~~ an amusement vehicle which is rented, leased or hired within the City, (or within the County, as described and provided below), unless:

(1) The person operating the vehicle is listed as an operator in the rental agreement under which the vehicle is being operated and a copy of that rental agreement is secured in the vehicle or in the possession of the operator; and

(2) The operator of the vehicle has in his or her possession a Safety Brochure dated and signed by him or her that same day.

(d) ~~It shall be unlawful for any person to operate on any street or highway under the City's jurisdiction a motor scooter which is rented, leased or hired within the City (or within the County, as described and provided below), unless all occupants of the vehicle are wearing on the outside of all clothing or apparel a florescent green highway safety vest upon the back of which the word "RENTAL" is applied in black, block letters four inches (4") high.~~

(e) It shall be unlawful for any person to operate on the public streets of the city a an amusement rental vehicle ~~motor scooter~~ which is rented, leased or hired within the City if there is on or in the vehicle an alcoholic beverage in a container not sealed with the manufacturer's original seal.

(f) The City consents to the applicability within its boundaries, and may enforce against persons who rent, lease, or hire, ~~motor scooters~~ amusement vehicles within the unincorporated area of Bay County bounded by Phillips Inlet, the Intracoastal waterway and St. Andrews Bay, any requirements imposed by Bay County upon such persons to the extent consistent with this article or any interlocal agreement entered between the City and Bay County.

Sec. 22-101. - Overnight rentals and operation of rented motor scooters at night prohibited during college spring break.

As used here, college spring break means the period commencing March 1 at 12:01 a.m. and ending March 31 at 11:59 p.m. each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized here.

(1) No person who makes a scooter available for rent shall make a scooter available for rent overnight, or rent a scooter overnight or between 7 p.m. and 7 a.m. ~~sunset and sunrise~~ each day, during college spring break.

(2) Any rented scooter operated on the road between 7 p.m. and 7 a.m. at night ~~(between one half hour after sunset and one half hour before sunrise as estimated by the times listed in any local publication or government website)~~ during college spring break shall be confiscated and impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the city with private parties for those services.

Sec. 22-102. - Itemization of damage claims.

No person or business renting, leasing or hiring within the City a an amusement vehicle ~~motorcycle, motor scooter, moped or any other two or three wheeled, self propelled vehicle~~, shall make any charge for damage to such vehicle without first delivering to the customer a written, itemized statement of such charge, separately stating each replacement part and its cost, all labor costs, and any other charge made, and one (1) or more color photographs clearly depicting the damaged parts. No additional charge may be made for such statement and photographs.

Sec. 22-103. - Threat of arrest.

No person or business renting, leasing or hiring within the City a an amusement vehicle ~~motorcycle, motor scooter, moped or any other two or three wheeled, self propelled vehicle~~, shall

threaten a customer with arrest or criminal prosecution for refusal to pay a damage claim or any other charge.

Sec. 22-104. - Limitations on deposits; cross-collateralization prohibited; exceptions.

(a) No person or business renting, leasing or hiring within the City (hereafter in this section "renting" or "rental") a self-propelled vehicle intended to be operated upon a public street shall accept anything of value as security or collateral for the full performance of the rental agreement therefor (hereafter in this section a "deposit"), other than (i) cash, or (ii) a credit card invoice upon which a maximum amount is clearly written, and in either case not exceeding the amount per vehicle set forth in subsection (d). The fee paid by a customer as consideration for the rental is not a deposit.

(b) Any value transferred to a person or business renting a vehicle within the City in connection with such rental shall be conclusively deemed to be a deposit within the meaning of the forgoing prohibition whenever the circumstances of the rental provide or reasonably infer that such value will be returned to the customer if the customer fully performs the customer's obligations under the rental agreement, including the obligation to pay the cost to repair any damage or loss sustained by the vehicle during the rental period. Nothing herein shall prohibit such person or business from collecting a non-refundable, voluntary fee to limit a customer's liability in the event of damage or loss to the rented vehicle, such a fee not being a deposit; however, any value held to secure satisfaction of the customer's liability so limited is a deposit within the meaning of the forgoing prohibition.

(c) No person or business renting within the City a self-propelled vehicle intended to be operated upon a public street shall permit or require the cash or credit card deposit given by one (1) or more persons, individually or jointly, with respect to one or more vehicles to be applied in excess of the amount per vehicle set forth in subsection (d).

(d)Maximum deposits permitted:

Motor Scooter (2 or 3 or 4 wheel, less than 50cc)	\$150
Electric Cart or Dune Buggy (3 or 4 wheel)	\$300
Motorcycle (50cc or greater)	\$500
All other vehicles	\$500
Vehicle Type	Deposit Cap

Sec. 22-105. - Registration and inspection.

(a) Each ~~amusement vehicle motorcycle, motor scooter, moped or any other two or three-wheeled, self-propelled vehicle, or low speed vehicle~~ rented, leased or hired within the City shall be inspected and registered annually with the Chief of Police at the offices of the Police Department at such times as shall be specified by the Chief. The annual application for registration of each vehicle shall include:

- (1) The name, residence and mailing address of the owner, and
- (2) The name, location and mailing address of the rental, etc. business, and
- (3) The location of the business where the amusement vehicle will be offered for rental, and**
- ~~(4.3)~~ A description of each type of vehicle to be rented by the business, including make, model and manufacturer, engine displacement, maximum brake horsepower, maximum seat height from ground, and whether equipped with pedals to permit propulsion by human power, and
- ~~(5.4)~~ The approximate number of vehicles of each type to be rented by the business, subject to a continuing obligation to promptly advise the Chief of Police of any material change in such number, and
- ~~(6.5)~~ A description of each type of protective headgear and eye protective device to be used, including manufacturer, make model and serial number, if any, and the approximate number of each type, and
- ~~(7.6)~~ Evidence satisfactory to the City of ~~any the trust deposit or bond~~ **financial responsibility** required by law.
- (b) Each application shall be accompanied by a registration fee in the amount of fifty dollars (\$50), plus one dollar (\$1) for each decal **or medallion** furnished, to defray the cost of enforcing the regulations contained in this Article.
- (c) Each registration shall expire on December 31 next following issuance, regardless of the date of issuance. **However, any medallion issued for a low speed vehicle which is not timely renewed by December 31 for the following calendar year shall be void and of no further use or effect.**
- (d) Each vehicle to be rented pursuant to this Article shall be inspected by the Chief of Police or his designee to confirm that the **vehicle meets all applicable local, state, and federal safety standards, including but not limited to, confirming that the** throttle, brakes, lights, blinkers and horn are in apparent working order, that the vehicle has a current tag and does not appear to leak fuel.
- (e) If all conditions in the application and inspection are met, the Chief of Police or his designee shall supply and place upon each vehicle to be rented a decal **or medallion, or both**, in form and content specified by the Chief of Police or his designee, to identify the vehicle as a rental vehicle associated with the business renting the vehicle.
- (f) Within 30 days after the amusement vehicle registration period closes, the Chief of Police shall submit to the City Council the current inventory of each type of amusement vehicle registered for rental in the City and recommend whether further regulation is necessary.**

Sec. 22-105.5. – Limitation on number of Low Speed Vehicles to be rented in the City.

- (a) The number of low speed vehicles available for rental in the City shall not exceed 300.**
- (b) On the effective date of this Ordinance, Low Speed Vehicle Rental Businesses shall be limited to offering for rental in the City the number of low speed vehicles such business had registered with the City for rental on May 12, 2016, or such higher numbers as are**

registered pursuant to section 22.105.5(c). For purposes of this Ordinance, Low Speed Vehicle Rental Business shall mean the following named persons or entities:

- (1) Classy Cycles dba California Cycles/Outlaw Cycles
- (2) Classic Rentals, Inc.
- (3) MOT Dead Sea, Inc., dba King of Scooters
- (4) The Hangout by the Sea
- (5) Sara's Rentals, Inc.
- (6) Bike the Beach PCB

(c) Each Low Speed Vehicle Business delineated in section (b) shall apply for and be granted up to 50 low speed vehicle medallions in accordance with procedures of section 22-105 of this chapter and as designated by the Chief of Police.

(d) The City shall prepare and issue for each Low Speed Vehicle Rental Business a number of medallions unique to that business, and each Low Speed Vehicle available for rent at a Low Speed Vehicle Rental Business must have one of those medallions affixed to it. Failure to register a low speed vehicle pursuant to Section 22-105 will result in the loss of medallions to which a low speed rental business may be entitled, though such businesses shall be permitted to obtain medallions pursuant to section (e) herein.

(e) Once issued, low speed vehicle medallions may only be transferred by a Low Speed Vehicle Rental Business to another person or entity under the following conditions:

(1) all, but no less than all, of the issued medallions unique to the existing business are conveyed to a third party, in conjunction with a sale of the existing business to that same third party. Any rights to unissued medallions of the existing business shall not survive any sale pursuant to this section; and

(2) if any real property interests are being conveyed by an existing business to a third party as part of the transaction contemplated above in order for such third party to carry on the rental of low speed vehicles at a certain location, the use and structures on the real property conveyed conform to the standards for Low Speed Vehicle Rental Businesses set forth in Section 5.04.07 of the City's Land Development Code. The third party to whom a low speed vehicle rental business is transferred shall enjoy no grandfathering from the requirements of Section 5.04.07 of the City's Land Development Code.

Sec. 22-105.56. - Enforcement and penalties.

(a) The City finds that a violation of any section of this Article, except Section 22-105, presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.

(b) Each violation of this Article shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

First violation of this Article:\$100.

Second violation of this Article:\$200.

Third and all subsequent violations of this Article:\$500.

Unless otherwise specified, a person who does not contest the civil citation for violation of this Article shall be subject to a civil penalty in the following amount:

First violation of this Article:\$50.
Second violation of this Article:\$100.
Third and all subsequent violations of this Article:\$250.

The penalty for uncontested civil citations may be paid directly to the City Clerk.

(c) This Article may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.

(d) Any amusement vehicle operated on the road without a medallion shall be confiscated and impounded by the City. Possession of the impounded amusement vehicle shall be surrendered to the owner of the vehicle, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the City with private parties for those services.

(e) The penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Panama City Beach Code of Ordinances, or state law.

(f) (e) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

ARTICLE VII. GOLF CARTS

Sec. 22-106. Intent.

Sec. 22-107. Designated streets.

Sec. 22-108. Operation requirements and penalty.

Sec. 22-106. Intent.

It is the intent of this article to permit and regulate the use of golf carts upon the streets of the City by licensed drivers ~~during the hours between sunrise and sunset.~~

Sec. 22-107. Designated streets.

(a) Golf carts shall be allowed to operate upon any street located within the City on [the effective date of this ordinance], except the following:

- (i) East-West streets:
 - Front Beach Road (State Road 30)
 - Hutchison Boulevard (Middle Beach Road)
 - Panama City Beach Parkway (State Road 30A or Highway 98)
 - Thomas Drive South Thomas Drive

- (ii) North Lagoon Drive
- North-South streets:
- Beach Boulevard (from South Thomas Drive to Front Beach Road)
- Churchwell Road
- Beckrich Road
- Alf Coleman Road
- Clara Avenue
- Hill Road
- Powell Adams Road
- Highway 79

(b) Golf carts shall be permitted to cross any street listed above only at such points as are from time to time designated by resolution of the City Council where authorized, or the FDOT, and marked as crossing points with official signage.

Sec. 22-108. Operation requirements and penalty.

It shall be unlawful to operate a golf cart on any City street unless:

- (a) The operator is at least 14 years of age; holds a valid, current driver's license;
- ~~(b) The golf cart is operated during the hours between sunrise and sunset;~~
- (be) The golf cart is operated in accordance with State or City traffic regulations;
- (ce) Such operation does not obstruct or interfere with normal traffic flow;
- (de) The golf cart carries no more passengers than the number for which the golf cart was designed to carry; and
- (ef) The golf cart is installed with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear.

A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318, Florida Statutes.

SECTION 3. From and after the effective date of this ordinance, Section 1.07.00 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

1.07.00 Acronyms and Definitions

...

Low Speed Vehicle: The term "Low Speed Vehicle" means any four-wheeled vehicles whose top speed is greater than 20 miles per hour but is not greater than 25 miles per hour, but shall not include unmodified golf carts or motor scooters. Low-speed vehicles must comply with the safety standards enumerated in C.F.R. s. 571.500 and section 316.2122, Florida Statutes.

Low Speed Vehicle Rental Businesses. The term "Low Speed Vehicle Rental Business" means a commercial establishment or place of business at which a Low Speed Vehicle is rented on a short-term basis and which possession of such vehicle is delivered to customers onsite for immediate use from that rental establishment or place of business. A

Low Speed Vehicle Rental Business shall not include businesses where Low Speed Vehicles are sold but are not made available for rent.

SECTION 4. From and after the effective date of this ordinance, Section 5.04.07 of the Land Development Code of the City of Panama City Beach related to Low Speed Vehicle Rentals and Sales, is created to read as follows:

5.04.07 Low Speed Vehicle Rental, Sales and Services

A. Location and Distance limitations.

1. **Low Speed Vehicle Rental Business** shall be located only on parcels fronting a road with a posted speed limit of 35 miles per hour or less.
2. **Low Speed Vehicle Rental Business** shall be located no closer than five hundred (500) feet to a **Single Family Residential** zoning district (R-1, R-1B, R-1C, R-1CT, and R-0).
3. No **Low Speed Vehicle Rental Business** opened or established after [the effective date of this Ordinance] shall be located within five hundred (500) feet from the next closest **Low Speed Vehicle Rental Business**.

B. Display of Low Speed Vehicles - All new Low Speed Vehicle Rental Businesses shall comply with the following Vehicle Display and appearance requirements.

1. The outdoor display of **Low Speed Vehicles** shall be limited to areas that are not otherwise required for compliance with the parking requirements of section 4.05.02.A of this Code, landscaping requirements of this Code, or any other condition required under any provision of this Code or the City's Code of Ordinances. Except as provided herein, no Low Speed Vehicles may be displayed outdoors on the **Premises** of any **Low Speed Vehicle Rental Business** in such a way as to be visible from a **Scenic Corridor** or on any portion of a property lying between the primary business entrance and the ROW.
2. All outdoor display of **Low Speed Vehicles** shall be on a hard, durable surface such as concrete or compacted gravel.
3. All **Low Speed Vehicles** displayed shall be properly anchored, secured, or stored in such a manner to avoid shifting or movement
4. **Low Speed Vehicles** awaiting departure or recently returned may not be displayed or otherwise visible from a **Scenic Corridor** or on any portion of a property lying between the primary business entrance and the ROW.

- C. Repair and maintenance activities are limited to equipment rented on site, and shall be conducted within enclosed structures and otherwise screened from view of a **Scenic Corridor**.
- D. The **Use**, including any signage or other display of merchandise, shall not interfere with pedestrian movement along public sidewalks or public entrances or otherwise create an unsafe condition and shall be in full compliance with all applicable federal and state accessibility standards, including but not limited to, the Americans with Disabilities Act.
- E. After the effective date of this Ordinance, there shall be no storage, parking, **Vehicle** display, signs, banners, tents or other **Accessory** or sales activity on the public right of way.
- F. All **Low Speed Vehicle Rental Businesses**, regardless of their location in the City, shall comply with the requirements of Section 7.02.03G of this Code relating to the use of Front Yards and the items authorized within them, except that with regard to Low Speed Vehicle Rental businesses the width of the Front Yard established for such use may be at least 90% the width of the front of the principal building existing at that business location on the effective date of this Ordinance.
- G. **Sign and Appearance Requirements** -- All **Low Speed Vehicle Rental Businesses** shall comply with the following Sign and appearance requirements. **Low Speed Vehicle Rental Businesses** existing on May 12, 2016, shall have until February 23, 2018 to come into compliance with these requirements. All capitalized terms used in this section shall have the meanings ascribed in the City of Panama City Beach Sign Code, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.
1. All Signs shall be flat **Wall Signs**.
 2. The amount of allowable **Sign Area** shall be one square foot of **Sign Area** per linear foot of **Frontage** of that **Premises**, to a maximum of twenty-five (25) square feet.
 3. **Free-Standing On-Premises Signs** are prohibited.
- H. A **Low Speed Vehicle Rental Business** shall be limited to offering a maximum of fifty (50) **Low Speed Vehicles** for rental at any one location. This limitation shall not be interpreted to limit the number of vehicles that may be stored or displayed indoors at a location that can reasonably accommodate the storage or display of such vehicles, or to permit the rental or storage of any number of low speed vehicles beyond the site's capacity to reasonably accommodate that number of vehicles.
- I. **Section Not Independently Authorizing Use**. Nothing in this section shall be construed to permit the establishment or maintenance of any **Low Speed Vehicle Rental Business** not otherwise permitted by the other chapters of this LDC or any other applicable law.

SECTION 5. From and after the effective date of this ordinance, Table 4.05.02.A of the Land Development Code of the City of Panama City Beach related to Parking Space Requirements, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Table 4.05.02.A: Parking Space Requirements

Type of Use or activity	Minimum Number of Spaces
<u>Low Speed Vehicle,</u> motorcycle, and paddle boat rentals	1 per employee on the largest shift, plus 1 per 2 rental <u>Vehicles.</u>

SECTION 6. From and after the effective date of this ordinance, Table 2.03.02 of the Land Development Code of the City of Panama City Beach related to Land Uses in Base Zoning Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Table 2.03.02: Land Uses in Base Zoning Districts

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
<u>Low Speed Vehicle Rental Business</u>												<u>S</u> <u>5.04.0</u> <u>7</u>				

SECTION 7. HARDSHIP EXTENSION OF TIME FOR COMPLIANCE WITH SIGN AND APPEARANCE REQUIREMENTS -- To mitigate any potential economic impact and to prevent any alleged taking of private property that could be caused by the operation of Section 5.04.07(G) of the Panama City Beach Land Development Code, the owner or real property or operator of a Low Speed Vehicle Rental Business may apply to the City Council for an extension of time within which to comply with Subsection G on the grounds that the effect of subsection G within the allotted time causes undue hardship by depriving that person of the ability to recoup any reasonable investment made by that entity in signs or other property deemed nonconforming by Subsection G.

(a) Time and Manner of Application - An application for an extension of time within which to terminate a use made nonconforming by the provisions of subsection G may be filed by the owner of the affected real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the City Manager at least ninety (90) days but no more than one hundred eighty (180) days prior to the time established in subsection G for termination of such use.

(b) Procedure and Decision: If an application is made to the City Manager pursuant to this subdivision, a public hearing before the City's Planning Board shall be set by the City Manager and duly noticed at least ten (10) days prior to hearing. After considering the recommendation of the Planning Board, and all evidence submitted in support of and opposition to the application for hardship extension, the Council may grant a limited extension on terms and conditions that

are fair, reasonable and consistent with the protection of the public health, safety and welfare to prevent a taking of undue hardship or a taking of private property without just compensation. Such application shall be subject to any fee set by the City Council from time to time by resolution.

SECTION 8. SUNSET. The provisions of this ordinance creating Section 22-105.5 of the Panama City Beach Code of Ordinances shall cease to be effective two (2) years from the effective date of this Ordinance unless otherwise extended in accordance with applicable law.

SECTION 9. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 10. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances and the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 11. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 23rd day of February, 2017.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 23rd day of February, 2017.


MAYOR

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