

ORDINANCE 1484

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE REGULATION OF AMUSEMENT VEHICLES; LIMITING THE NUMBER OF LOW SPEED VEHICLES RENTED IN THE CITY AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 adopted Ordinance 1398 on February 23, 2017; and

WHEREAS, Ordinance 1398, among other things, limited the number of low speed vehicles available for rent in the City to 300 with a provision to remove this limit two years after passage; and

WHEREAS, now, as then, the City Council finds that rented low-speed vehicles are 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, now, as then, the City finds that the rented low-speed vehicles are **frequently** 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. The Chief of Police reported to the City Council that his department is able to effectively **enforce** the current regulations on the low speed vehicle market; 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 desired to make the cap on available low speed vehicles permanent; and

WHEREAS, limiting the amount of low speed vehicles will allow the City to better police the action of all travelers upon its roads; 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, due to the limited number of low speed vehicles that will be permitted to be rented in the City, no single business, owner, or principal should be allowed to monopolize the industry through the purchase of all, or substantially all, of the available rental medallions. Monopolization stifles competition, innovation, and consumer choice. In order to avoid monopolization and promote competition, innovation, and consumer choice, the City finds that no single business, owner, or principal should be granted more than 1/6 of the available rental medallions; and

WHEREAS, the City otherwise finds that Ordinance 1398 was successful in its goals and should be continued.

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

SECTION 1. 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. 22-105.5. – Limitation on number of Low Speed Vehicles to be rented in the City.

(a) The **total** number of ~~L~~ow speed vehicles available for rental in the City shall not exceed 300.

(b) **Except as otherwise provided herein, only Low Speed Vehicle Rental Businesses, or their lawful successor(s) under §§ 22-105.5(e) or affiliated entities under 22-105.5(c), may offer low speed vehicles for rent in the City.** ~~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(e). For purposes of this Ordinance, "Low Speed Vehicle Rental Business" shall mean~~ **those unique and unaffiliated businesses lawfully engaging in the rental of registered low speed vehicles in February 2017, more specifically the following named 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 **may** apply for and be granted up to 50 ~~L~~ow speed vehicle medallions in accordance with procedures of section 22-105 of this chapter and as designated by the Chief of Police. **The number of low speed vehicles offered for rent in the City by a Low Speed Vehicle Rental Business shall not exceed the number of medallions possessed by that business. Businesses sharing a common owner or principal with a Low Speed Vehicle Rental Business, herein "affiliated entities," shall, with both entities written consent, also be entitled to apply for medallions from the City and offer low speed vehicles for rent in the City by applying to the City with proof of such affiliation, and consent, and receiving approval by the City. The total number of low speed vehicles offered for rent in the City by a Low Speed Vehicle Rental Business and its affiliated entities shall not exceed 50.**

(d) The City shall prepare and issue for each Low Speed Vehicle Rental Business an **appropriate** number of medallions unique to that business, ~~and e~~**Each** Low speed vehicle available for rent ~~at~~ **by** 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 Vehicle 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) **when** all, but no less than all, of the issued medallions unique to ~~the~~ **an** existing business are conveyed to a third party; in conjunction with a **the** 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.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. 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 4. 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 5. 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 10th day of January, 2019.


MAYOR

ATTEST

CITY CLERK

EXAMINED AND APPROVED by me this 10th day of January, 2019.


MAYOR

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