

Jo Smith

From: Amy Myers <amyers@hsmclaw.com>
Sent: Friday, April 14, 2017 12:01 PM
To: Jo Smith
Cc: Cindy Kittler
Subject: emergency ordinance transcript for minutes
Attachments: Emergency Ord Scooters.pdf

JO, below is my transcript of the emergency ordinance I read last night. Also attached is the ugly, hard to read handwritten document I drafted during the meeting last night. It is the ultimate public record, so I wanted you to have it. Its hard even for me to read, but there you go.

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FINDING THAT SCOOTERS ARE INCONSISTENT WITH TRAFFIC IN CITY ROADS AND PRESENT AN ONGOING PROBLEM REGARDING THEIR OPERATION IN PUBLIC ROADWAYS, AND DETERMINING THAT CURBING THEIR MISUSE IS OVERWHELMING THE DEPARTMENT; PROVIDING THAT RENTAL SCOOTERS SHALL BE PROHIBITED FROM OPERATING ON THE PUBLIC ROADS AFTER 5PM; REPEALING ORDINANCES IN CONFLICT AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WHEREAS, the City Council has received numerous complaints regarding the operation of scooters over the years, which since the enactment of Ordinance 1351-L prohibiting overnight rentals in March, have increased demonstrably since April 1; and

WHEREAS, the City Police Chief has reported an increase in calls from private owners asking to trespass scooters from their property, and complaints from business owners regarding the movement of scooters through their properties in that same timeframe; and

WHEREAS, the City Council has observed the "recreational" use of scooters operating on sidewalks, weaving in and out of traffic, and the numerous traffic stops undertaken by law enforcement to address and curb such use which is in violation of state and local laws; and

WHEREAS, the Council has received testimony from the Chief indicated that scooter operation is most in tension with local traffic around and after 5pm when families get in their cars to go to dinner; and

WHEREAS, the City Council finds that the prohibition of scooters was an effective measure to enable law enforcement to focus on other matters; and

WHEREAS, the upcoming Easter weekend is anticipation to be very busy, and bring an estimated 250,000 visitors to town, further taxing the limited resources of the City's police force; and

WHEREAS, the Council finds and determines that an immediate prohibition on the operation of scooters after 5pm will enable the police department to focus on other law enforcement matters; and protect the health, safety and welfare of the City's residents and guests.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Panama City Beach:

1. Finding of Emergency. For the reasons set out in the above recitals, and described by countless witnesses in countless public meetings over the years, the Councils finds and determines that the enhanced restrictions adopted by this ordinance are needed immediately to help address the misuse being observed and its impacts on law enforcement's ability to efficiently perform its functions.
2. Operation of Scooters prohibited after 5pm.
 - a. The operation of rented scooters is prohibited after 5pm.

- b. Any rented scooter operated on the public roads between 5pm and 7am shall be confiscated and impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to 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 the City Council.
 - c. Violation of this Ordinance shall constitute a separate, civil infraction punishable by a civil penalty in the amounts established in Section 22-105.5 of the City Code.
- 3. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.
 - 4. This ordinance shall take effect immediately upon passage by two-thirds vote (4 of 5 votes) of the City Council, without further reading or publication.

Have a great Easter!

~amy

Thanks.

Amy E. Myers, Esq.



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an ^{emergency} order of the C'PB,
 prohibiting operation of scooters after
 finding that scooters are ^{inconsistent with} ~~inconsistent with~~ ^{in some} ~~in some~~ ^{operation} ~~operation~~
 determining that use overwhelming Dpt,
 providing that rental scooters
 shall be prohibited from operating
 on the ^{public} roads after 5pm, ^{remaining} ~~remaining~~ ^{orders} ~~orders
 and providing an ^{immed.} ~~immed.~~ ^{eff.} ~~eff. date as an
 emergency measure.~~~~

① WA, City Council has rec'd ^{numerous} ~~numerous~~ ^{complaints} ~~complaints~~ ^{regarding} ~~regarding~~ ^{prohibition} ~~prohibition ^{of scooters} ~~of scooters~~
 since April 1, ^{which} ~~which ^{demonstrating} ~~demonstrating ^{the} ~~the ^{effectiveness} ~~effectiveness ^{of} ~~of ^{the} ~~the ^{prohibition} ~~prohibition ^{of} ~~of ^{scooters} ~~scooters~~
 was an effective ^{measure} ~~measure to enable LE to ^{focus} ~~focus ^{on} ~~on ^{other} ~~other ^{matters} ~~matters~~,
 since ^{enactment} ~~enactment~~ ^{of} ~~of ^{Ord. 1362} ~~1362~~ ^{prohibiting} ~~prohibiting ^{rental} ~~rental ⁱⁿ ~~in ^{March} ~~March,~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

② WA, Council finds that ^{Chief} ~~Chief~~ ^{Officers} ~~Officers ^{of} ~~of~~ ^{the} ~~the ^{City} ~~City ^{Council} ~~Council has ^{observed} ~~observed~~ ^{that} ~~that ^{the} ~~the ^{presence} ~~presence ^{of} ~~of~~ ^{scooters} ~~scooters ^{operating} ~~operating~~ ^{on} ~~on~~ ^{sidewalks} ~~sidewalks~~, ^{weaving} ~~weaving~~ ⁱⁿ ~~in~~ ^{and} ~~and~~ ^{out} ~~out~~ ^{of} ~~of~~ ^{traffic} ~~traffic~~, ^{the} ~~the ^{numerous} ~~numerous~~ ^{traffic} ~~traffic~~ ^{stops} ~~stops~~ ^{undertaken} ~~undertaken~~ ^{by} ~~by~~ ^{LE} ~~LE ^{to} ~~to~~ ^{address} ~~address~~ ^{such} ~~such~~ ^{use} ~~use~~ ^{which} ~~which~~ ^{is} ~~is~~ ⁱⁿ ~~in~~ ^{violation} ~~violation~~ ^{of} ~~of~~ ^{state} ~~state~~ ^{and} ~~and~~ ^{local} ~~local ^{laws} ~~laws~~, and~~~~~~~~~~~~~~~~~~~~~~

③ WA, the ^{upcoming} ~~upcoming~~ ^{Easter} ~~Easter ^{weekend} ~~weekend is anticipated to be very busy, ^{with} ~~with ^{an} ~~an ^{estimated} ~~estimated ^{250K} ~~250K ^{visitors} ~~visitors ^{to} ~~to ^{town} ~~town, ^{further} ~~further ^{taxing} ~~taxing ^{the} ~~the ^{limited} ~~limited ^{resources} ~~resources ^{of} ~~of~~ ^{an} ~~an ^{already} ~~already ^{strained} ~~strained ^{police} ~~police~~ ^{force} ~~force~~,~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Now thereon be it ~~described~~ ordained
by the City Council of the C'PUB

1. Finding of Emergency. For the reasons set out in the above recitals, & described by countless witnesses in countless ^{public} meetings over the years, the Council finds & determines that the enhanced restrictions adopted by this Ord. are needed ^{help} immediately to address the misuse being incurred; its ~~effects~~ impacts on law enforcement's ability to effectively perform its functions.

2. (a) ~~Any~~ The operation of scooters rented is after 5pm.
- (b) Any rented scooter operated on the public roads between 5pm and ~~6pm~~ 7am before sunrise (as est. by Dept of Trans) shall be confiscated; impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to its ^{authorized} representative, no sooner than the next bus. day; only after payment of an impound fee & storage fee in such amounts as may be est. by Res of City Council. ~~fees~~
- (c) Violation of this Ord shall constitute a sep. civil infraction

3. Repeal. all words or parts of words in compact herewith are repealed to the extent of such compact.

4. ~~Survivability of any clause or portion~~ (4 votes)

4. This Ord shall take effect unimpaired upon passage, ~~upon passage~~ 2/3 vote by the City Council, without further readings or publication.

M² Approve
111-2

2(c) punishable by a civil penalty in the amounts established in Sec. 22-105.5 of the city code.