



City of Jacksonville Beach

Briefing Notice

City Council

11 North Third Street
Jacksonville Beach, Florida

Monday, October 14, 2024

5:00 PM

City Hall 1st Floor Conference Room

City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

- A. Semi-Truck Parking Ban
- B. E-Bike Regulations
- C. Pier Entryway Art
- D. Disposition of Downtown Property
- E. Food Truck Discussion
- F. Miscellaneous City Manager's Items
- G. Committee Assignment Report
- H. Future Briefing Topics

Council Members in attendance may include:

Mayor:	Christine Hoffman		
Council Members:	Sandy Golding	Bill Horn	Dan Janson
	Fernando Meza	Greg Sutton	John Wagner

Please note: Council Members in attendance may vary according to their schedules.

No public comments are taken at the City Manager's Council Briefing.

If you are a person with a disability who needs an accommodation to participate in a meeting, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator by phone 904-712-6297 or submit an [Accommodation Request](#) to the ADA Coordinator as far in advance of the meeting as possible; preferably 7 days but no less than 2 business days, before the meeting. If you are hearing or voice impaired, please call Florida Relay at 711 for assistance.



CITY COUNCIL BRIEFING TOPIC	
TO:	Mike Staffopoulos, City Manager
FROM:	Gene Paul N Smith, Chief of Police
DATE:	October 14, 2024
SUBJECT:	Semi-Truck Parking Ban

BACKGROUND

The Mayor and Council requested that Administration and the Police Department research the viability of creating a City ordinance that would prohibit semi-truck parking on state roadways (namely State Road A1A). In turn, the Florida Department of Transportation ("FDOT") would then also prohibit parking on the same roadway(s) based on the City ordinance. This option was mentioned briefly in an email by an FDOT official to a police Sergeant in response to numerous citizen complaints about legally parked semi-trucks.

The legally parked semi-trucks on State Road A1A idle their engines overnight to supply power to the cab. This location is in proximity to numerous homes along State Road A1A and citizens complain that the engine noise is bothersome. The FDOT has been accommodating with some of the City's requests in reference to this ongoing issue, but has indicated removing the parking all together is a none-starter. The option in the email mentioned above was the basis for this research and discussion.

FINANCIAL IMPACT

Not applicable.

COUNCIL DIRECTION REQUESTED

For discussion with City Council.

ATTACHMENTS

1. AG Opinion Parking
2. Semi-Parking Emails with FDOT



ASHLEY MOODY

[Home](#) > [AG Opinions](#) > [County Parking Restrictions C](#)

Fl. AG.
2001

COUNTY, PARKING RESTRICTIONS ON STATE ROAD RIGHT OF WAY [View PDF](#)

Number: AGO 2001-22

Issued March 20, 2001

Subject: County, parking restrictions on state road right of way

Mr. Gary E. Eckstine
Flagler County Attorney
1200 East Moody Boulevard #11
Bunnell, Florida 32110

RE: TRAFFIC--COUNTIES--DEPARTMENT OF TRANSPORTATION--parking restrictions on state roads. ss. 316.002, 316.006 and 316.194, Fla. Stat.

Dear Mr. Eckstine:

On behalf of the Flagler County Board of County Commissioners, you ask substantially the following question:

May a county impose more stringent parking regulations on the right-of-way of state roads?

In sum:

While a county may enforce state traffic laws on state roads, it may not impose more stringent parking regulations on such roads.

The Florida Uniform Traffic Control Law, Chapter 316, Florida Statutes, was enacted to "make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities." [1] The purpose of the act was to eliminate the "hodgepodge of ordinances which vary as to language and penalty" resulting in an inconvenience and hazard to travelers. [2]

The provisions of Chapter 316, Florida Statutes, are "applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and *no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized.*" [3] (e.s.) Section 316.002, Florida Statutes, specifically states that it is unlawful for any local authority to pass or attempt to enforce any ordinance in conflict with the provisions of Chapter 316. This office has stated that Chapter 316 operates to prohibit any local legislation on traffic control or the enforcement thereof under the police power of a municipality, except as may be expressly authorized by the Uniform Traffic Control Law. [4]

Section 316.006, Florida Statutes, sets forth the jurisdiction to control traffic, providing in pertinent part:

"(1) STATE.--The Department of Transportation shall have all original jurisdiction over all *state roads* throughout this state .

...

(3)(a) COUNTIES.--Counties shall have original jurisdiction over all streets and highways located within their boundaries, *except all state roads* and those streets and highways specified in subsection (2)" [5] (e.s.)

"STATE ROAD" is defined by section 316.003(50), Florida Statutes, as "[a]ny highway designated as a state-maintained road by the Department of Transportation." [6]

In setting forth the powers of local authorities, section 316.008, Florida Statutes, recognizes that local authorities may regulate, among other things, stopping, standing or parking on "streets and highways under their jurisdiction[.]" [7] State roads are not within the jurisdiction of local authorities, although local authorities are authorized to enforce state traffic laws on such roads. [8] Thus, if the Department of Transportation, which has original jurisdiction over state roads, has posted "no parking" signs on the right-of-way, local authorities should enforce such provisions.

Your inquiry is prompted by concerns regarding vehicles parked on the right-of-way of a state road. Section 316.194(3)(b), Florida Statutes, provides for the removal of a vehicle that is found unattended on a public highway:

"Officers are hereby authorized to provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against [the] motor vehicle, when said abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;
2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and
3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing s vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours c

removal." [9]

As attorney for Flagler County, you have advised the board of county commissioners that it is your opinion that the county cannot prohibit or more restrictively regulate vehicle parking on a state road right-of-way. Based upon the above, I concur in that conclusion.

Accordingly, I am of the opinion that while a county may enforce state traffic laws on state roads, it may not impose additional more stringent regulations on such roads.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

[1] Section 316.002, Fla. Stat.

[2] See the preamble to Ch. 71-135, Laws of Florida, creating Ch. 316, Fla. Stat.

[3] Section 316.007, Fla. Stat.

[4] See, e.g., Ops. Att'y Gen. Fla. 98-62 and 98-15 (1998).

[5] Subsection (2) of s. 316.006, Fla. Stat., gives original jurisdiction to municipalities over streets and highways, except state roads, located within their boundaries.

[6] See s. 316.003(53)(a), Fla. Stat. defining "STREET OR HIGHWAY" to mean, among others, "[t]he entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic[.]" Cf. s. 334.03(22) and (23), Fla. Stat., respectively defining "Right-of-way" and "Road" for purposes of the Florida Transportation Code:

"(22) 'Right-of-way' means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

(23) 'Road' means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way"

[7] Section 316.008(1)(a), Fla. Stat.

[8] See *State v. Williams*, 303 So. 2d 74 (Fla. 3d DCA 1974), *case dismissed*, 314 So. 2d 591 (Fla. 1975), concluding that the jurisdiction vested by s. 316.006, Fla. Stat., relates only to the control or regulation of traffic and does not extend to the enforcement of traffic laws; thus, while a municipality did not have the authority to regulate traffic on a state road or interstate highway located within its municipal boundaries, a municipal police officer had the right to arrest a motorist

Thomas W. Bingham

From: Brian J. Wallace
Sent: Monday, October 7, 2024 11:39 AM
To: Thomas W. Bingham
Subject: Fw: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

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From: Steeley, Esther <Esther.Steeley@dot.state.fl.us>
Sent: Monday, October 7, 2024 10:32 AM
To: Brian J. Wallace <bwallace@jaxbchfl.net>
Subject: RE: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

Caution: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Sergeant Brian:

I was not aware myself. I reached out to my management team. They are unaware of any Florida Statute that specifically states that a local government can restrict on-street parking on the state highway system to certain types of vehicles. The recommendation is for the attorneys to investigate.

Sincerely,

Esther Steeley, BSCE, CPM, IMSA II
Traffic Operations - Traffic Services Program
(904) 360-5637
2198 Edison Ave
Jacksonville, FL 32204

From: Brian J. Wallace <bwallace@jaxbchfl.net>
Sent: Thursday, October 3, 2024 7:13 PM
To: Steeley, Esther <Esther.Steeley@dot.state.fl.us>
Subject: RE: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

Esther,

Thanks again for your help on this. There might be some confusion on question 1. – it's my fault.

Before we begin the process of creating an "approved A1A (3rd St) semi-truck parking restriction ordinance" – we wanted to make sure (legally) we as a municipality are allowed to do this. Our legal

department is specifically looking for a state code / federal regulation stating we can do so. – We'll worry about a template later.

I'm free tonight and all day tomorrow if you have time to speak.

Thank you,



Brian J. Wallace

Traffic Sergeant

Jacksonville Beach Police Department

101 S. Penman Road

Jacksonville Beach, FL 32250

Office: 904.270.1661

Direct: 904.877.1243

bwallace@jaxbchfl.net

From: Steeley, Esther <Esther.Steeley@dot.state.fl.us>

Sent: Thursday, October 3, 2024 6:40 PM

To: Brian J. Wallace <bwallace@jaxbchfl.net>

Subject: RE: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

Caution: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sergeant Brian:

1. I spoke with the Legal Office. They do not have any copies. My office does not have any copies. We request that your office speak with other nearby county offices to see if they have a copy for reference.
2. Please give me a little more information. The rules for State Roads may be different than Non-State Roads. I recommend asking the local County's Public Works Office about rules on Non-State Roads. FDOT uses the Speed Zoning Manual to assist with school zoning criteria. Please go to the following as references for FDOT:
 - a. <https://www.flsenate.gov/Laws/Statutes/2018/Chapter316>
 - b. <https://www.flsenate.gov/Laws/Statutes/2018/0316.1895>
 - c. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/speedzone/2019-01-28_speed-zoning-manual_august-2018.pdf?sfvrsn=ac20bad7_0

Please let me know if you have any further questions.

Sincerely,

Esther Steeley, BSCE, CPM, IMSA II

Traffic Operations - Traffic Services Program

(904) 360-5637

2198 Edison Ave

Jacksonville, FL 32204

From: Brian J. Wallace <bwallace@jaxbchfl.net>

Sent: Tuesday, September 3, 2024 1:40 PM

To: Steeley, Esther <Esther.Steeley@dot.state.fl.us>

Subject: RE: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

EXTERNAL SENDER: Use caution with links and attachments.

Esther,

Thank you for your help with this. I have two follow-up questions when you have some time.

1. Do you have any examples, or templates of “approved” semi-parking restriction ordinances? Our city attorney is looking through MUNICODE for references, however, I figured you might be able to point us in the right direction.
2. Is there any new state law in effect which require flashing signals for school zone speed limit signs? We have a beacon on our state roadway, but some local roads have designated school zones with no beacon.

Thanks in advance for your help!



Brian J. Wallace

Traffic Sergeant

Jacksonville Beach Police Department

101 S. Penman Road

Jacksonville Beach, FL 32250

Office: 904.270.1661

Direct: 904.877.1243

bwallace@jaxbchfl.net

From: Steeley, Esther <Esther.Steeley@dot.state.fl.us>

Sent: Monday, July 1, 2024 2:26 PM

To: Brian J. Wallace <bwallace@jaxbchfl.net>

Subject: FDOT Assignment Report 2024.0086 Investigation Complete - South Jax Beach semi parking complaint

You don't often get email from esther.steeley@dot.state.fl.us. [Learn why this is important](#)

Caution: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Brian Wallace:

Thank you for informing FDOT regarding “No Parking” signs on SR A1A from 30th Ave S to 36th Ave S. The investigation is complete.

Based upon the existing conditions, Traffic Operations Office recommends retaining existing roadway pavement markings and signage. Sight distance measurements are calculated during the design engineering phase. The gore roadway pavement markings indicate the design engineering team completed the appropriate calculations prior to the design being signed and sealed for approval. FDOT is not positioned to restrict parking to one type of driver versus another. The gore roadway pavement markings indicate where not to park to block line of sight (sight distance). The City of Jacksonville Beach will need to share an approved A1A (3rd St) semi-truck parking restriction ordinance to FDOT for further consideration.

The full report is attached for review, as desired.

Sincerely,

Esther Steeley, BSCE, CPM

Traffic Operations - Traffic Services Program

(904) 360-5637

2198 Edison Ave

Jacksonville, FL 32204



CITY COUNCIL BRIEFING TOPIC	
TO:	Mike Staffopoulus, City Manager
FROM:	Gene Paul N Smith, Chief of Police
DATE:	October 14, 2024
SUBJECT:	E-Bike Regulations

BACKGROUND

The Mayor and Council requested that Administration and the Police Department research the viability of creating a City ordinance that would further regulate E-bike operation, which is now only addressed in state statute. They requested that we focus on jurisdictions in proximity to the City of Jacksonville Beach. This project is the result of numerous complaints about the reckless operation of E-bikes on our roadways and sidewalks. The attached documentation examines two local jurisdictions' ordinances pertaining to E-Bikes. In the event Council consensus is to develop regulations for the City of Jacksonville Beach, a discussion on the content and expectations of enforcement would be appropriate.

FINANCIAL IMPACT

Not applicable.

COUNCIL DIRECTION REQUESTED

For discussion with City Council.

ATTACHMENTS

1. E-Bikes Local

Florida State Statutes

316.003 Definitions —The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(23) **ELECTRIC BICYCLE.**— A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(24) **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**— Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(41) **MICROMOBILITY DEVICE.**— 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 capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

316.20655 Electric bicycle regulations.— Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in s. 161.54(3) or a dune as defined in s. 161.54(4) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

Summary with detailed excerpts from individual ordinances listed below:

Atlantic Beach – Only prohibits the rental or lease of electric personal assistive mobility devices, micromobility devices, and motorized scooters. This does not apply to electric bicycles. (Sec. 21-95 and 21-96)

Neptune Beach – Temporary moratorium was enacted in 2022 to prevent the lease or rental of electric personal assistive mobility devices, micromobility devices, and motorized scooters. Currently, no bicycle, electric bicycle, skateboard, roller skate, or personal mobility device may be operated on the streets and sidewalks in a reckless manner (reckless acts are further defined in the Section). (Sec. 22-7 and 22-8)

Daytona Beach – Has defined equipment and operational guidelines for micromobility devices. Applicable guidelines include restriction of these devices to less than 15mph and either operated in a designated bike lane or on certain roadways. Does not specify restrictions on electric bicycles. (Sec. 94-302)

Flagler Beach – May not ride micromobility devices and electric bicycles on public sidewalks. (Sec. 19-81, 19-82, 19-83, 19-84, and 19-85)

New Smyrna Beach – Micromobility devices and electric bicycles use only in designated bicycle lanes or in a manner that does not endanger pedestrians. (Sec70-4)

Northeast Florida Ordinances:

City of Atlantic Beach

Chapter 21 – Traffic and motor vehicles

Sec. 21-95. - Commercial rental or lease of electric personal assistive mobility devices, micromobility devices and motorized scooters prohibited.

- (a) The commercial rental or lease of electrical personal assistive devices, micromobility devices and motorized scooters, as said terms are defined in this article, within the city is prohibited.
- (b) The following terms shall have the meanings given herein for purposes of this article VII. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Electric personal assistive mobility device is defined as any self -balancing, two- nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with

average power of seven hundred and fifty (750) watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs one hundred and seventy (170) pounds, is less than twenty (20) miles per hour.

Micromobility device is defined as 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 capable of traveling at a speed greater than twenty (20) miles per hour on level ground.

Motorized scooter is defined as any motorized transportation 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 (3) wheels, and which is not capable of propelling the device at a speed greater than twenty (20) miles per hour on level ground. The term does not include an "electric bicycle" as defined in F.S. § 316.003.

Sec. 21-96. - Enforcement and penalties.

- (a) The city finds that a violation of section 21-95 constitutes a serious threat to the health, safety and welfare of the public and citizens of the city.
- (b) Each violation of section 21-95 shall constitute a separate violation and each day (any 24 hour consecutive period) that a continuing violation of section 21-95 occurs or continues shall constitute a separate violation within the meaning of F.S § ch. 162, part I and chapter 2, article V, division 2 of the Code.
- (c) This article may be enforced pursuant to the provisions of F.S. § ch. 162, part I and chapter 2, article V, division 2 of this Code.
- (d) Members of the police department are hereby authorized to remove or cause to be removed any electric personal assistive mobility device, micromobility device or motorized scooter rented or leased in violation of section 21-95 when left unattended in any public right of way, public property or beach under the city's jurisdiction. The services of tow operators pursuant to article III of this chapter 21 and the provisions of section 21-55 shall be applicable to such removal.

City of Neptune Beach

Chapter 22 – Traffic and Motor Vehicles

Sec. 22-8. - Street and sidewalk personal vehicle regulations.

Definitions:

- (1) Bicycle shall mean as such term is defined in F.S. § 316.003(4), as amended from time to time.

(2) Electric bicycle shall mean as such term is defined in F.S. § 316.003(22), as amended from time to time.

(3) Personal mobility device shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by F.S. Ch. 316, as amended from time to time.

(4) Roller skates shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one (1) or more wheels are attached, including wheels that are "in line," also known as "rollerblades".

(5) Skateboard shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates.

(6) Reckless shall mean:

- a. At a speed in excess of fifteen (15) miles per hour; or
- b. In willful or wanton disregard for the safety of persons; or
- c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's streets and sidewalks; or
- d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.

No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the streets or sidewalks within the city in a reckless manner.

Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

Penalties: The amount of penalties for violations of this section shall be as provided for in F.S. § 318.18(3), as amended from time to time.

Bicycle shall mean as such term is defined in F.S. § 316.003(4), as amended from time to time.
Electric bicycle shall mean as such term is defined in F.S. § 316.003(22), as amended from time to time.

Personal mobility device shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by F.S. Ch. 316, as amended from time to time.

Roller skates shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one (1) or more wheels are attached, including wheels that are "in line," also known as "rollerblades".

Skateboard shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates.

Reckless shall mean:

- a. At a speed in excess of fifteen (15) miles per hour; or
 - b. In willful or wanton disregard for the safety of persons; or
 - c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's streets and sidewalks; or
 - d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.
- (b) No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the streets or sidewalks within the city in a reckless manner.

Enforcement:

Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

Penalties:

The amount of penalties for violations of this section shall be as provided for in in F.S. § 318.18(3), as amended from time to time.

City of Daytona Beach

Article 8 – Bicycles, motorized scooters, and micromobility scooter devices

Sec. 94-302. - Motorized scooter operations; parking.

- (a) Operators of motorized scooters shall comply with all state laws pertaining to micromobility devices, motorized scooters, as applicable, and as may be amended.
- (b) All motorized scooters shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended, which requires a reflective front white light visible from a distance of at least 500 feet, and a reflective rear red light visible from a distance of at least 600 feet.
- (c) No person under the age of 16 years old shall operate a motorized scooter. It is unlawful for the parent, legal guardian or custodian of a minor child to knowingly permit the child to violate any provision of this section.
- (d) Ridership of more than one person on any motorized scooter shall be prohibited.
- (e) All motorized scooters within the city shall be limited to a maximum speed of 15 mph.

- (f) Motorized scooters shall only operate within the designated bike lanes of a roadway, if available; or if no bike lane is available, upon roadways with a posted speed limit of 30 mph or less.
- (g) Operation of motorized scooters on a public sidewalk or walkway is prohibited, except for purposes of parking the device in an acceptable manner as provided in this section.
- (h) Motorized scooters shall not be operated on or along State Road A1A within the city or on the city's boardwalk.
- (i) Motorized scooters shall be equipped with a kickstand and parked upright at all times.
- (j) Motorized scooters shall not be parked in a manner that obstructs any ingress or egress from any building or parking area, or in a manner that prevents any sidewalk or walkway from maintaining at least four feet of walkway clearance.

City of Flagler Beach

Chapter 19 – Traffic and Motor Vehicles

Sec. 19-81. - Electric bicycle and motorized scooter riding prohibited on sidewalks.

It shall be unlawful for any person to ride an electric bicycle or motorized scooter upon any public sidewalk within the city limits of the City of Flagler Beach.

Sec. 19-82. - Bicycles, micromobility devices, electric bicycles and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, 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. The city may seize and impound any bicycle, electric bicycle, micromobility device or motorized scooter parked, abandoned or otherwise left in violation of this section. Such property will be released to the lawful owner after all impoundment and storage fees have been paid. Any bicycle, electric bicycle, micromobility device or motorized scooter that remains unclaimed within the city for five (5) days is subject to sale pursuant to the procedures for abandoned or lost property set forth in F.S. § 705.103, or by any other method allowed by the laws of the State of Florida.

Sec. 19-83. - Electric bicycles and motorized scooter operation.

Electric bicycles and motorized scooters must comply with all regulations under Florida law and this Code applicable to bicycles.

Sec. 19-84. - Micromobility device and motorized scooter staging prohibited.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the city. Any person or entity possessing a local business tax receipt for staging of micromobility devices within the City of Flagler Beach on private property may continue to operate such staging as a lawful non-conforming use until the expiration of such local business tax receipt subject to the provisions herein regarding the parking or abandonment

of bicycles, electric bicycles, motorized scooters, and micromobility devices. Such local business tax receipts shall not be eligible for renewal after the effective date of this article. During any such lawful non-conforming use period, any person or entity continuing to stage micromobility devices with the city shall ensure that no micromobility device is rented to an operator younger than sixteen (16) years of age in accordance with Florida law and that all operators are notified of applicable Florida law relating to the operation of electric bicycles, motorized scooters, or any other micromobility device.

Sec. 19-85. - Violations.

Violations of this article may be prosecuted in any manner authorized by Florida Law including the issuance of notices of violations and/or civil citations pursuant to F.S. Chapter 162. In addition, upon a finding by the code enforcement special magistrate for the city that a holder of local business tax receipt continuing operations as a lawful nonconforming use as provided herein has violated this article, the lawful nonconforming use period allowed herein shall terminate upon the date such finding is reduced to writing.

City of New Smyrna Beach

Chapter 70 – Streets and Sidewalks and Other Public Places

Sec. 70-4. - Operation of bicycles, electric bicycles, micromobility devices, motorized scooters or other similar devices on streets and sidewalks.

For purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

Electric bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of electric bicycle under F.S. § 316.003(22).

It shall be unlawful at any time for any person, with the exclusion of law enforcement in the course and scope of duty, upon roller skates, a skateboard, or riding in or by means of any coaster, toy vehicle, micromobility device or similar device, or riding a bicycle, tricycle or unicycle, to ride or otherwise operate such vehicle or device upon the public sidewalks within the Mainland Special Parking District or the Flagler Avenue Special Parking District or a business district or shopping center of this city. Nothing in this section shall prohibit a person from walking a bicycle or operating a wheelchair upon a sidewalk in such areas, or the operation of bicycles or micromobility devices upon designated bike routes in other areas of this city where available and so long as their use will not endanger the safety of pedestrians.

Violations of this section are punishable as provided in section 1-14, City Code.

CITY COUNCIL BRIEFING TOPIC

TO:	Mayor and City Council
FROM:	Taylor Mobbs, CRA Coordinator
DATE:	October 14, 2024
SUBJECT:	Pier Entryway Art

BACKGROUND

The Public Art Advisory Committee (PAAC) is currently in the process of preparing a call to artists for a new public art installation at the Jacksonville Beach Pier entryway. The proposed sculpture will be located on the boardwalk, nearest to the dunes, directly in front of the pier entrance.

At this stage, the PAAC is considering two distinct styles of installation for this project, and we are seeking Council feedback to ensure alignment before proceeding further.

1. Option 1: Traditional Arched Installation

This option envisions a large, arching sculpture that would span from one side of the entrance to the other. This style is in keeping with more traditional entryway art, serving as a bold and unifying feature for the space.

2. Option 2: Complementary Installations

The second option would involve two complementary sculptures positioned on either side of the entryway, without connecting across the top. This approach provides an alternative aesthetic, offering balance while allowing for more flexibility in design.

Staff has already coordinated with emergency services to ensure that neither option will interfere with access for emergency vehicles along the boardwalk or near the pier.

The guiding vision for this project is to create an installation that is "eye-catching and vibrant, resonating with people of all ages and backgrounds, and capturing the essence of the beach life brand, while reflecting the coastal environment."

A draft of examples is attached to this memo. These examples are not the specific artwork for the site. The examples are a combination of artwork installed in other places, and some concepts submitted to previous calls for other projects.

FINANCIAL IMPACT

To be determined.

COUNCIL DIRECTION REQUESTED

Staff requests feedback on the proposed options before moving forward with the call to artists.

ATTACHMENTS

1. Examples















CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	October 14, 2024
SUBJECT:	Disposition of Downtown Property

BACKGROUND

The Community Redevelopment Agency ("CRA") purchased the vacant property located at the southeast corner of 2nd Street North and 4th Avenue North in 2008. This property is located across from the City's Downtown CAPE public parking lot. The property address is 128 4th Avenue North, and the lot is approximately a quarter of an acre in size, or 13,000 square feet. Staff understood that the intent at the time was to also purchase the apartment complex to the east at 120 4th Avenue North, and combine those properties with the property known as the Ritz Lot (used for public parking) and design and develop a parking garage with commercial on the first floor. The reason(s) for lack of movement on this project is unknown by current staff.

To date, staff has not been directed by the CRA or the City Council to move forward with any plans for the property. Potential uses could include:

- Temporary parking for downtown business establishment employees, and/or for establishments desiring to have or expand valet services.
- Temporary art installations (discussed with PAAC).
- Along with the purchase of the property at 120 4th Avenue North, proceed with plans for a garage with commercial on the first floor.
- Sell to a property development group to develop for tax revenue to increase the TIF fund downtown.

FINANCIAL IMPACT

To be determined.

COUNCIL DIRECTION REQUESTED

Direction to the CRA and staff on desired plans for the property.

ATTACHMENTS

1. Vacant CRA Owned lot at 128 Fourth Avenue North

Vacant CRA Owned Lot at 128 Fourth Avenue North



Parcels

Real Estate #:	173933 0000
Physical Address:	128 4TH AVE N
Owner:	JACKSONVILLE BEACH COMMUNITY REDEVELOPMENT AGENCY
Owner Mailing Address:	11 3RD ST
City:	JACKSONVILLE BEACH
Zip Code:	FL 32250
Property Use:	Vacant Governmental



CITY COUNCIL BRIEFING TOPIC	
TO:	Mike Staffopoulos, City Manager
FROM:	Christian Popoli, Senior Planner
DATE:	October 14, 2024
SUBJECT:	Mobile Food Vending Ordinance

BACKGROUND

Topic 1:

At a previous City Council briefing, Council expressed interest in discussing expanding the locations in the City where Mobile Food Dispensing Vehicles (MFDV) can operate. Currently, pursuant to Section 12-33 of the Code of Ordinances, MFDV's are permitted to operate in the following commercial zoning districts: C-1, C-2, CS, CBD, I-1, and commercial PUD and RD zoning districts. Council expressed interest in adding residential zoning districts to the list of permitted areas where MFVD's can operate, specifically for HOA and COA communities, schools, and churches.

Topic 2:

The Planning and Development Department is the primary code enforcement agency for compliance with City codes and ordinances, including food trucks (statutorily referred to as Mobile Food Dispensing Vehicles "MFDV"). There have been several MFDV operators who have been cited for leaving their vehicles in place overnight. The City has passed three versions of regulations for MFDV, as the state has amended the requirements and limits on the City with regard to how they are regulated.

The current ordinance, passed in 2020, has a requirement for all MFDV to be removed overnight. Additionally, they are required to provide a letter establishing that they have a contract with a commissary, and they are allowed to dump waste there, as required by both the local ordinance and state requirements, as outlined in section 7 of the DBPR application for Mobile Public Food Service Establishment.

MFDV that are "self-sufficient" in that they can serve as a certified kitchen and store, prepare and cook food, do not require a commissary under state law for food preparation. However, they are still required to have a commissary for the purposes of waste disposal. State law is very explicit that a residence cannot be used for waste disposal, and therefore a licensed disposal site is required per the state laws as stated in the application as follows:

SECTION 7 – DBA AND COMMISSARY OR WATER/SEWER LOCATION INFORMATION

Provide the Doing Business As (DBA) name of your business. If your vehicle or kitchen is not self-sufficient, enter the Commissary address. If your vehicle or kitchen is self-sufficient, enter the water/sewer location address.

- Establishment Name (Doing Business As) – the name of establishment. If the establishment is part of a chain, please indicate a unique identifier (for example, Restaurant #103). (Required)

- **Street Address, City, Zip Code, Florida County – For non-self-sufficient vehicles or kitchens, this should be the address for a licensed commissary in Florida. For self-sufficient vehicles or kitchens, this will be the water/sewer location address. (Required)**

The primary reason for this requirement is that the discharge of untreated wastewater is of serious concern to the state. Per sec. 403.086 F.S., the state requires any discharge of any wastewater stream to be treated and cleaned to a specific standard before any discharge is allowed to enter any sewer outfall or stormwater, drain, specifically if that outfall is to a body of water. The city, owning their own storm water and wastewater systems, are permitted by the state and are responsible for any discharge into any water body. This would mean any uncontrolled dumping of waste into a storm drain may affect the city's regulated water quality.

Another aspect of the current ordinance that drives the regulation for no overnight parking of MFDV is based on a compromise with existing brick and mortar restaurants. During the establishment of the initial MFDV ordinance, Council heard from many business owners who were concerned about the competitive advantage MFDV's receive, not having to pay property taxes, utilities, or provide parking. This balance between MFDV and traditional restaurants is a common theme in most cities that allow food trucks, and removing the MFDV every night ensures it does not become a de facto restaurant, without the requirements other restaurants face.

The City has had several instances with MFDV that have remained on-site overnight, illegally dumping their waste into City storm water drains. Part of the reason for this is the lack of commissaries or dump stations at any of the local beach communities. This means a MFDV operator needs to drive their truck/trailer to an off-site dumping facility, licensed and designed to allow for safe discharge into the sewer. This can be difficult for some small owners, but currently it is the only option to legally dump their holding tanks.

Finally, leaving an MFDV overnight, which has turned into a semi-permanent MFDV, means that the vehicles are no longer considered mobile, and therefore are now structures. This would mean, without being forced to be considered a building, they would be susceptible to wind damage and other weather related design elements that are required to be addressed with mobile homes. Mobile homes are actually similar to MFDV in that they are licensed by the state, and must be strapped down to the ground. MFDV would have no such requirements, and therefore would not meet the Florida Building Code requirements.

FINANCIAL IMPACT

Allowing a MFDV to remain overnight could have a cost to the City. The financial impact to the City is unknown, but illegal dumping of waste can affect the City's permit requirements, and the City can face fines from the state if water quality doesn't meet specific standards. Additionally, discharge of MFDV waste into the city's sewer system, without going through a grease separator as outlined in the City code, can lead to clogged pipes, which would result in potential additional expenses for pipe cleaning and maintenance. This is specifically why the City has a Fats, Oils and Grease (FOG) ordinance (2020-8156) which states its purpose as:

Sec. 32-180. - Purpose and intent.

(a) Purpose. This article establishes maintenance and monitoring requirements and provides for regulation of:

- (1) The interception and collection of fats, oils, and grease (FOG) from food service facilities.
- (2) The maintenance and monitoring requirements to control the discharge of grease from food service facilities.

(b) Intent. The intent of the FOG program is:

- (1) To prevent the introduction of excessive amounts of fats, oils, and grease (FOG) into the City of Jacksonville Beach wastewater collection system and subsequently into the pollution control plant.
- (2) To prevent clogging or blocking of city sewer lines due to FOG grease build-up causing backup and flooding of streets, residences, and commercial buildings.

COUNCIL DIRECTION REQUESTED

Topic 1:

Staff is seeking direction from the Council on the proposed expansion of permitted areas of operation for Mobile Food Dispensing Vehicles, specifically into residential areas under limited conditions.

Topic 2:

Staff would suggest that the City retain the existing requirement, and possibly strengthen the requirements for dumping records as well as removal every night, to ensure that the vendor is properly disposing of their waste. This would mean a licensed dumping station, in conjunction with a prohibition on dumping waste tanks into any privately-owned drain, including those for restaurants with grease interceptors, as the way in which the new waste stream is introduced can have negative consequences for business and the City's sewer system. Currently, MFDV owners are not supplying any records of dumping, but rather just a letter from a commissary indicating they are allowed to use the facility. Staff would recommend that the MFDV provide monthly receipts for dumping, to demonstrate proper waste disposal. Additionally, the requirements for removal of the vehicle from the approved site after operations are complete ensures a fair playing field for all food service establishments, be they traditional restaurants or mobile food vendors.

ATTACHMENTS