

ORDINANCE 2022-07

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2011-01 THEREBY REVISING CHAPTER 20, TRAFFIC AND MOTOR VEHICLES, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.**

**WHEREAS**, Walton County has previously adopted Ordinance 2011-01, on February 8, 2011 establishing Chapter 20 related to Traffic and Motor Vehicles, and;

**WHEREAS**, the County determines that it is in the best interests of the public to revise that Chapter in its entirety, and;

**WHEREAS**, the County has further determined and desires to establish proactive enforcement of certain violations of that Chapter in a limited geographic area, and;

**WHEREAS**, the limited geographic area is an initial approach to issues the County and public face in those areas, and further due to the presently limited amount of personnel to address these issues, but may be expanded in the future, and;

**WHEREAS**, the County has determined that Chapter 20 related to these issues should be repealed and replaced with the following language contained herein. All provisions of Ordinance 2021-09 shall remain in effect.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:**

**Article I.** The foregoing whereas clauses are hereby adopted as findings of fact.

**Article II.** Chapter 20, Traffic and Motor Vehicles shall now read as follows, with any numerical or heading information to be conformed at time of codification:

**Chapter 20 TRAFFIC AND MOTOR VEHICLES**

**ARTICLE I. IN GENERAL**

**Sec. 20-1. Enforcement officers.**

The Sheriff, his deputies and any designated parking enforcement specialist as provided by Florida Law, are hereby authorized to enforce the provisions of this chapter. Additionally, Walton County Code Compliance Parking Enforcement Specialists (CCPES) are hereby created, so designated, and in addition to being authorized to enforce the provisions of this chapter are

pecially authorized to proactively enforce the provisions of this chapter along CR 30A, CR 393, CR 83, CR 283, CR 395, Scenic Gulf Drive, and Inlet Beach roads south of US Highway 98, together with and including all beach access parking areas.

**Sec. 20-2. Operation of motor vehicles on posted property.**

No person, firm, corporation, joint venture, partnership, or other legal entity shall operate any motor vehicle in, on, or over any public land, right-of-way, or recreational area in the county, unless the same shall have been issued a permit by the governing body of the county or is clearly designated for vehicular traffic.

**Sec. 20-3. Emergency preemption equipped traffic signals.**

(1) Use limited to emergency vehicles. Use of preemption equipment shall be limited to emergency vehicles owned and operated by the county, the sheriff, the municipalities, and the fire districts. Use by private citizens is prohibited.

(2) Penalty. Violations of subsection (1) of this section are punishable pursuant to F.S. § 125.69. Violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment or by both such fine and imprisonment.

**Sec. 20-4. All terrain vehicle regulations.**

(1) Definitions.

*All terrain vehicle* means any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 600 pounds or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and having handlebars for steering control.

*County roadway* means that portion of a county highway improved, designed or ordinarily used for vehicular travel, including right-of-way.

*County street or highway* means the entire width between the boundary lines of every county right-of-way of whatever nature when any part thereof is open to the use of the public for purpose of vehicular traffic. This includes the right-of-way.

(2) Except as stated in subsection (4) of this section, it shall be unlawful for any person to operate an all terrain vehicle on any county roadway, county street, county highway, or public beaches.

(3) It shall be unlawful for any person to ride upon an all terrain vehicle in excess of the manufacturer's seating capacity.

(4) An all terrain vehicle having four wheels may be used by law enforcement officers, county, municipality and fire district employees or county approved contractors on public beaches for the purpose of enforcing state laws and county ordinances and may be used by law enforcement officers, county, municipality and fire district employees or county approved contractors in the performance of their duties.

(5) Penalty. Any person violating any provision of this section shall be guilty of a misdemeanor of the second degree.

**Sec. 20-5. ATVs prohibited on unpaved roads.**

The county is exempt from the provisions of F.S. § 316.2123, which allows ATVs to be operated during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour by a licensed driver or by a minor under the supervision of a licensed driver. ATVs are defined in accordance within F.S. § 317.0003. ATVs may not be operated during anytime of day or night on an unpaved roadway within the county.

**Secs. 20-6—20-9. Reserved.**

**ARTICLE II. STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERAL**

**Sec. 20-10. Parking vehicle for sale prohibited.**

No person shall park a vehicle on a street, roadway, or county right-of-way for the sole purpose of displaying such vehicle for sale. Vehicles in violation of this section shall be removed in accordance with F.S. § 316.1951 and associated administrative rule.

**Sec. 20-11. Parking on lawns, pathways, in front of driveways, on private property and in certain rights-of-way.**

(1) No vehicle shall be permitted to park on public building lawns, or in front of, or so as to block entrances, driveways, or visibility into public or private property from streets, avenues, highways or boulevards.

(2) No vehicle shall be permitted to park in any private alley, drive, driveway or on other privately owned property without the permission or consent of the owners of such private alley, drive, driveway or property.

(3) Temporary parking for construction vehicles, South Walton County only.

As part of a major development plan submittal for development of over 20 single family lots, 30 multi-family units or 5,000 square feet, a parking plan for construction vehicles shall be submitted with the development application. Parking alternatives such as remote parking, on-site or other means may be proposed for approval during the review process. However, this provision does not apply to the construction of individual single-family homes. "Construction vehicles" shall be defined as any vehicle belonging to any vendor, supplier, contractor, builder, or worker.

Signage must be placed at both ends of a construction zone within view of traffic. Along any right-of-way or private street abutting the site of the construction activity, signage must indicate "construction zone ahead" and remain in place for the duration of the construction activity. Loading or unloading activity shall be conducted outside the county right-of-way unless

proper Temporary Traffic Control (TTC) measures have been implemented. No private construction materials or roll-off containers shall be allowed within the county right-of-way.

It shall be incumbent upon the owner, developer and/or contractor to provide parking on the construction site or utilize a temporary remote parking area. Such temporary remote parking area may be an existing approved parking lot of a business or multifamily development, or an existing cleared lot or parcel in a commercial or multifamily residential area. In the case of an existing cleared lot or parcel, at a minimum, the parking and vehicle use areas shall be graded and graveled and shall be subject to the storm water retention requirements of the Land Development Code.

In all cases, the owner, developer and contractor shall obtain written permission from the owner of the land where the temporary remote parking area is located and maintain a copy of the written permission at the construction site at all times the remote parking area is utilized. The owner of a parcel used for temporary parking may require the temporary parking area to be restored to its original condition prior to its use as a temporary parking area.

Any disturbed right-of-way shall be restored to its pre-existing condition, including paving, slope and percolation rate, sodding and shall be approved by the county engineer.

Upon inspection by appropriate county staff, any off-site infrastructure, including roadways, bike paths, sidewalks, drainage structures, signage and vegetation, damaged as a result of construction activities shall be restored to original condition by the owner/developer/contractor prior to the issuance of a certificate of occupancy. Assessment of damage repair and restoration shall be performed by the county engineer, or his/her designee.

#### **Sec. 20-12. Regulation of parking for persons with disabilities.**

(1) Marking of parking spaces. All parking spaces which are required by law to be specially designed and marked motor vehicle parking spaces for the exclusive use of those persons who are physically disabled who have been issued an exemption entitlement parking permit pursuant to F.S. § 316.1958 or § 320.0848, shall be prominently outlined with blue paint and shall be posted with a permanent above-grade sign of a color and design in accordance with F.S. §§ 316.1955 and 553.5041 and approved by the state department of transportation, bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for use of the space. The sign must also indicate "unauthorized vehicles may be towed at owners' expense." Any violation of this section may not be dismissed for failure of the marking on the parking space to comply with the above requirements if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for persons who are disabled. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in F.S. § 553.5041.

(2) Permit required. It shall be unlawful for any person to stop, stand, or park a vehicle within any parking space which is designated as parking for persons who are disabled, parking by disabled permit only, or parking for persons who are disabled pursuant to F.S. § 316.1955, unless such vehicle displays a parking permit issued pursuant to F.S. § 316.1958 or § 320.0848 or a

license plate issued under F.S. § 320.084, § 320.0842, § 320.0843 or § 320.0845, and such vehicle is transporting a person eligible for the parking permit.

(3) Momentary parking. Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand momentarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such momentary standing.

(4) Penalties.

(a) Any vehicle parked in a properly designated parking space for persons who are disabled in violation of F.S. § 316.1955, shall be fined in the amount of \$250.00 for each such occurrence payable to the clerk of court.

(b) A sign reading "\$250 FINE" shall be attached to each permanent above-grade sign indicating such restricted parking space; provided, however, the fact a space which is clearly distinguishable as a designated accessible parking space for people who have disabilities is not marked with a "\$250 FINE" sign, whether due to full or partial absence, an inaccurate amount, defacement, mutilation or otherwise, may not excuse a violation nor limit the fine set forth above.

(c) Fines collected from violations of this section or F.S. § 316.1955(1) shall be deposited in a separate county account to be used in the following manner:

1. One-third to be used to defray expenses for the administration of the collection of fines.

2. Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified persons and to provide funds to conduct public awareness programs in the county concerning persons who have disabilities.

(d) In addition to the fine set forth in subsection (a) of this section, whenever the sheriff or his designee finds a vehicle in violation of this section, the sheriff or his designee may have the unauthorized vehicle ticketed and removed or require the operator or person in charge thereof immediately to remove the unauthorized vehicle from the parking space.

(5) Liens. Whenever any vehicle is removed under this section by the sheriff, or his designated agent, to a storage lot, garage, or other safe parking space, the cost of such removal and parking constitutes a lien against such vehicle as provided in F.S. § 316.1955.

(6) Exemption. Motor vehicle displaying a special license plate or parking permit issued to a person who is disabled by any other state or district allowing such vehicle the special parking privileges allowed in this section is exempted from the provisions of this section.

### **Sec. 20-13. Report of parking violations.**

As an effort to decrease the number of parking violations occurring in the county each year, the clerk of the county court shall provide the tax collector and the state department of highway safety with a list of persons who have any outstanding violations of section 20-12 for parking in spaces designated for the use by persons with disabilities or three or more unpaid parking citations for violations of this chapter. No license plate or revalidation sticker shall be issued by the tax collector until such registered owner presents a receipt from the clerk showing

that such parking fines have been paid or the person is removed from the list after an update by the clerk.

**Sec. 20-14. Responsibility of landowners.**

(1) The landowner of any property in the county which leases, subleases, or contracts out such property to any business venture, or which operates a business in the county shall comply and shall require its tenants, subtenants and/or contractors to comply with any and all statutes or parking ordinances enacted by the state or the board of county commissioners.

(2) Such landowner and its tenant, subtenant, and/or contractor shall provide in any parking area owned or leased by them specially designed and marked parking spaces for the exclusive use of disabled individuals.

(a) If parking spaces are to be provided for self-parking by employees or visitors, or both, accessible spaces complying with ADA Accessibility Guidelines (ADAAG) 4.6 shall be provided in each such parking area.

(b) Each such parking space shall be in accordance with the dimensions, markings, and signage described in F.S. § 553.5041(5)(c)1, including appropriate access aisles.

(c) Each such space must be prominently outlined in blue paint and must be repainted when necessary to be clearly distinguishable as a parking space for persons who have disabilities. In the event a parking area is restriped, repainted or otherwise improved so as to necessitate a site plan review of such improvements by the county, the landowner or other applicant shall pay a \$100.00 fee to the county for the cost of such review.

(d) The parking space must be posted with a permanent sign of a color and design approved by the state department of transportation bearing the internationally accepted wheelchair symbol and the caption "Parking by Disabled Permit Only" and an additional sign indicating the \$250.00 fine, as prescribed by F.S. § 553.5041(6). This sign is intended for informational purposes.

(e) The number of accessible parking spaces must comply with the parking requirements of ADAAG 4.1 and the number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need. The signs must be repainted when necessary to be clearly distinguishable.

(3) Violation by a landowner, its tenant, subtenant, or contractor of this section shall be punishable under Chapter 12 of the Walton County Land Development Code.

**Sec. 20-15. Parking in front of a fire hydrant or fire lane prohibited.**

No person shall park within 15 feet of any fire hydrant or in such a manner as to obscure any fire hydrant or park within a fire lane designated pursuant to Chapter 18, NFPA 1, National Fire Protection Association, as amended from time to time.

**Sec. 20-16. Parallel parking and angle parking.**

(1) Parallel parking.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12

inches of the right-hand curb or edge of the roadway;

(b) Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.

(2) Angle parking. Angle parking may be permitted on streets and/or roadways; provided that a proper and documented traffic engineering study is performed, either by the public works division, or by a private consultant and approved by the public works division.

#### **Sec. 20-17. Parking vehicles with expired tags.**

It shall be unlawful for any person to stop, stand or park any motor vehicle upon any street, alley, sidewalk, sidewalk area, right-of-way, public park, county owned or operated parking space, parking lot or other parking facility, any other property owned by the county or any other public place (not privately owned), if such vehicle does not have attached thereto a registration license plate and validation stickers for the current registration period in accordance with the laws of the state.

**Secs. 20-18, 20-19. Reserved.**

### **DIVISION 2. PARKING REGULATIONS AND NO-PARKING ZONES**

#### **Sec. 20-20. Authority.**

This division is enacted pursuant to F.S. Ch. 316, also known as the State Uniform Traffic Control Law, which authorizes counties in the state to regulate the parking of vehicles and to enforce regulations relating to disabled persons parking.

#### **Sec. 20-21. Adoption of state law; violations generally.**

(1) For the purpose of this division, the county hereby adopts the provisions of F.S. §§ 316.1945—316.1967, inclusive, as its regulations pertaining to the parking of vehicles on county owned or county-leased property, and pertaining to parking in spaces designated as disabled persons parking. The provisions of F.S. §§ 316.1945—316.1967 are by reference incorporated in this section and made a part hereof as if set out in full. Parking in violation of these state statutes or any section of such statutes is a violation of this division.

(2) Additionally, it shall be a violation of this division for any person to stop, stand or park a vehicle within any area, whether privately owned or publicly owned, where such area is designated and/or set aside as a fire or emergency lane. Any such fire emergency lane shall be posted with either a permanent above grade sign or permanent painted pavement markings in red or yellow, indicating such area as a fire or emergency lane and that no parking is allowed.

**Sec. 20-22. Designating no parking areas, limited time parking areas and parking meter zones.**

Notwithstanding section 20-21, the county administrator or his designee shall be empowered to designate certain public areas within the unincorporated sections of the county to be "no parking" areas, limited time parking areas, or parking meter zones. In determining the necessity for the designation of an area, the county administrator or his designee shall evaluate the safety hazard within a given area that public parking would pose to other vehicle or pedestrian traffic, right-of-way damage or such other factors as the county administrator may deem reasonably appropriate. However, this section shall not apply to law enforcement, fire or ambulance, or county vehicles that are parked in furtherance of their public service responsibilities.

**Sec. 20-23. No parking areas.**

Those areas designated as "no parking" areas shall be posted with "no parking" signs spaced at such intervals as to place a motorist on notice of that area's designation. After a public area has been designated and posted as a "no parking" area, no vehicle shall be permitted to park therein. However, this section shall not apply to law enforcement, fire or ambulance, or county vehicles that are parked in furtherance of their public service responsibilities.

**Sec. 20-24. Limited time parking areas.**

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by such signs at any time between those hours so stated by such signs.

**Sec. 20-25. Parking meter zones.**

(1) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon the deposit of a coin of United States currency of the designated denomination.

(2) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

(3) It is a violation of this section for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen. It is a violation of this section for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy, or damage any parking meter, and no person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.

**Sec. 20-26. Parking spaces marked.**

(1) The county engineer, or his/her designee, shall clearly mark designated parking spaces by placing lines upon the curbs and streets of the county. It shall be unlawful to park a



vehicle across a line or marking so that the vehicle is not entirely within the area for parking designated by lines or markings.

(2) At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

(a) It shall be unlawful for any person to park any vehicle or allow any vehicle to be parked in a manner that occupies more than one marked parking space, regardless of whether that space is metered. A separate citation may be issued for each marked parking space, other than the one parking space allowed under this section, which is either partially or wholly occupied by any vehicle not parked in accordance with this section.

(b) It shall be unlawful for any person to park any vehicle or allow any vehicle to be parked in a direction or manner that is in violation of, or contrary to, the requirements of this section or posted signs regulating the direction of parked vehicles in marked spaces, regardless of whether the spaces are metered. Vehicles shall be parked with the front end of the vehicle to the curb, unless parallel parked or unless a posted sign requires the vehicle to be parked with the rear-end of the vehicle to the curb.

(c) It shall be unlawful for any person to park or allow for more than one vehicle to be parked in a parking space. However, two motorcycles or low speed vehicles (LSV) may occupy the same parking space so long as all portions of the vehicles are within the designated space.

**Sec. 20-27. Authorization to impound vehicles.**

The sheriff shall be vested with the authority and duty to impound any unoccupied vehicle parked in violation of this division or any other parking regulation of the county and to release any such vehicle to the duly identified owner thereof, subject, however, to the payment of all fines together with all storage, towing and other impounding charges; however the law enforcement officers of the county shall follow the procedures outlined in section 20-44 below.

**Secs. 20-28, 20-29. Reserved.**

**DIVISION 3. CITATIONS**

**Sec. 20-30. Enforcement procedures.**

If the sheriff or CCPES discovers a vehicle parked in violation of sections enumerated in sections 20-10 through 20-13, sections 20-21 through 20-25, section 20-45 or section 20-50, as well as in violation of Florida Statutes, he shall issue a notice of violation to the vehicle in the form of a citation as described in section 20-32 and approved by the county administrator, and place a copy of the citation in a conspicuous place on the vehicle. The original citation shall then be filed with the clerk of the circuit court's traffic division which shall process it in accordance with F.S. § 316.1967(1)— (4). The citation provided to the violator and the clerk shall identify the vehicle, license plate number, time, date, location and violation charged. Additionally, the citation shall inform the violator that he has been charged with a non-criminal infraction and that he may elect to either:

(1) Pay the appropriate fine in accordance with section 20-31 to the clerk of the court within 30 calendar days of the date of the citation; or

(2) Waive the scheduled fine and request a hearing with the traffic division by notifying the clerk of the court within 30 calendar days of the date the citation was issued. At such hearing the presiding judge shall, upon a finding that the violator committed the infraction charged, impose a civil penalty not to exceed \$100.00 plus court costs.

**Sec. 20-31. Fine schedule.**

Fines for violation of this article are as follows:

(1) Any violation of this chapter, \$100.00.

(2) Parking in a posted "disabled person" parking space, \$250.00 pursuant to section 20-12.

**Sec. 20-32. Form of citation.**

The county shall design and have printed citations to be issued to violators of this division. Such citation form shall contain, at a minimum, the following information: date, time, type and location of the violation, designated fines; description of the offending vehicle, including make, color, tag number and state of registration; and the issuing officer's name and identification number. The citation form shall further direct that the person, to whom the citation was issued, shall within 30 days either pay the designated fine by mail or in person, or appear in person at the clerk of the circuit court and request a hearing in county traffic court. The address where fines may be paid shall be plainly printed on the citation form.

**Sec. 20-33. Violations declared civil infractions.**

Violations of sections 20-10 through 20-13, sections 20-21 through 20-25, section 20-45 and section 20-50 are hereby declared to be non-criminal, civil infractions and may be prosecuted in the name of the county, in a county court civil traffic hearing, by the sheriff's deputy or CCPES who issued such citation.

**Sec. 20-34. Disregard of violation citation; warning of arrest. (Repealed)**

**Sec. 20-35. Duty of vehicle owner to name operator in violation; failure deemed prima facie evidence of owner as operator.**

Upon receipt of the citation set forth in section 20-30 above, if the owner of the vehicle was not the operator of the vehicle at the time and place that the violation occurred, such owner shall inform the agency issuing the citation of the operator's name and address within the five-day period set forth in section 20-34.

**Sec. 20-36. Failure to comply with citation, pay fine or contest.**

Any violator of the restrictions of stopping, standing, or parking under this article who does not timely pay or lawfully contest any citation issued hereunder, and which citation has been affixed to the registered motor vehicle to which it was issued, as evidenced by the notation

on the face of the citation that it was served personally to the registered vehicle owner or placed on the vehicle itself by the issuing officer, shall be subject to the levy and imposition of the fine amount together with late fees and interest as may be set by law in the form of a lien on the title to the motor vehicle referenced herein.

**Sec. 20-37. Proof of violation, violator.**

In any prosecution charging a violation of any ordinance governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the citation was parked or operated in violation of any such ordinance or regulation, together with proof, that the defendant named in the citation was at the time of such stopping, standing or parking the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was the person who stopped, stood or parked such vehicle at the point where, and for the time during which, such violation occurred.

**Sec. 20-38. Duties of clerk of court; disposition of fines.**

The clerk of the circuit court, or their duly authorized representative, is authorized, in addition to other duties imposed in this chapter, to accept fines paid within the time limit prescribed in section 20-30, issue receipts therefore, schedule court appearances for those persons requesting such court appearances, and establish procedures and provide other services necessary to carry out his duties under this division. Fines collected by the clerk of the circuit court shall be accounted for and paid monthly in the sheriffs office traffic and parking enforcement fund. Fines collected by the Clerk of Circuit Court for CCPES shall be accounted for and paid monthly into the County General Fund. The clerk shall be entitled to retain a \$10.00 administrative fee for each citation processed.

**Sec. 20-39. Reserved.**

**DIVISION 4. TOW-AWAY ZONES**

**Sec. 20-40. Designation of tow-away zones.**

(1) The county administrator is hereby authorized by the board of county commissioners to designate certain areas as no parking tow-away zones. He or she shall implement such zones, as determined by the traffic engineering safety studies, for all county roads, streets, highways, easements, bridges, or related facilities and upon the recommendations of the county engineer. In determining the necessity for the designation of an area, the county administrator or their designee shall evaluate the safety hazard within a given area that public parking would pose to other vehicle or pedestrian traffic, right-of-way damage or such other factors the county administrator may deem reasonably appropriate. Those areas designated as "tow-away" zones shall be posted with "tow-away zone" signs spaced at such intervals as to place a motorist on notice of that area's designation. After a public area has been designated and posted as a "tow-away zone," no vehicle shall be permitted to park therein. However, this section shall not apply

to law enforcement, fire or ambulance, or county vehicles that are parked in furtherance of their public service responsibilities.

The "tow-away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.

The county administrator shall state, with specificity, the reason or reasons for the designation of such no parking tow-away zones as described above. Each such decision of the county administrator, including decisions on public requests as outlined below, shall be reviewable by the board of county commissioners which may affirm, modify, or overturn the decision of the county administrator. Public requests for such permanent or temporary zones, as provided below, may be made verbally or in writing to the county administrator. For such a particular area, a citizen may submit to the county administrator a petition requesting parking restrictions or prohibitions for that area. The minimum limits for such a request shall be the length of one block or 500 feet, whichever is less, and may include one or both sides of a street or roadway. The petition shall be signed by 80 percent or more of property owners that abuts or is directly across from the portion of the roadway on which parking restrictions or prohibitions are requested. A lessee or current resident may sign such a petition in lieu of the property owner if the property owner's address of record with Walton County is outside the county. Said petition shall include the following information:

- (a) Statement of reason for the request;
- (b) Exact location (road name) and side(s) of road where parking restrictions or prohibitions is requested;
- (c) Time of day and day of week parking is to be restricted, or at all times, if applicable;
- (d) Signatures, printed name, addresses, and telephone numbers of those in favor of the request.

If the public request is approved by the county administrator, the county shall erect regulatory signs at such designated locations in accordance with the Manual of Uniform Traffic Control Devices and Florida Department of Transportation specifications.

(2) Permanent zones. The county administrator is authorized by the board of county commissioners to prohibit the stopping, standing, or parking of all or certain types of vehicles and other objects on certain portions of county roads, streets, highways, easements, bridges or related facilities and designate as tow-away zones those portions of county roads, streets, highways, easements, bridges or related facilities, found to be partially congested, in which traffic is impeded by the stopping, standing or parking of such vehicles or other objects, or in which the stopping, standing or parking of such vehicles or other objects would constitute a danger or threat to the health, safety or welfare of the traveling public. For the purposes of this section "vehicle" shall have the meaning provided by F.S. § 316.003. The board of county commissioners hereby directs the county administrator to erect an official sign or signs notifying the public of any area designated by the administrator as a tow-away zone.

(3) Temporary zones. Whenever a street or road lying within the county is scheduled to be paved or repaved, or other construction work is to be carried out upon such street, road or right-of-way, the county administrator may, in writing, declare such an area a temporary no-parking, towaway zone for a specified period of time. Such area shall then be posted by the

placing of signs at intervals, not to exceed 100 feet between such signs, notifying the public that such area has been so designated, and that vehicles and other objects in the area must be removed by the owner before the specified period of time or the vehicle or object will be removed by enforcement officers in accordance with the provisions of this division. Such signs shall be posted in the affected area not less than one week before the removal of any vehicle or other object takes place. Upon completion of the work in the specified area, such signs shall be removed by county personnel and the area shall revert to its former status.

**Sec. 20-41. Unlawful to stop, stand or park in tow-away zone.**

It shall be unlawful and a violation of this division for any person to stop, stand or park a vehicle, as defined in F.S. § 316.003(76), or other object which might constitute an obstruction, upon or alongside any road, street, highway, bridge or other related facility, designated by an official sign or signs approved and placed by resolution of the board of county commissioners as a tow-away zone in accordance with this section. However, this section shall not apply to law enforcement, fire or ambulance, or county vehicles that are parked in furtherance of their public service responsibilities. Violations of this section shall be punishable as provided in F.S. § 316.655.

**Sec. 20-42. Unlawful to disregard citation to remove obstruction from county road.**

It shall be unlawful and a violation of this division for any person to disregard a citation to remove an object placed or constructed upon any county road, street, bridge, alleyway, easement or other related facility in the county without authorization from the county.

**Sec. 20-43. Appeals concerning vehicles or other objects removed from tow-away zones.**

If the owner contests the legality of the charges imposed, he may request a hearing before the traffic division.

**Sec. 20-44. Enforcement in non-tow-away zones; authorization to impound vehicles.**

(1) Procedure. In the event any vehicle or other object is placed or constructed upon any county right-of-way, road, street, bridge, easement, alleyway or other related facility without authorization from county, or in violation of any provision of this chapter, the sheriff is authorized to direct the removal of such vehicle or other object in accordance with the provisions of this section.

(a) Nuisances or dangers. If such vehicle or object is deemed to be a nuisance or danger to the traveling public by the sheriff, the sheriff may direct its immediate removal, impoundment and disposition in accordance with the provisions of section 20-43.

(b) Vehicle or object not constituting nuisance. If the vehicle or object is not deemed to be a nuisance or a danger to the traveling public, the sheriff is hereby authorized to remove a vehicle or object and to cause the same to be impounded when it is left unattended for 24 hours after a citation issued to the owner pursuant to section 20-30 has been posted on the vehicle or object, and the sheriff has attached an orange or bright colored decal upon some part of the vehicle or object which shall consist of substantially the following:

(2) Notice to the owner and all persons interested in the attached property. This property, to-wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and is in violation of Walton County Ordinance Number \_\_\_\_, and must be removed at the owner's expense within 24 hours from the date of this notice. Otherwise, it may be removed and disposed of by order of the Board of County Commissioners of Walton County, Florida, and the costs thereof may be assessed against you.

You must contact the following person within the next 24 hours if you have reason to contest this action:

Dated this: (setting forth the date of posting of notice).

Signed: (setting forth name, title, address, telephone number of enforcement officer).

(a) Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of 24 hours.

(b) If such vehicle or object is not removed within the time specified in the notice, the sheriff, in addition to the penalties spelled out in this chapter, may cause the removal and disposal of the object in the same manner as set forth in section 20-44.

(3) Reclamation of vehicles removed from non-tow-away zones. The owner of any vehicle or other object, which has been removed from a non-tow-away zone pursuant to this section, may obtain possession thereof upon showing to the sheriff proper proof of ownership, and paying all costs which may be incident to its removal, storage and which may be incident to the location and notification of the owner. This section shall be specific authority for the county administrator to establish and assess reasonable charges for the costs mentioned in this division for storage.

**Sec. 20-45. Unlawful to injure or damage rights-of-way by placing vehicles, etc., thereon.**

It shall be unlawful and a violation of this division for any person to willfully injure or damage any county property, bridge, road, street, easement, alleyway, right-of-way, or other related facility in the county by placing or constructing thereon, in violation of this division, any vehicle or other object and shall be subject to the issuance of a citation pursuant to section 20-30. In addition to a citation issued pursuant to section 20-30, any person shall be civilly liable to the county for such actual damage to any county property, bridge, road, street, easement, alleyway or other related facility, which damage may be recovered by suit, and when collected shall be paid into such fund of the county as the board of county commissioners may deem appropriate.

**Sec. 20-46. Unlawful to fail to pay costs.**

It shall be unlawful and a violation of this division to fail to pay any cost lawfully assessed in accordance with the provisions of this division.

**Sec. 20-47. Tow-away zones on county-owned or leased property.**

Notwithstanding any other provision of this chapter, the county may establish and enforce parking restrictions at county-owned or leased facilities by following the procedures of F.S. (1997) § 715.07, and as subsequently amended, the application of which shall be determined by the

county administrator or duly authorized designee. Except where not reconcilable with the obvious intent of this subsection, the provisions of F.S. § 715.07, as amended, are hereby incorporated by reference and made a part hereof.

**Secs. 20-48, 20-49. Reserved.**

#### **DIVISION 5. MULTIMODAL FACILITIES**

(a) Multimodal facilities. Multimodal facilities consist of bike lanes, bicycle path, greenways, multimodal lanes, multi-use paths, shared-use paths, sidewalks, and trails.

(1) Definitions. The following words and phrases, when used in this Code shall have the meanings ascribed to them herein except where the context otherwise requires:

*Bicycle*, as defined in F.S. §316.003(4), means every vehicle propelled solely by human power, 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 a scooter or similar device.

*Bicycle path*, as defined in F.S. §316.003(5), means any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

*Electric bicycle*, commonly referred to as a "e-bike," and as defined F.S. § 316.003(22), means 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 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.

*Electric personal assistive mobility device*, commonly referred to as a "Segway," and as defined in F.S. § 316.003(23), means any self-balancing, two-non-tandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (one 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 defined in this section.

*Greenway*, as defined in F.S. § 260.013(4), means a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, nature reserves, cultural features, or historic sites with each other and populated areas; or a local strip or linear park designated as a parkway or greenbelt.

*Golf cart*, as defined in F.S. § 320.01(22), means 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.

*Low-speed vehicle*, as defined in F.S. § 320.01(41) means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. 571.500 and F.S. § 316.2122.

*Micromobility device*, also known as "personal e-mobility devices" refers to a range of small, lightweight motorized (electric) devices operating at speeds typically below 20 mph, driven by single users, and includes bicycles, e-bikes, electric personal assistive mobility device, e-scooters, electric skateboards, hoverboards, one-wheels, and unicycles.

*Moped*, as defined in F.S. § 316.003(42), means 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 wheels; with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 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 50 cubic centimeters. The term does not include an electric bicycle.

*Motorized disability access vehicle*, as defined in F.S. § 320.01(33), means a vehicle designed primarily for handicapped individuals with normal upper body abilities and designed to be fueled by gasoline, travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 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 50 cubic centimeters.



*Motorized scooter*, commonly referred to as a "e-scooter," as defined in F.S. § 316.003(46), means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

*Multimodal lane*, also known as a "flex-lane" or "15 mph lane" or "micromobility lane," means that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines, or is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way, intended for use by micromobility devices and golf carts.

*Multi-use path*, also known as a "shared-use path" means a paved or unpaved facility maintained by a city, the county or the state within and without road rights-of-way, on public or private property, intended for and open to the use of the public for travel and recreation activities; multi-use paths are not part of the "county road system" as defined in F.S. Ch. 336.

*Pedestrian*, as defined in F.S. § 316.003(54), means any person afoot.

*Sidewalk*, as defined in F.S. § 316.003(77), means that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines, intended for use by pedestrians.

*Trail*, as defined in F.S. § 260.013(6), means linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation.

*Utility vehicle*, as defined in F.S. § 320.01(42), means a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in F.S. § 316.2074.

- (2) Use of multimodal facilities. The following uses are authorized on and across multimodal facilities:
- a. Pedestrians, including persons walking, jogging, running, roller skating and in-line skating.
  - b. Human-propelled baby carriages and strollers.
  - c. Motorized disability access vehicles, and powered and non-powered wheelchairs.
  - d. Bicycles, but only when operated in accordance with the provisions of F.S. § 316.2065.
  - e. Electric bicycles, but only when operated in accordance with the provisions of F.S. § 316.20655.

- f. Micromobility devices, but only when operated in accordance with the provisions of F.S. § 316.2128.
  - g. Human-propelled scooters and skateboards.
  - h. Golf carts and utility vehicles, but only when operated by law enforcement, fire district, county or public utility personnel, or where permitted by the county on multimodal lanes; golf carts are expressly prohibited from utilizing multi use paths except as described above and provided that use of such vehicles on multi-use paths is for the least time and distance required to accomplish the task at hand.
- (3) *Restrictions on vehicles on multimodal facilities.* All users of multimodal facilities are restricted to the following:
- a. No portion of any vehicle, other powered device, bicycle, baby carriage or stroller shall be left unattended on a multimodal facility and/or block, partially block, or hinder passage of any multimodal facility.
  - b. If stopped, users shall move themselves and their vehicles or other devices as far off the multimodal facility as possible, considering the safety of themselves, their equipment and other users.
  - c. All users shall yield to slower moving pedestrians traveling upon multimodal facilities.
  - d. All users shall conduct themselves in a reasonable and safe manner.
  - e. All users shall travel at speeds of 15 mph or less, or the speed posted on a multimodal facility.
- (4) *Driveways.* None of the provisions of this section shall apply to permitted driveways.
- (5) *Penalties.* Violations of this section shall be non-criminal, civil infractions, and this section shall be enforced in accordance with the procedures established in section 20-30.

**Sec. 20-51-20-59. Reserved.**

### **ARTICLE III. NON-CONSENSUAL TOWING AND STORAGE CHARGES**

**Sec. 20-60. Intent.**

The county intends to regulate the maximum price charged for non-consensual towing services throughout the incorporated and unincorporated areas of Walton County.

**Sec. 20-61. Scope.**

- (1) The provisions of this article shall regulate the maximum price charged for nonconsensual towing services, which shall include towing of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene, or for the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law

enforcement officer at the scene, or subject to towing for a violation of this chapter or otherwise does not consent to the removal of the vehicle.

- (2) This article shall apply to all incorporated and unincorporated areas of Walton County unless a municipality expresses its intent to exclude itself through resolution.
- (3) Nothing in this article shall be construed to prevent any municipality from enacting additional regulations of towing and storage services within the municipality's incorporated areas.

**Sec. 20-62. Maximum price.**

1. The board of county commissioners hereby establishes as the maximum rates for non-consensual towing services to those contained in the rules for the towing rotation list used and maintained by the county sheriff, now and in the future. It shall be unlawful and a violation of this article for any tow truck operator or owner to charge, demand, or request any rate exceeding those rates established pursuant to the sheriff's towing rotation list for non-consensual towing services specified therein. In its sole discretion, the board of county commissioners may review the rates on an annual basis to determine if new rates are necessary.

2. Nothing in this article shall be construed to prevent a municipality from establishing additional rate regulations within the municipality's incorporated areas.

**Sec. 20-63. Documentation.**

Any tow truck operator or owner who provides non-consensual towing services shall keep records for two years of mileage, services provided, and prices charged for each non-consensual towing service and shall provide these records to any law enforcement agency upon request.

**Sec. 20-65. Enforcement.**

The sheriff of CCPES shall enforce the provisions of this article in the unincorporated areas of Walton County. If a municipality employs its own law enforcement agency, the law enforcement agency of that municipality shall enforce the provisions of this article in the incorporated area of the municipality which the law enforcement agency serves.

**Sec. 20-66-20-69. Reserved.**

**ARTICLE IV. STOPPING, STANDING AND PARKING**

**Sec. 20-70. In general.**

- A. "Smart immobilization devices" means such devices as temporarily disable a vehicle by means of a wheel lock (smart boot), windshield drape (barnacle) or other such device that is removable in situ upon remitting a payment via cellphone or other personal device or payment at a specified location.
- B. This article may be used to enforce parking regulations on private property in planned developments by licensed private security. The term "planned development," as used herein, means communities developed as a Development of Regional Impact (DRI), or

Planned Urban Development (PUD) by state coordinated review pursuant to F.S. § 163.3184(2)(c) and are organized pursuant to F.S. ch. 720, or F.S. ch. 718, as a Florida Homeowners Association or, a Florida Condominium Owners Association and are operated by a board of directors and employ a community association manager or contract with a management company to supply a community association manager.

- C. Any planned development utilizing smart devices for enforcement of parking regulations must either employ security officers or contract with a licensed security company to provide security services.
- D. The licensed security officers deploying a smart device must be trained and must have received a letter certifying that the individual officer was trained by (a) the company issuing the smart device to the property owner or (b) by other persons or organizations certified by the company issuing the device to provide such training. At intervals of no less than three years, security personnel utilizing the device must be re-certified by the issuing company.
- E. All licensed security officers deploying a smart device must be trained and must have received a letter certifying that the individual officer was trained by (a) the company issuing the smart device to the property owner or (b) by other persons or organizations certified by the company issuing the device to provide such training. At intervals of no less than three years, security personnel utilizing the device must be re-certified by the issuing company.
- F. The immobilization of any vehicle without the consent of the registered owner or other authorized person in control of the vehicle is subject to strict compliance with the following conditions and restrictions:
  - 1. The licensed security officer immobilizing a vehicle must affix an adhesive notice to the vehicle providing, in letters no less than one inch high, the 24-hour telephone number which, when called, accepts the credit card or other electronic payment information that, once processed, disarms the immobilization device so that the vehicle may be operated. The notice must also provide the local number of the security service that immobilized the vehicle, and must specify the nature of the parking violation, the time of its occurrence, the payment required to remove the device by the smart device process, a telephone number for electronic payment or a location at which cash or a check may be used for payment in lieu of electronic payment and the manner in which the license plate holder may appeal the parking violation and receive a refund of some or all associated fees. The notice must further advise the operator that the device must be deposited immediately after removal at a specified location. The location for depositing the device must be within ten miles of where the device was used and failure to return the device in working condition will result in an additional charge to repair or replace it.
  - 2. In addition to the 24-hour number required by [subsection] F.1. above, the local security service must be available by telephone during, and for at least two hours after, any such device is deployed. The local security service must have the means

to abate the immobilization in the event that the 24-hour service described in [subsection] F.1. above malfunctions or otherwise fails to release the smart device upon receipt of the indicated payment and must do so promptly in that event.

3. The person applying the smart device shall, within 30 minutes after such deployment, cause the Walton County Sheriff's office to be notified of the time of the immobilization, the location of the immobilization, the make, model, color, license plate number and state of registration of the vehicle.
  4. The person in the process of immobilizing a vehicle must stop when requested by the owner or responsible driver of the vehicle on proof of identification in the form of a valid driver's license and matching or essentially matching vehicle registration or, in the case of a rental vehicle, such documents as show the key holder to be the authorized renter or driver. The key holder may then operate the vehicle without paying an immobilization fee.
- G. The planned development must post notices meeting the following requirements:
1. Placement proximate to each intersection with the public right-of-way, which notice must clearly indicate, in not less than two-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles may be immobilized (or disabled or impounded) at the owner's cost. The words "immobilization" (or "disabling" or "impound") zone must appear on the sign in letters no less than four inches high. The notice must also include the name and current phone number of the security service using the immobilization device. Signs must be affixed to permanent standards no less than three nor more than six feet above ground level.
  2. If only a portion or section of a planned development is to include an immobilization zone, then that area, but not the entire development, must comply with the requirements of [subsection] F.1. above.
- H. Entities deploying smart devices may also employ towing services in all or portions of the development but only if the signage complies with the requirements of F.S. 715.07(5) regarding towing and with this article regarding smart devices in the areas, if any, where both towing and smart devices will be employed; and complies with the statute or the article, respectively, where either towing or smart devices are in effect. The required language and lettering of the towing statute and this article may be combined on signs.
- I. Any person or firm that immobilizes vehicles pursuant to this article must file and keep on record with the Walton County Sheriff office a complete copy of the current rates to be charged for such services, which shall in no event exceed the maximum county-authorized rate of \$100.00. Any planned development utilizing smart immobilization devices must file and keep on record with the Walton County Sheriff's Office contact information for representative of the management of the planned development and the private security or contract security employed by the planned development including phone numbers, and email addresses.
- J. Any planned development utilizing smart devices must have in place a process for appealing the use of the smart device. The appeal process must provide for an

aggrieved party to provide a written notice of appeal within ten days of the deployment of the device. The issuing authority must schedule a hearing before a person designated by the planned development who is not part of the security service to decide the appeal within 30 days. The hearing may be conducted in person or by electronic means. A ruling must be rendered within ten days of the hearing. The planned development must maintain an electronic record of the appeal or hearing proceeding and make such record available to the aggrieved party upon request for a period of one year after any such hearing. The aggrieved party must have the opportunity to present written evidence as to why the smart device was wrongfully used and may be represented by counsel. This appeal process is in addition to any rights the aggrieved party may have available to them in the state courts.

**Secs. 20-71-20-79. Reserved.**

## **ARTICLE V. MOTORIZED SCOOTER PILOT SHARE PROGRAM**

### **Sec. 20-80. Intent and purpose.**

- a. Ordinance. This article shall be known and may be cited as the "Walton County Motorized Scooter Pilot Share Program."
- b. Intent. This article is intended to permit and regulate a motorized scooter pilot share program in the county.
- c. Multimodal option. This article is intended to provide for a multimodal transportation option to provide an alternative to reliance upon motor vehicles through a motorized scooter pilot share program to ensure that motorized scooters are used in a safe manner and do not impede accesses within public rights-of-way and publicly-accessible areas.
- d. Motorized scooter operators. This article is intended to ensure that motorized scooter operators work with the county in a cooperative manner and comply with all federal, state and local regulations and provide safe, functioning and properly maintained motorized scooters that provide mobility options to the county's residents, businesses and visitors. This article shall also ensure that the county is held harmless for any incidents that occur to persons or property because of the use of commercial motorized scooters and that operators provide adequate insurance to address incidents.
- e. Motorized scooter rebalancing. This article is intended to ensure that motorized scooter operators rebalance the distribution of motorized scooter per the requirements of their approved permits. This article also includes regulations related to the pick-up and storage of damaged or inoperable motorized scooter, the removal of devices during emergency events and the relocation of motorized scooter which impede access in public rights-of-way and in publicly accessible areas.
- f. Motorized scooter operations. This article is also intended to ensure that commercial motorized scooter is equitable and accessible, and that operators protect the privacy

- of persons using motorized scooters and that operators provide multiple means in which persons may contact the operators. This article also established requirements that motorized scooter operators provide ridership data to the county, and make the data accessible to the public, and as appropriate, with third parties, to allow for improvements to public right-of-way and adequate places to park motorized scooters.
- g. Micromobility device definition. Florida Statutes have defined micromobility devices as the for-rent use of these devices by a company. The more commonly accepted definition of micromobility devices is a broad description of electric and motorized personal mobility devices such as electric bicycles and scooters. In review of legislative staff, committee and subcommittee analysis related to House Bill 453, adopted in 2019, it is clear that the definition of micromobility devices was intended to replace the more commonly known description of bicycle share programs and scooter share programs. Should the legislature amend Florida Statutes, the intent of the Motorized Scooter Pilot Share Program Ordinance is to regulate the programs and services related to the short-term rental of motorized scooters, as defined in Florida Statutes.
  - h. Motorized scooter deployment. The motorized scooter share program shall be limited to South Walton, south of the Choctawhatchee Bay. Within South Walton, the county may establish additional areas where motorized scooter deployment and use is prohibited. Motorized scooter operators shall remove these designated areas from the geofenced deployment area. The county shall have the ability to limit the number of motorized scooters in operation within designated areas. Motorized scooter operators, subject to county approval, may elect to establish zones within the deployment area where it will deploy motorized scooters. The county shall have the ability to limit the number of operators and permitted devices within any requested or established zone to ensure public safety.
  - i. Motorized scooter speed limits. The maximum speed limit for motorized scooters within the deployment zone shall be 15 miles per hour. The county may designate areas along Scenic 98, 30A, and roads connecting to these two corridors where maximum speed limits shall be established at ten miles per hour. The county may also prohibit use of motorized scooters in designated areas along Scenic 98, 30A, on roads connecting to these two corridors, and within neighborhoods, mixed-use communities, commercial developments, and employment centers located in South Walton.

**Sec. 20-81. Applicability.**

- (a) Motorized scooter operators. The provisions of this article shall apply to commercially operated motorized scooters and to the operators and customers of such systems. An operator is considered any entity that rents two or more motorized scooters. For the purpose of this article, the permittee, managing agent or motorized scooter operator, and system owner shall be jointly and severally liable for complying with the provisions of this article, the permit, and the permit and license agreement.

- (b) Tour operators. This article shall not apply to the rental and use of electric personal assistive mobility devices, personal electric mobility devices, bicycles, or e-bikes used solely as part of an organized tour, accompanied by a tour director, and which departs and returns from the same location. Tour operators using motorized scooters are prohibited, unless approved under the pilot share program requirements of this article.
- (c) Bicycle operation. The provisions of this article related to the operation, rules, and use of a bicycle on public rights-of-way and on easements and rights-of-way accessible to the public, shall also apply to the operation of micromobility devices, electric personal assistive mobility devices, personal electric mobility devices, electric bicycles, electric skateboards and motorized scooters.

**Sec. 20-82. Definitions.**

The following definitions are applicable to this article. Other terms shall have the meanings defined in this Code. In the event of any conflict, the term as defined in this article shall control for purposes of this article.

*Corral* means facilities that can accommodate parking for a group of motorized scooters typically installed on-street in lieu of vehicle parking spaces and feature a physical barrier or delineation along three sides of the spaces.

*County-owned property* means property owned, occupied, managed, maintained, or controlled by the county pursuant to deed, easement, lease, license, or dedication, and includes county park land and any other property owned by or under the control of the county. When county-owned property is identified for use as a corral, dock, mobility hub, rack or station, it shall be considered an ancillary ROW area subject to county right-of-way standards and regulations and under the jurisdiction of the county engineer.

*Customer or user* means the person who rents or uses a motorized scooter provided by an operator.

*Deployment areas* mean the geographical area within the county where a motorized scooter operator may offer service for its users/customers under a motorized scooter permit.

*Dock* means a fixed location rack or station that is controlled by information technology or a smartphone application that requires users to enter a code or scan an RFID tag to unlock the device from the rack and requires the user to place the device back into the rack to end a trip.

*Dockless system* means a system that places GPS directly in the motorized scooter. The motorized scooter features a self-contained locking device that is unlocked from a smartphone application by either entering a unique identification number or scanning a RFID tag. The motorized scooter typically is placed in predetermined locations within a defined deployment area.

*Geofencing* means the use of GPS or RFID technology to create a virtual geographic boundary that enables software to trigger a response when a motorized scooter enters or leaves an area or exceeds required speed limits.

*Micromobility device*, as defined in F.S. § 316.003(39) means any motorized transportation device made available for private use by reservation through an online application, website,



or software for point-to-point trips and which is not 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 article.

*Mobility hub* means a defined location where two or more modes of travel come together and include amenities such as charging stations, restrooms, vending machines, waste and recycling receptacles, a covered waiting area which may include pick-up and drop-off facilities and may include motor vehicle parking.

*Motorized scooter pilot share program* means a county authorized and permitted limited duration program with regulations that allows one or more private entities the ability to rent motorized scooters for short-term trips within a defined deployment area and requires the parking of motorized scooters in designated areas within the deployment area.

*Motorized scooter system or service* means a fleet of motorized scooters operated by one or more private entities that provides the public the ability to rent docked or dockless motorized scooters for short-term trips where users pay on either a per trip basis, by purchase of a pass for a specified period, or pay for a subscription service, regardless of whether such motorized scooters may be used point to point or must be returned to specified locations or the original location.

*Motorized scooter system full time employee* an employee of the Operator who is employed on average, per month, at least 30 hours of service per week, or at least 130 hours of service in a calendar month.

*Motorized scooter system full time employee equivalent ("FTE")* means a combination of employees of the operator, each of whom individually is not a full-time employee, but who, in combination, are equivalent to a full-time employee. Contract employees or third-party employees hired to rebalance, recharge or repair micromobility devices are not considered employees.

*Motorized scooter system manager* shall mean a person with an office in Walton County who resides in either Walton, Bay, or Okaloosa County and is authorized by the operator to represent the operator with the county and to authoritatively respond to questions or concerns about the operator.

*Motorized scooter system operator* shall mean a private entity, authorized to do business in the state, that holds a motorized scooter permit operates a county-permitted motorized scooter system. The motorized scooter operator shall be responsible for the rental, deployment, maintenance, rebalancing, relocation, recharging, repairing, and replacing of motorized scooters, along with additional obligations, under a motorized scooter permit.

*Motorized scooter system permit* shall mean the permit required to operate a motorized scooter within the county.

*Motorized scooter*, commonly referred to as a "e-scooter," as defined in F.S. § 316.003(46), means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

*Private-owned property* means property owned, occupied, managed, maintained, or controlled by a non-governmental entity or owner pursuant to deed, easement, lease, license, or dedication, and includes private land and any other property owned by or under the control of non-governmental entities. When private-owned property is identified for use as a corral, dock, mobility hub, rack or station, it shall be considered an ancillary easement area subject to county, state, and federal accessibility standards and regulations and shall provide a public access easement.

*Rack* shall mean a metal or aluminum fixture, securely attached to the ground, upon which a motorized scooter can be locked or tethered.

*Rebalancing* shall mean the process by which motorized scooters are redistributed to ensure availability throughout a service area and to prevent excessive buildup of devices at certain locations throughout the county.

*Prohibited areas* shall mean an area where motorized scooters shall not be utilized or parked as established in the motorized scooter system permit. The boundaries of the prohibited area shall be enforced by geofence technology.

*Station* shall mean a stationary fixture to which a motorized scooter can be securely attached to prevent theft and ensure the device is properly parked and which includes a roof and may feature enclosed walls on one or more sides.

*State-owned property* means property owned, occupied, managed, maintained, or controlled by the state pursuant to deed, easement, lease, license, or dedication, and includes state forest and park land and any other property owned by or under the control of the state. When state-owned property is identified for use as a corral, dock, mobility hub, rack or station, it shall be considered an ancillary ROW area subject to county right-of-way standards and regulations and under the jurisdiction of the state.

### **Sec. 20-83. Operation of motorized scooter system.**

- (a) *Required motorized scooter system permit.* It shall be unlawful for any person, firm, corporation or operator to provide a motorized scooter program, service or system within the county, for the use of motorized scooters on county or state rights-of-way, without first obtaining a motorized scooter permit from the county. No person, firm, corporation or motorized scooter operator shall deploy or rent a motorized scooter without a valid motorized scooter permit.
- (b) *Use of motorized scooters without a permit.* It shall be unlawful for any person, firm, corporation or operator to rent or pay, as part of a commercial transaction, for the use upon county or state rights-of-way of a motorized scooter obtained from any other person, firm, corporation, or operator that does not have a valid motorized scooter system permit
- (c) *Hours of operation.* The hours of operation shall be from 7:00 a.m. to 7:00 p.m. The county may elect to restrict or expand hours of operation as part of motorized scooter system permit. In the interest of public safety, the county shall be permitted to modify the hours of operation. The motorized scooter system permit shall include notice and hearing requirements related to the modification of hours of operation.

**Sec. 20-84. Motorized scooter system permit.**

- (a) *Competitive selection.* The county may issue a motorized scooter system permit to a qualified motorized scooter system operator selected through a competitive selection process for operation of a motorized scooter system or service. The county reserves the right to issue one or more motorized scooter system permits and may, from time to time, limit or expand the number of permits issued.
- (b) *Permit and license agreement.* The county may issue a motorized scooter system permit subject to specific terms and conditions contained in the county's permit and license agreement necessary to ensure that the intent and terms of this article will be met. Motorized scooter system operators shall comply with all terms, conditions, regulations and requirements established by federal and state law, this Code, including this article, and the permit and license agreement. Motorized scooter operators shall implement and comply with all operator plans kept on file with the county.
- (c) *Compliance.* The motorized scooter system operator shall comply with [all of] the requirements contained in the motorized scooter pilot share program ordinance, the permit, and any license or contract executed with the county. Such system and permit requirements may be amended by the county from time to time. Failure to comply with the permit and system requirements may be grounds for revocation of the motorized scooter system permit.
- (d) *Permitted operator.* Any motorized scooter system permit shall be issued in the name of the lead corporation or company responsible for all operations of the permitted motorized scooter system and deemed to be the motorized scooter system operator. No permit granted pursuant to this article shall be deemed the property of the holder thereof. Permits shall not be assigned or transferred without written county approval.
- (e) *Subcontractor.* A motorized scooter system operator may not subcontract with any other individual, firm, company or corporation to provide motorized scooters.
- (f) *Permit revocation.* A motorized scooter system permit shall be revocable by the county; but may be issued with the intent that such permit will have a specified time period, subject to revocation.
- (g) *Permit fees.* A motorized scooter system operator shall pay all motorized scooter system permit fees, public property repair endowment charges, mobility equity fees, along with any other fees reasonably related to operation of a motorized scooter system. Fees shall be specified as part of the permit application process and may be adopted by resolution and included on a county schedule of fees.
- (h) *Additional permits required.* The motorized scooter system permit required by this section shall be in addition to any requirements for a right-of-way permit for installation work in the right-of-way, any other permits, licenses and business tax receipts which otherwise may be required by law. The motorized scooter system operator shall obtain and maintain, at its own expense, all such licenses and permits required by law or regulation to provide a motorized scooter system.

- (i) *Indemnification.* By obtaining a motorized scooter system permit and operating a motorized scooter system or service within the county, a motorized scooter system operator agrees to indemnify and hold the county, its commissioners, officers, employees and agents, harmless from and against any and all claims, demands, actions, or causes of action which may be made against the county for the recovery of damages for injury to or death of any person or persons and/or the damage to any property resulting directly or indirectly out of the wrongful acts or omission of the motorized scooter system operator or its employees, arising from the rental, use and operation of the motorized scooter system and motorized scooters within the county.
- (j) *Insurance.* The motorized scooter system shall provide and maintain such public liability and property damage insurance to protect the county, its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily injury, including death, which may arise from any aspect of the motorized scooter system or its operation. Such insurance shall be provided from an insurance company with an AM Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the county's risk management division, and shall provide coverage of not less than the amount established in motorized scooter system operator permit for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name Walton County as an additional insured and shall further provide that the policy shall not terminate or be canceled prior to the termination of the motorized scooter system operator permit and license agreement without 30 days' written notice prior to the termination to the county's risk management division and the county administrator at the address shown in the permit. The motorized scooter system operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter. The motorized scooter system permit may require additional insurance coverages.
- (k) *Motorized scooter system modifications.* The county reserves to itself, in its sole discretion, the power to modify the motorized scooter system in this article; including, but not limited to, the right to revoke all permits granted, to change or limit the rights granted, to expand or limit the number of permits issued, or to otherwise modify the motorized scooter system within the county at any time and from time to time. The motorized scooter system permit shall include notice and hearing requirements related to the modification of permit requirements.
- (l) *Public safety.* The county shall be permitted to amend, restrict, or revoke the motorized scooter system permit in the interest of public safety and to address emergency events. The motorized scooter system permit shall include provisions related to the process whereby an operator may request that amendments, restrictions, or revocations be reconsidered by the county upon matters of public safety being resolved or cessation of emergency events and adequate restoration of any facilities or governmental operations impacted by the emergency events.
- (m) *Duration.* The county motorized scooter pilot share program shall be effective one year with the option to renew the program in one year increments. A program status report

shall be provided every six months that details ridership, revenues, citations, warnings, and any other pertinent information related to continued deployment of the motorized scooter pilot share program. The county may elect to terminate the county motorized scooter pilot share program after one year and may terminate prior to one year with documented cause at a properly noticed public hearing. A motorized scooter system operator shall be provided the opportunity to remedy violations per the stipulations in the motorized scooter system permit.

**Sec. 20-85. Motorized scooters.**

All motorized scooters operated under a motorized scooter system permit shall comply with the following requirements:

- (1) *Federal and state laws.* Every motorized scooter shall conform to all applicable federal and state laws;
- (2) *Image and description.* Current and up-to-date images and description of the motorized scooter system operator's motorized scooters, including technical specifications, logos, designs or instructions permanently affixed to the device, safety features, and documentation that the devices meet all current federal, state and county safety standards shall be kept on file with the county;
- (3) *Identification.* The make, model and unique, permanent identification number of each type of motorized scooter shall be kept on file with the county;
- (4) *Location tracking.* Every motorized scooter shall have real-time location and tracking capability;
- (5) *Geo-fencing.* Every motorized scooter shall have the ability to be geo-fenced;
- (6) *Motorized scooter requirements.* Every motorized scooter shall have always-on front and rear lights which comply with the requirements of F.S. § 316.0265, as may be amended or revised, and also stay illuminated for at least 60 seconds after the device has stopped;
- (7) *Kickstand.* Every motorized scooter shall have a kickstand capable of keeping the scooter upright when not in use;
- (8) *Speed limit.* Every motorized scooter shall have a maximum motor assist speed of 15 miles per hour and the ability to safely lower speeds to no faster than ten miles per hour within designated geographic areas or facilities;
- (9) *Locked-down.* Every motorized scooter shall have the ability to be locked-down and made inoperable when reported or deemed to be unsafe or stolen;
- (10) *Parking.* All motorized scooters shall be required to be parked in corrals, docks, mobility hubs, racks and stations, and not otherwise left on the right-of-way, sidewalk, or street;
- (11) *Customer support.* Every motorized scooter shall have easily accessible and identifiable language that clearly directs users to customer support mechanisms,

including, but not limited to, a customer service phone number, website and application.

**Sec. 20-86. Motorized scooter system operating requirements.**

- (a) Compliance. The motorized scooter system shall comply with the operating requirements of this article, along with any additional permit and license requirements. Failure to comply with such requirements may be grounds for revocation of the motorized scooter system permit.
- (b) Local presence. The motorized scooter operator shall maintain an office within the county and shall apply for a local business tax. The operator shall designate a full-time manager who will serve at a primary point of contact who shall have a primary residence within either Bay, Okaloosa, or Walton County. The operator shall provide customer representatives, available 24 hours per day, seven days per week, to respond to questions and concerns from the public. The operator shall also employ at least one full-time equivalent employee per 250 motorized scooters, or an equivalent ratio prescribed of FTE to motorized scooters established in the motorized scooter system permit to respond to issues such as illegally parked or inoperable motorized scooters.
- (c) Age restriction. The motorized scooter system operator shall not allow rental of motorized scooters by users under age 18. The county may limit use of motorized scooters for persons under the age of 18 to address public safety.
- (d) Number of devices. The motorized scooter system operator shall propose the number of motorized scooters to be provided based upon market research and demand. The minimum and maximum number of motorized scooters permitted to operate within the deployment area shall be specified in the motorized scooters system permit and is subject to county approval. The county may elect to phase-in, decrease, or increase the number of allowable motorized scooters based on market demand and performance of the motorized scooters operator. The county may elect to establish a base number of motorized scooters to be deployed at all times to provide users with convenient mobility options. The county may revoke a motorized scooter system operators permit if the minimum number of charged, operable, and useable devices is not provided within the deployment area.
- (e) Disbursement of motorized scooters. To ensure adequate coverage within the deployment area or zones established by motorized scooter operators, the spacing of corrals, docks, mobility hubs, racks, and/or stations shall be an average of one-eighth of a mile to provide convenient access to end users. The minimum number of devices to be provided at each corral, dock, rack, and/or station shall be either four devices or the total number of devices permitted, divided by the number of corrals, docks, mobility hubs, racks, and/or stations provided, whichever number is less. The motorized scooter operator may request a revised distribution after six months of service based on user demand. The distribution of motorized scooters shall be evaluated annually to ensure adequate mobility services are available through-out the deployment area to provide mobility access.
- (f) Parking. A motorized scooter operator shall require all motorized scooters to be returned and parked subject to the following requirements:

- (1) A motorized scooter shall only be parked within a designated corral, dock, mobility hub, rack, and/or station and the motorized system operator shall demonstrate that motorized scooters are geo-fenced and only permitted to park within designated areas to keep multimodal facilities clear for pedestrians and other users;
  - (2) A motorized scooter operator shall be required to provide corrals, docks, mobility hubs, racks, and/or stations for the parking of motorized scooters;
  - (3) Corrals, docks, mobility hubs racks, and/or stations shall not be located within any county or state property without the express consent of the county or state through either issuance of a right-of-way use permit or an easement;
  - (4) Corrals, docks, mobility hubs, racks, and/or stations shall be designed in such a manner as to allow such motorized scooters to be parked in an upright position to prevent them tipping over and creating tripping hazards;
  - (5) The location of such corrals, docks, mobility hubs, racks and/or stations shall be recommended by the motorized scooter system operator. All locations are subject to approval by the county and the county may elect, at its sole discretion, to not allow parking within requested areas and may require alternative locations. The county is not required to approve or accept any proposed location;
  - (6) The county may require that the motorized scooter system operator provide corrals, docks, racks and/or stations at strategic locations within the deployment area prior to issuance of a permit. The county, through the motorized scooter system permit, may elect to either require all parking locations be established prior to issuance of a permit, or grant a phasing period of up to six months for the establishment of some or all of the corrals, docks, mobility hubs, racks, and/or stations based on user demand from collected data;
  - (7) The design of such corrals, docks, mobility hubs, racks and/or stations is subject to approval by the county and the county may require the use of county branding logos or colors and may limit the use of the commercial signage to the name of the motorized scooter system operator or the motorized scooters and operation and contact information;
  - (8) All corrals, docks, mobility hubs, racks and/or stations shall provide accessible routes to the motorized scooters and shall provide either recorded public access and use easements, dedicated right-of-way, or demonstrate through existing easements granting public access and use or right-of-way;
  - (9) The motorized scooter system operator shall be required to obtain all necessary public access and use easements and right-of-way use permits for corrals, docks, mobility hubs, racks and/or stations.
- (g) Parklets and private partnerships. A motorized scooter system operator is encouraged to enter into partnerships with private property owners to locate a corral, dock, rack, and/or station on private property, so long as proposed public use and access is provided through either easements or right-of-way. The private property shall be located adjacent to an arterial or collector road and have either access to the arterial or collector or access to a local or private road that does not require passing an existing single-family residence

to access the arterial or collector. Parking facilities shall not be located within any required setbacks or buffers and shall meet landscape and setback requirements established for off-street parking for non-residential uses and parking requirements for residential uses. In conjunction with a tenant or property owner, a motorized scooter system operator may request the conversion of an on-street parking space into a parklet with a corral, dock, mobility hub, rack, and/or station.

- (h) Signage and wayfinding. The county may either develop its own signage and wayfinding system for motorized scooters or request the motorized scooter system operator provide a signage and wayfinding program, subject to county approval. The county may elect to encourage the use of pavement markings or adhesive graphics placed horizontally on infrastructure to limit visual sign clutter.
- (i) Rebalancing. A motorized scooter system operator shall perform relocation and rebalancing of motorized scooters throughout the day to provide sufficient availability throughout the deployment area and avoid overconcentration of motorized scooters. Upon request by the county a motorized scooter system operator shall rebalance a specific location within two hours.
- (j) Removal. Damaged, inoperable or illegally parked motorized scooters shall be removed within two hours of notification to the motorized scooters system operator between 7:00 a.m. and 7:00 p.m., seven days per week, including holidays. The county may confiscate motorized scooters not timely removed. The motorized scooter system operator shall be required to pay a fee to the county for removal and storage of motorized scooters.
- (k) Removal from prohibited areas. Motorized scooters shall be removed from restricted areas or from outside of a deployment area within two hours of notification to the motorized scooter system operator between 7:00 a.m. and 7:00 p.m., seven days per week, including holidays.
- (l) Recharging. A motorized scooter system operator shall charge all motorized scooters each evening or as needed to ensure the devices are available to users and do not abruptly cease operation while being operated by a user.
- (m) Maintenance. A motorized scooter system operator shall be required to provide routine and periodic maintenance for all motorized scooters.
- (n) Event removal. A motorized scooter system operator shall be required to remove and relocate all motorized scooters within 12 hours' notice from the county of a tropical storm, emergency, special event, or other significant event to a secure indoor environment. The motorized scooter system operator shall be required to pay a fee to the county for removal and storage of such motorized scooters remaining after 12 hours' notice and the county shall not be liable for damage to any such devices removed and stored by the county.
- (o) Branding. Any motorized scooter system operator signage and branding on motorized scooters shall require prior county approval and such approved specifications shall be included in the motorized scooter system permit. Advertising of third-party products and services on motorized scooters is prohibited.



- (p) Alternative access. A motorized scooter system operator shall provide methods for customers to utilize the service without a smartphone.
- (q) Unbanked access. A motorized scooter system operator shall provide methods for customers to utilize the service without a credit card or bank account.
- (r) Emergency removal. The county, at its sole discretion and without notice, reserves the right to remove all publicly accessible motorized scooters from the deployment area in the event of an emergency. In such instance, the county will attempt to notify the motorized scooters system operator as soon as reasonably practicable thereafter.

**Sec. 20-87. Motorized scooter system data sharing requirements.**

A motorized scooter system operator shall be required to share real-time data related to motorized scooter utilization, travel, user demographics, and revenue for the entire fleet with the county, and shall comply with all standards for data sharing set forth in the motorized scooter system permit, and as such requirements are updated from time to time. The county reserves the right to post such data and information through publicly available portals and websites. The motorized scooter system permit shall establish mobility data specifications (MDS) and require the operator to provide county accessible application programming interfaces (API) to access the real time mobility data. The county shall be permitted to amend the motorized scooter system permit to update data sharing requirements, standards and interfaces to keep up with new technology. The motorized scooter system permit shall include notice and hearing requirements related to the modification of data sharing requirements.

**Sec. 20-88. Motorized scooter fees and charges.**

A motorized scooter system operator shall pay the following fees and charges to the county. The amounts of each such fee and charge shall be established by either resolution of the county commission which may be amended from time to time or established as part of the motorized scooter system permit.

- (1) *Application fee.* Fee for review of permit application.
- (2) *Permit fee.* Fee for establishment of the motorized scooter system permit.
- (3) *Annual permit renewal fee.* Fee for review and renewal of the motorized scooter system permit.
- (4) *Enforcement fee.* Fee to off-set cost of relocating motorized scooters to parking areas or removal of illegally parked or inoperable motorized scooters.
- (5) *Storage.* Fee to off-set cost of storing removed devices.
- (6) *County or state property.* Public property repair endowment charge to ensure adequate funds are available for future repair and maintenance costs to public property that may be incurred due to damage caused by the motorized scooter system operator or its customers and addressing and abating any other violations.

(7) *Performance bond.* Required bonding to ensure compliance with the regulations of this article and the motorized scooter system permit.

(8) *Right-of-way use fee.* Fee per motorized scooter deployed or per day of operation or per trip to off-set the cost of impact

**Sec. 20-89. Regulations regarding use of motorized scooters.**

(a) *General operating requirements.* All persons operating motorized scooter within the county shall comply with the following regulations:

- (1) The operation of all motorized scooters shall comply with all bicycle regulations of F.S. § 316.2065.
- (2) Motorized scooters shall not be operated on public multimodal facilities where there are signs or markings indicating that use of motorized scooters is prohibited.
- (3) Motorized scooters systems shall only be operated within the deployment area. Defined zones maybe established as part of the motorized scooters systems permit. The motorized scooters system operator shall establish geo-fencing at the perimeter of the deployment area, within any defined or established zones and demonstrate that the motorized scooters slow down and safely cease operation upon leaving the deployment area or entering prohibited areas.
- (4) Motorized scooters shall utilize on-street bicycle paths or multimodal facilities where they exist, unless there are signs or markings indicating that use of motorized scooters is prohibited.
- (5) Motorized scooters shall be permitted on all roads and multimodal facilities where bicycles are permitted to operate within the deployment area.
- (6) The deployment area for motorized scooters system maybe limited as a condition of the motorized scooters system permit. The deployment area shall be re-evaluated annually based on user data and demand. The county elect to expand or contract the deployment area each year after review of user data and demand.
- (7) Motorized scooters shall not be operated within any public or private parking garage.
- (8) Motorized scooters shall not be operated within any area designated for pedestrians only.
- (9) Motorized scooters shall not be rented to users under the age of 18. The operator may prohibit the use of devices to persons less than 18 years of age. The county may prohibit the use of devices to persons less than 18 years of age if necessary, to ensure public safety. Any user younger than 16 years old is required by Florida Statue to wear a helmet.
- (10) Motorized scooters shall have only one rider.
- (11) Use of multimodal facilities for motorized scooters must not:

- a. Inhibit pedestrian movement;
  - b. Inhibit the ingress and egress of vehicles parked on-street or in off-street parking areas;
  - c. Create conditions which are a threat to public safety and security.
- (12) Use of multimodal facilities for parking motorized scooters is prohibited.
- (13) The motorized scooters system operators permit shall specify any areas in which the maximum allowable operating speed is less than 15 miles per hour within the deployment area. The motorized scooters system operator shall demonstrate that motorized scooters do not exceed maximum speed limits established within geo-fenced areas and that devices become in operable within prohibited areas.
- (b) *Parking.* All persons operating motorized scooters within the county shall comply with the following parking regulations:
- (1) Motorized scooters shall be returned to and parked in designated corrals, docks, mobility hubs, racks, and/or stations, or returned to the operator, as directed, and not otherwise left on any multimodal facility or outside a designed parking facility.
  - (2) Motorized scooters shall be parked in an upright position at all times. Users shall right a fallen motorized scooter.
  - (3) Motorized scooters system operators shall establish geo-fencing to ensure motorized scooters cannot be parked outside of designated parking facilities and shall demonstrate that motorized scooters will not shut-off or end rides until the motorized scooters are properly parked.
  - (4) Motorized scooters shall not be parked in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.
  - (5) Motorized scooters shall not be parked, and designated parking areas shall not be established, in a manner that:
    - a. Inhibits pedestrian movement or blocks the clear pedestrian zone area of the sidewalk;
    - b. Is within 15 feet of any fire hydrant or blocks any other emergency facility;
    - c. Blocks any utility pole or box;
    - d. Blocks street furniture, such as benches and parking pay stations, that requires pedestrian access;
    - e. Blocks any transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging area;
    - f. Blocks any existing bicycle racks;
    - g. Blocks any handicap accessible parking zone or facility;
    - h. Is within or blocks any loading zone;
    - i. Blocks any curb ramp;
    - j. Blocks any business or residential entryway or driveway;
    - k. Blocks any parklets;

- l. Blocks any bicycle paths or vehicular travel lanes;
  - m. Within any on-street parking spot not designated for motorized scooters;
  - n. Inhibits the ingress or egress of vehicles parked on-street; or
  - o. Create conditions which are a threat to public safety and security.
- (6) The county may designate additional requirements on the motorized scooter system permit.

**Sec. 20-90. Enforcement.**

- (a) *Violations.* Violations of this article may be enforced per the requirements of the county's code of ordinances. Nothing contained in this article shall prohibit the county from enforcing its codes or ordinances.
- (b) *Revocation.* Revocation of a motorized scooter system permit could occur if the operator violates requirements of this article.
  - (1) The violation of the terms and conditions of this Code which endanger the public health, safety and welfare, repeated violations of this article, the violation of the terms and conditions of the motorized scooter system permit, or the violation of any other applicable federal, state or local law or rule, shall be cause for revocation of the motorized scooter system permit.
  - (2) The submission of false or inaccurate information in the motorized scooter system permit application or in the required operational reports or failure to provide such reports, failure to provide the required data sharing, or failure to make payment of fee or charges shall be cause for revocation of the motorized scooter system permit.
  - (3) The county may revoke a motorized scooter system permit and shall provide notice of such revocation, and the reasons therefor, by certified mail, addressed to the motorized scooter system operator at the address contained in its permit application or to its registered agent. The operator may appeal such revocation in accordance with the procedures set forth in section 20-92 of this article.
- (c) *Traffic laws.* Violations of the traffic and parking laws of the state and county may be enforced in accordance with the county's code of ordinances and as otherwise provided by law. Notices of the issuance of tickets and/or citations for such violations may be reported to the motorized scooter system operator.
- (d) *Special magistrate.* Violations of this article may be enforceable pursuant to the county's code of ordinances and F.S. § 162.11.
  - (1) Citations and notices to appear may be issued to motorized scooter system operators and users or drivers of motorized scooters in accordance with the county's code of ordinances, for violations of this article. A reasonable time period to correct the violation shall not be required. Each violation of this article shall constitute a separate offense.
  - (2) Notices of violation requiring a hearing before a special magistrate may be issued to a motorized scooter system operator and users or drivers of motorized scooters in

accordance with the county's code of ordinances, for violations of this article. A reasonable time period to correct the violation shall not be required. Each violation of this article shall constitute a separate offense. A separate notice of violation may be issued once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed.

- (e) *Misdemeanor.* Violations of this article shall constitute a misdemeanor enforceable in accordance with the county's code of ordinances and may also be enforced by an injunction or other legal or equitable relief in the circuit court against any person violating this article, or by both civil injunctive and criminal relief.
- (f) *Enforcement against user.* A motorized scooter system operator may be required under the motorized scooter system permit to take specific enforcement actions against its users in accordance with section 20-92 of this article.

**Sec. 20-91. Fines and penalties.**

- (a) *Civil fines.* The following civil fines shall be imposed for violations of this article:
  - (1) Offense by the motorized scooter system operator:
    - a. First offense (per device): \$250.00
    - b. Second offense (per device within one year of first offense): \$500.00
    - c. Third offense (per device within one year of the first offense) and each offense thereafter: \$1,000.00
    - d. More than six offenses in any 12-month period may result in revocation of motorized scooter system, in addition to any fine imposed.
  - (2) Offense by a user or rider of a motorized scooter:
    - a. First offense: \$20.00
    - b. Second offense (within one year of first offense): \$40.00
    - c. Third offense (within one year of the first offense): County may request that the rider's account with the motorized scooter system operator be frozen, prohibiting rental of a motorized scooter, until rider completes a safety course, plus a \$60.00 fine.
    - d. For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special magistrate.
- (b) *Notice of violation.* A violator who has been served with a notice of violation in accordance with the county's code of ordinances shall elect either to:
  - (1) Pay the civil fine in the manner indicated on the notice; or
  - (2) Request an administrative hearing before a special magistrate to contest the decision of the code inspector that has resulted in the issuance of the notice of violation.
- (c) *Administrative hearing.* The named violator may request an administrative hearing before the special magistrate by filing a written request for hearing with the special magistrate's office within ten days of the date of the notice of violation. A notice shall be provided to

the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings.

- (d) *Waiver of rights.* Failure of the named violator to appeal the notice of violation within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and the special magistrate may assess penalties accordingly.
- (e) *Failure to pay civil fines.* The county may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the county may foreclose or otherwise execute on the lien.

**Sec. 20-92. Appeals.**

- (a) *Appeal of permit revocation.* Motorized scooter system operators who have been subject to a permit revocation may appeal the revocation of such permit to the county commission. Should a motorized scooter system operator seek an appeal from the revocation, the operator shall furnish notice of such request for appeal to the county clerk no later than ten business days after the date of mailing of the certified letter informing the operator of the revocation of the permit. Upon receipt of a request for appeal, the county clerk shall fix the date and time at which the county commission shall hear the appeal, such hearing to be held no more than 60 days subsequent to the date upon which such request for appeal was filed with the county clerk. Upon setting the matter for hearing, the county clerk shall notify the motorized scooter system operator of the date and time of such hearing. At the conclusion of the hearing, the county commission shall either sustain the decision of the county administrator or direct the county administrator to reinstate the permit.
- (b) *Appeal of special magistrate decision.* Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.

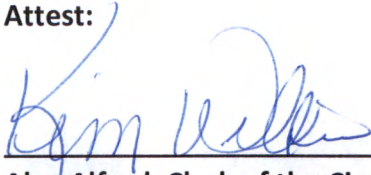
**Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Effective Date.** This Ordinance shall be effective immediately upon adoption by the Board of County Commissioners.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 26<sup>th</sup> day of April, 2022.

**BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA**

**Attest:**



Alex Alford, Clerk of the Circuit Court  
And County Comptroller



Michael Barker, Chairman