



VILLAGE OF KEY BISCAINE

MEMORANDUM

Village Council
Joe I. Rasco, Mayor
Franklin H. Caplan, Vice Mayor
Edward London
Allison McCormick
Brett Moss
Oscar Sardinas
Fernando A. Vazquez

Village Manager
Steven C. Williamson

DATE: April 4, 2023
TO: Honorable Mayor and Councilmembers
FROM: Steven C. Williamson, Village Manager
RE: Modifications to Chapter 19 addressing the prohibition of riding motorized scooters and electric bicycles at all Village parks.

RECOMMENDATION

I recommend the Village Council approve the proposed ordinance modifications to Chapter 19 to clarify the prohibition of riding and/or operating motorized scooters or electric bicycles in any Village owned parks, specifically to include Village Green, its concourse, and its interior loop pathway.

BACKGROUND

The Key Biscayne Police Department, Village Manager and Village Attorney have been diligently working on modifying language and establishing penalties in the ordinance.

Village Administration recognizes that these mobility devices are convenient, have a positive impact in reducing vehicular traffic, and are fun to operate. However, for the successful operation of motorized scooters & electric bikes in the Village, the Administration's top priority is focused on the principle that safety comes first and ultimately drives everything.

The following are the major recommended changes to Chapter 19:

- Sec. 19-5. – Motorized scooters & electric bicycles were included and defined in the following:
 - a) Defines a motorized vehicle, their operation within a Village Park, and where motorized vehicles can be parked.
 - b) Allows for the Village Council to designate on which roads, pathways and trails non-motorized vehicles (e.g., bicycles and push scooters) can be operated in Village Parks.
- Sec. 19-17. – Penalties were added for violations of Section 19-3 & 19-5
 - a) First offense or violation is subject to a \$75 Village civil fine.
 - b) Second offense or violation is subject to a \$175 Village civil fine.
 - c) Third & subsequent offense or violations are subject to a \$500 Village civil fine.



VILLAGE OF KEY BISCAYNE

NEXT STEPS

The Key Biscayne Police Department and Village Attorney are reviewing and modifying Chapter 21 - Rights of Way to address the safe and secure operation of motorized scooters and electric bicycles on local roadways. Department staff continue to work with Public Works and Parks and Recreation Administration to examine infrastructure remedies, as well as alternative pathways.

The Police Department and Village Staff are also collaborating with Commissioner Regalado on potential solutions with Miami-Dade County to set regulations for bicycles, motorized scooters, and electric bicycles on the Crandon Boulevard Right of Way.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, COMPREHENSIVELY UPDATING AND AMENDING CHAPTER 19 OF THE VILLAGE CODE OF ORDINANCES “PARK RULES AND REGULATIONS;” AMENDING REGULATIONS RELATING TO MOTORIZED VEHICLES, NON MOTORIZED VEHICLES, AND EQUIPMENT WITHIN VILLAGE PARKS; AMENDING ENFORCEMENT AND PENALTY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the “Village”) has adopted regulations regulating park rules within the Village under Chapter 19 of the Village Code of Ordinances (the “Code”); and

WHEREAS, the Village Council finds it periodically necessary to amend its Code in order to update regulations to implement goals and objectives and address safety concerns within the Village’s parks; and

WHEREAS, the Village Council desires to comprehensively amend and update Village park rules, amend regulations relating to motorized vehicles, non-motorized vehicles, and equipment within Village parks, and modify enforcement and penalty provisions within the Code; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Chapter 19, “Park Rules and Regulations,” of the Village Code.** That Chapter 19 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 19 – PARK RULES AND REGULATIONS

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

Sec. 19-1. Applicability and Authority of Village of Key Biscayne Police Department officials and the Parks and Recreation Department officials.

- (a) It shall be the duty and responsibility of the Village of Key Biscayne Police Department and the Parks and Recreation Department officials to enforce all State laws, County ordinances and these police regulations within the following areas of the Village of Key Biscayne:
- (1) All parks and other recreational areas maintained, leased, and operated by the Village of Key Biscayne Recreation Department.
 - (2) All beaches and ocean areas available to the public in the incorporated area of the Village of Key Biscayne.
- (b) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by these police regulations, unless authorized by Village Police Officers or Parks and Recreation officials.
- (c) The provisions of this Chapter shall not apply to Village officials in the performance of their official duties or other uses authorized by the Village.
- (d) The provisions of this Chapter shall not apply to the use of any self-propelled wheelchair, power wheelchair, or other mobility device by an individual with a mobility impairment.

Sec. 19-2. Traffic ordinances.

The traffic ordinances of Miami-Dade County and applicable State vehicle laws shall apply in and about all park property and in addition thereto the following traffic regulations shall be applicable.

Sec. 19-3. Roads and driveways within parks.

No person driving, operating, controlling or propelling any vehicle that is, motorized, non-motorized, horse drawn or self-propelled, shall use any other than the regularly designated roads or driveways, except when directed to do so by Village Police Officers or Parks and Recreation Department officials.~~employees.~~

Sec. 19-4. Use of vehicles, trucks, buses, other heavy vehicles.

No car, truck, commercial vehicle, or bus of any type will be driven on any restricted park road or property without special authorization from the Parks and Recreation Department for the purpose of park work, services or activities except that trucks and buses used for transporting persons to a park for recreational purposes will be afforded use of ingress and egress park roads and parking facilities as provided for conventional passenger vehicles.

Sec. 19-5. ~~Motorcycles and scooters.~~ Motorized and non-motorized vehicles or equipment.

- (a) Motorized vehicles. No person shall ride, drive or propel any motorized vehicles ~~i.e.,~~ (including but not limited to a golf cart, moped, motorcycle, motorized scooter, electric bicycle or similar motorized vehicle or equipment) on any but the regular vehicular roads except that such vehicles, with motors shut off, may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians~~and, n~~No motorized

vehicle or equipment shall be used, walked or parked on grass or turfed athletic fields. No person shall deviate from compliance with all traffic laws ordinance provisions governing the operation of motorized vehicles or equipment while on park property.

- (b) Non-motorized vehicles or equipment. No person shall ride, drive or propel any non-motorized vehicles or equipment (including but not limited to a bicycle, tricycle, skate board, scooter, roller blades, roller skates or similar non-motorized vehicle or equipment) on any Village park property, except on the regular Village Council designated vehicular roads, paved pathways, and trails that are designated for said purpose. Notwithstanding the foregoing, such vehicles or equipment may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians. However, in no event shall a non-motorized vehicle or equipment be used or walked on grass or turfed athletic fields. No person shall deviate from compliance with all traffic laws governing the operation of non-motorized vehicles or equipment while on park property.

Sec. 19-6. Parking.

No person shall park a vehicle (motorized or non-motorized) or equipment any place on park property other than in the regular designated facilities provided for that particular type of vehicle or equipment, unless directed otherwise by Police Officers or Parks and Recreation officials employees who are authorized to designate other areas for parking when conditions so warrant.

Sec. 19-7. Preservation of property.

No person in the Village of Key Biscayne shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Village within Village parks of Key Biscayne.
- (b) Throw or deposit, or permit to be deposited or scattered upon any Village parks any sidewalk, alley, street, bridge or public passageway, or upon any public or private property, any waste or other material of any kind.
- (c) Tamper or meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the Village's parks of Key Biscayne, or appliance connected thereto, in such manner as to cause loss or damage to the owner of such facilities or the users thereof, or to create a hazard to life and property.
- (d) ~~No person shall~~ Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument, or any other personal property erected or placed by the Village within Village parks of Key Biscayne.
- (e) Move, disturb, or take any earth, stone or other material from any public street, alley, Village park or other public ground.
- (f) ~~No person shall~~ Write, paint, or draw any inscription, figure, or mark of any type on any Village park property ~~public or private building or structure or other real or personal property~~, owned, leased, operated, or maintained by the Village of Key Biscayne.

(g) ~~No fires shall be built by any person~~ Build any fire against or adjacent to any park building, structure, tree or plant or ~~near the property of others or in any area of any park~~ except in such areas as are specifically designated for fire building.

Sec. 19-12. Merchandising, vending, peddling, etc.

No person, persons, organization or firm other than the ~~Village Recreation Department~~ or persons acting by and under the authority of the Village of Key Biscayne will expose or offer for sale, rent or trade, any article or thing, or station or place any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise within the limits of any park or recreation area.

Sec. 19-18. Penalties.

For the purposes of this Chapter:

- a) A first offense or violation is subject to a \$75 Village civil fine.
- b) A second and subsequent offense or violations of this Chapter is subject to a \$175 Village civil fine.
- c) A third and subsequent offense or violation is subject to a \$500 Village civil fine.
- d) To the extent permitted by law, parents or guardians will be held accountable for the actions of minors in regards to violations of this Chapter.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2023.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2023.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

