

CITY OF SANIBEL
ORDINANCE 22-006

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES RELATING TO THE PROHIBITION OF NON-HUMAN-POWERED VEHICLES ON THE BEACH OR DUNE SYSTEM; AMENDING CHAPTER 66, TRAFFIC, ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, SECTION 66-168, OPERATION OF MOPEDS ON BEACHES; AMENDING CHAPTER 74, WATERWAYS, ARTICLE VII, BEACH AND DUNE SYSTEM, WATERWAYS, SECTION 74-182, DESTRUCTION OR DIMINISHMENT OF BEACH OR DUNE SYSTEM; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 66-168, Code of Ordinances, prohibits the operation of a moped on any beach or beach access; and

WHEREAS, Section 74-182, Code of Ordinances, generally prohibits the use of electric or motorized vehicles on the beach or dune system; and

WHEREAS, the increased capabilities of electric-assisted bicycles ("e-bikes") have led to more prohibited electric vehicle use on the beach; and

WHEREAS, City Council desires to clarify its protection of the beach and dune systems from possible destruction or diminishment potentially caused by the use of e-bikes and other battery or electric-powered vehicles; and

WHEREAS, in so doing, City Council also desires to consolidate its regulations in this regard and homogenize its related references to exceptions to such restrictions for a "person disabled for mobility purposes," as used elsewhere in the Sanibel Code, including in Section 66-244(b)(2).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. That the recitals above are true and correct and made a part hereof.

SECTION 2. That the Sanibel Code of Ordinances is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 66 – Traffic

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ARTICLE V. – BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS

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Sec. 66-168. – Operation of mopeds on the beaches.

~~No person shall operate a moped upon any beach or beach access within the city.~~
Reserved.

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Chapter 74. – Waterways

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ARTICLE VII. – BEACH AND DUNE SYSTEM
...**Sec. 74-182. - Destruction or diminishment of beach or dune system.**

It is unlawful and prohibited for any person to do, conduct, or permit any of the following on a beach, upon a dune, in an area containing dune vegetation, or in the waters adjacent to a beach:

- (1) Place, locate, store, use or transport equipment, or conduct any act in any manner which:
 - a. Destroys or materially diminishes the beach or dune system, dune vegetation, or wildlife habitat; or
 - b. Destroys or disturbs any wildlife nesting activities or nesting sites including marine turtle nesting activities and nesting sites.
- (2) Harass, molest, or disturb wildlife.
- (3) Allow beach equipment, when not in use, to remain between the hours of 9:00 p.m. and 7:00 a.m.
- (4) Place, use, store, locate, or transport any of the following:
 - a. Equipment other than beach equipment;
 - b. Trailers or transporting equipment; and
 - c. All power vessels, including personal watercraft.

However, this does not prohibit the temporary landing or anchoring of a vessel on a beach as long as it is incidental to the immediate use of the vessel.
- (5) Plant vegetation other than dune vegetation.
- (6) Destroy or remove dune vegetation.
- (7) Maintain a dump of, or discard or leave litter, garbage, trash or refuse, vegetative clippings, or debris.
- (8) Deposit or leave human or animal waste.
- (9) Consume an alcoholic beverage or have in possession an open container of an alcoholic beverage in a public beach area between one hour after sunset and one hour before sunrise from December 15 through May 15.
- (10) Allow dogs or other domesticated animals to roam at large as defined in section 10-1.
- (11) Destroy or grossly interfere with the natural wrack line, as by grooming or nonselective raking.
- (12) Operate any engine-powered or assisted vehicle, machine, or implement, including without limitation, any battery or electrical powered or assisted bicycle or other vehicle, machine, or implement, except for a motorized wheelchair or other similar power-driven mobility device approved conveyance for operated by “a person disabled for mobility purposes” as defined in subsection 66-244(b)(2) with a disability which is actually being used by the person with a disability.

- (13) Produce or maintain any artificial light or lighting in which the point source of light or any reflective surface of the light fixture is directly visible from the beach; or in which areas seaward of a frontal or primary dune are directly, indirectly, or cumulatively illuminated.
- (14) Excavate, mine, or haul sand or soil from the beach or dune.
- (15) Hawk, sell, dispense free of charge, vend, or rent equipment, goods, or services; or conduct any business activity.
- (16) Detonate any explosive devices, including fireworks.
- (17) Discharge any firearms.
- (18) Light or maintain any open fire except as permitted in chapter 34, article IV.
- (19) Temporarily reside, camp, or sleep overnight except as permitted in section 42-2.

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SECTION 3. Codification. This ordinance is an amendment to the Sanibel Code of Ordinances and will be codified in the Sanibel Code of Ordinances as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the codification that all section numbers amended by this Ordinance are updated and corrected throughout the Code of Ordinances in the event such section numbers are referenced.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith will be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it will be severed, and the remainder will have full force and effect and be liberally construed.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application will be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion or application hereof.

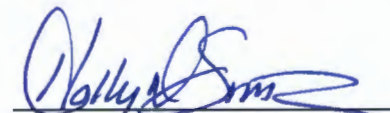
SECTION 6. Effective Date. This ordinance will become effective 14 days after adoption.

APPROVED AT FIRST READING THE 19TH DAY OF JULY 2022.

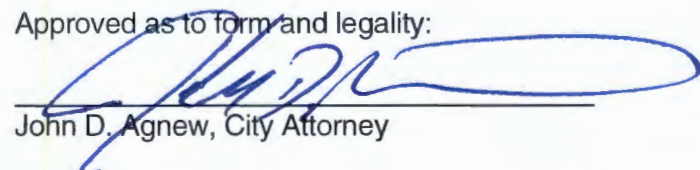
ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 16TH DAY OF AUGUST 2022.

Attest:


Scotty Lynn Kelly, City Clerk


Holly Smith, Mayor

Approved as to form and legality:


John D. Agnew, City Attorney

Date filed with City Clerk: ~~August 16,~~ 2022

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>