

Introduced by: Council Member Cory Nichols  
1st Reading: April 5, 2021  
2nd Reading: April 19, 2021

**ORDINANCE NO. 2021-8164**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE  
BEACH, FLORIDA, TO REPEAL CODE OF ORDINANCES  
CHAPTER 33, ARTICLE III, "RENTAL MOTORCYCLES,"  
IN ITS ENTIRETY; PROVIDING FOR REPEAL,  
SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach ("City") has the authority to adopt this Ordinance and to repeal its ordinances pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

**WHEREAS**, City Code of Ordinances Chapter 33, Article III, "Rental Motorcycles," originally created in 1955, has become outdated, irrelevant and unnecessary, it is not utilized by a City department, and it serves no current or future purpose for City business or operations; and

**WHEREAS**, particularly, the City Clerk's Office and City Police Department, do not utilize the current Chapter 33, Article III, "Rental Motorcycles," either directly or indirectly through department operations, policies, ordinances or resolutions; and

**WHEREAS**, the City Attorney has been providing ordinances to the City Council in order to make amendments, improvements, and revisions to the City Code of Ordinances, and he is working on amendments to improve the City Charter; and

**WHEREAS**, the City Council finds that the current City Code of Ordinances Chapter 33, Article III, "Rental Motorcycles," in its current form dating to 1955, has no current or future purpose or use by the City, so it can be repealed in its entirety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

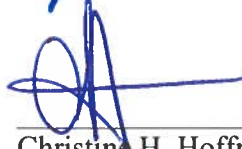
**SECTION 1. RECITALS.** The above recitals are ratified and made a part of this Ordinance.

**SECTION 2. REPEAL.** City Code of Ordinances Chapter 33, Article III, "Rental Motorcycles," is hereby repealed in its entirety. The current Chapter 33, Article III, which shall be repealed, is attached to and incorporated into this Ordinance by reference.

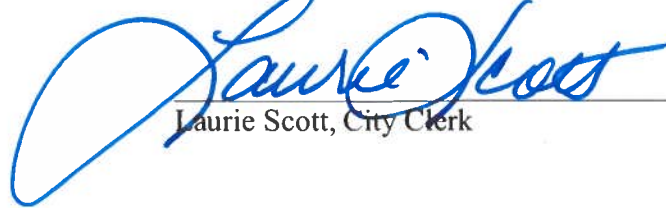
**SECTION 3. SEVERABILITY.** It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 19 DAY OF April, A.D., 2021.



Christine H. Hoffman, Mayor



Laurie Scott, City Clerk

CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES

CHAPTER 33, ARTICLE III. - RENTAL MOTORCYCLES

Sec. 33-68. - Definition.

Motorcycle is hereby defined, for the purposes of this article, to be a motorized vehicle having two (2) wheels or such vehicle equipped with a single-seat sidecar.

(Code 1955, § 23-117.1)

Sec. 33-69. - Brake horsepower.

All motorcycles for rent must be propelled by a power source not exceeding a maximum of one hundred (100) cubic centimeters displacement.

(Code 1955, § 23-117.2)

Sec. 33-70. - Speed governors.

Each motorcycle for rent shall be governed to a maximum speed of twenty-five (25) miles per hour. Such method of governing the speed shall be beyond tampering with by the actual operator.

(Code 1955, § 23-117.3)

Sec. 33-71. - Tandem seats and sidecars.

A single motorcycle for rent, if equipped with a tandem seat, shall not carry more than two (2) passengers, including the operator. If a motorcycle for rent is equipped with a sidecar and a tandem seat, then its passenger capacity is limited to three (3), including the operator.

(Code 1955, § 23-117.4)

Sec. 33-72. - Crash helmet and footwear.

The rentor shall furnish all passengers of rental motorcycles with approved crash helmets. All helmets shall meet the specifications of the state department of public safety. All passengers must wear shoes that cover the entire feet, with a hard or semihard (tennis shoes) soles. Sandal type shoes not covering the top of the foot are not acceptable as adequate footwear.

(Code 1955, § 23-117.5)

Sec. 33-73. - Persons eligible to rent.

Rental motorcycles shall be rented only to persons legally qualified to operate them, which fact shall be determined in advance by the rentor.

(Code 1955, § 23-117.6)

Sec. 33-74. - Identification marking.

Rental motorcycles shall have the capital letter "E" painted on the rear of each vehicle. The letter "E" shall be in a contrasting color and shall be at least three (3) inches in height.

(Code 1955, § 23-117.7)

Sec. 33-75. - Rental hours.

Motorcycles shall be rented only between the hours of 8:00 a.m. and 10:00 p.m.

(Code 1955, § 23-117.8)

Sec. 33-76. - Information to persons renting.

The rentor shall inform all persons renting motorcycles that the vehicles may be operated only in the area bordered on the east by the Atlantic Ocean, on the west by Third Street (State Road A1A), on the south by Sixteenth Avenue South, and on the north by Twentieth Avenue North (Seagate Avenue) and on State Road A1A (Third Street) and on Beach Boulevard; and that the speed limit on the ocean beach is ten (10) miles per hour. Such information shall also be posted in a conspicuous place at the place of business of the rentor in letters not less than two (2) inches in height.

(Code 1955, § 23-117.9)

Sec. 33-77. - Authority to chief of police to inspect vehicles.

The chief of police or his representative is authorized to inspect brake horsepower and speed governor requirements of this article.

(Code 1955, § 23-117.10)