

ORDINANCE No. 2005-27-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING REGULATIONS CONCERNING MOTORIZED SCOOTERS, GO-PEDS, ALL TERRAIN VEHICLES AND DIRT BIKES WITHIN THE CITY OF MIAMI GARDENS; PROVIDING FOR DEFINITIONS; PROHIBITING THE OPERATION OF MOTORIZED SCOOTERS, GO-PEDS AND ALL TERRAIN VEHICLES AND DIRT BIKES ON PUBLIC PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, recently there have been a proliferation of motorized scooters, go-peds, all terrain vehicles and dirt bikes being operated by persons on city property, including sidewalks and other pedestrian ways, and

WHEREAS, the operation of these vehicles on the sidewalks and in public areas, creates created a safety hazard within the City, and

WHEREAS, it is appropriate to regulate the use of these vehicles as to maintain a harmonious, secure and safe environment for all the residents in the City of Miami Gardens,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. CREATION OF ORDINANCE: There is hereby created an Ordinance to regulate motorized scooters, all terrain vehicles, dirt bikes, and go-peds in

the City as follows:

MOTORIZED SCOOTERS AND GO-PEDS

Section A. Definitions.

For the purposes hereof, the following terms shall have the meanings hereinafter set forth:

1. *Vehicle* shall mean and include every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
2. *Motorized scooter* shall mean and include any vehicle not having a seat or saddle for use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.
3. *All Terrain Vehicles ("ATV")* shall mean a vehicle having or not having a seat, designed to travel on three or four wheels that is designed to travel on various types of terrain.
4. *Dirt bike* shall mean a lightweight motorcycle designed for operation on unpaved surfaces.
5. *Go-ped* shall mean and include a variety of motorized scooters.
6. The provisions of this Ordinance shall not apply to the use of any self-propelled wheelchair, electric scooter, or other mobility device by an individual with a mobility impairment.

Section B. Motor Scooters, All Terrain Vehicles, Dirt Bikes And Go-Peds Prohibited.

It shall be unlawful for any person to operate or allow to be operated a motorized scooter, all terrain vehicle, dirt bike or go-ped on any public property including, but not limited to, sidewalks, swales, roads, street, trails, parks, parking facilities or driveway aprons.

Section C. Penalties.

1. It shall be unlawful for any person to violate any regulation contained herein, and it shall be unlawful for the parent of any child or guardian of any ward to authorize or knowingly permit any such child or ward to violate any

regulation established hereby.

2. Every person not a juvenile, as such, is defined by the laws of the state, found guilty of a violation of this Ordinance shall be punished by a fine of not more than \$100 and/or by the impounding of such person's motorized scooter, all terrain vehicle, dirt bike or go-ped for a period not to exceed ninety (90) days. The penalties provided for in this Ordinance are in addition to any other penalties permitted by general law.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 8TH DAY OF JUNE, 2005.

PASSED ON SECOND READING ON THE 22ND DAY OF JUNE, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 22ND DAY OF JUNE, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: MAYOR SHIRLEY GIBSON

MOVED BY: Councilwoman Pritchett
SECONDED BY: Councilman Bratton

VOTE: 4-0

Mayor Gibson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Campbell	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Oscar Braynon, II	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No) Not present
Councilwoman Audrey J. King	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No) Not present
Councilwoman Sharon Pritchett	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilwoman Barbara Watson	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No) Out of town

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