

ORDINANCE NO. 2021-2183

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, RELATING TO UNLAWFUL ACTIVITY WITHIN PUBLIC ROADS AND RIGHTS-OF-WAY; AMENDING CHAPTER 98 OF THE CITY OF LAKE CITY CODE TO FURTHER PROHIBIT ACTIVITIES THAT INTERFERE WITH PUBLIC SAFETY AND THE PRIMARY PURPOSE OF PUBLIC ROADS AND RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake City Code is empowered to enact ordinances to address the City's legitimate and significant interest in providing and promoting safe means of travel and use of the public roads and rights-of-way in the City; and

WHEREAS, the Florida Department of Transportation determined the City of Lake City ranked number one in the State of Florida out of 101 Group II Cities, for pedestrian or bicycle accidents with serious injuries and fatalities between the years of 2013 and 2017; and

WHEREAS, the City of Lake City Police Department conducted a study of vehicle accidents involving pedestrians from 2015 to present within the City, to determine which roadways accounted for the greatest number of vehicles involved in pedestrian accidents (hereinafter the "Safety Study"); and

WHEREAS, the Safety Study determined roadways which may not have documented vehicle-pedestrian accidents in recent years, but which have similar traffic flow and configuration to roadways with documented vehicle-pedestrian accidents, should also be considered to have a high risk of future vehicle-pedestrian accidents; and

WHEREAS, the City has a significant governmental interest in providing and promoting the health, safety and general welfare of the public by reducing distractions to motorists and unsafe pedestrian movement within or near travel lanes of high risk roadways and intersections; and

WHEREAS, traffic safety studies and other information reveal there are certain high risks to pedestrians on and near arterial roads in the City of Lake City. Arterial roads generally are among the most heavily trafficked roads in the City, have multiple travel lanes in each direction, do not have shoulders, do not have right side parking lanes, have curbs adjacent to the right exterior lane of travel, are populated with commercial businesses and advertisements that may distract vehicle operators; and have intersections with and without specific turn lanes, all of which require heightened operator attention and pose a high risk for pedestrians on such roadways if operators are distracted, and

WHEREAS, in addition to the high risks to pedestrians on arterial roads, there are high traffic volume cross streets to the arterial roads which generally: are controlled by a traffic control device (traffic lights), are among the most heavily trafficked intersections in Lake City, have one or more pedestrian crosswalks, do not have shoulders, do not have right lane parking lanes, have curbs adjacent to the right exterior lane of travel, are populated with commercial businesses and advertisements that may distract vehicle operators; and have one or more specific turn lanes, all of which require heightened operator attention and pose a high risk for pedestrians on such intersections if operators are distracted, and

WHEREAS, generally, the sidewalks along arterial roads have grass buffers separating the pedestrian and motor vehicle traffic; the medians on the arterial roadways in the City are designed for traffic separation and not for pedestrian use; pedestrians who cross the grass buffers or occupy the medians unduly distract drivers and place the occupants of motor vehicles and pedestrians in jeopardy, and

WHEREAS, the existence of sidewalks alongside arterial roads precludes any necessity for pedestrians to use the travel portion of said roads, and

WHEREAS, the unexpected presence of pedestrians near a motor vehicle within the traveled portion of the arterial roads and high volume cross streets increases the risk of collisions; regardless of whether the motor vehicle is in motion or stopped at a traffic signal; and

WHEREAS, pedestrians remaining on or within any portion of a roadway classified as arterial roads and high volume cross streets, including median areas, for purposes other than lawfully crossing the road in a crosswalk, increase the risk of collision between vehicles and pedestrians; and

WHEREAS, person-to-vehicle or vehicle-to-person interactions on high risk roads are inherently dangerous and are unwarranted distractions to motor vehicle operators; and

WHEREAS, the City wishes to amend Chapter 62 of the City of Lake City Code of Ordinances to address these concerns related to pedestrian-vehicle interactions; and

WHEREAS, this Ordinance is enacted pursuant to the home rule power of the City specifically and pursuant to Article VIII, Section 2, Florida Constitution, and Section 316.008(1), Florida Statutes, which authorizes the City to regulate the movement of motor vehicles and pedestrians on roads located within the City of Lake City; and

WHEREAS, the City Council of Lake City finds that the provisions of this Ordinance are in the best interests of the health, safety and welfare of the citizens and others within Lake City.

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

Section 1. Findings of Fact. The foregoing recital clauses are hereby adopted as findings of fact.

Section 2. Amended Code Language. Chapter 98 of the City of Lake City Code of Ordinances shall be amended by adding a new Article V which shall read as follows:

Article V – Prohibited activities that interfere with public safety and the primary purpose of high use public roads.

Section 98.70 - Area of applicability. This Article shall be applicable to and govern the public roads and the rights-of-way within the City of Lake City, Florida as set forth herein.

Section 98.71 – Definitions. When used in this Section, the following words or phrases have the following meanings:

(a) *City* means the City of Lake City, Florida.

(b) *Arterial Road* means the following roads within the *City*:

(1) U.S. Highway 90, a.k.a. SR 10 and Duval Street

(2) U.S. Highway 41, a.k.a. SR 25 and Main Boulevard (that portion South of the intersection with S.R. 100)

(3) U.S. Highway 441, a.k.a. SR 25a and Marion Avenue (that portion South of the intersection with S.R. 100)

(4) S.R. 10a, a.k.a. Baya Drive

Arterial Road includes any *medians* in such roadways.

(c) *High Risk Intersection* means any intersection on an *Arterial Road* which is controlled by traffic control devices (traffic signals). The *High Risk Intersection* shall extend outward along the intersecting road for a distance of two hundred (200) yards from the *Travel Portion* of the *Arterial Road*.

High Risk Intersection includes any *Medians* in such intersection.

- (d) *Median* means the area dividing a public road that separates lanes of traffic traveling in opposite directions or that controls or directs vehicular movements; it includes traffic islands. A *Median* area may be paved, unpaved, curbed, or painted.
- (e) *Motor Vehicle* shall have the same meaning as in Chapter 316, Florida Statutes.
- (f) *Pedestrian* shall have the same meaning as in Chapter 316, Florida Statutes.
- (g) *Travel Portion* means any portion of an *Arterial Road* or a *High Risk Intersection Road* that is normally used by moving motor vehicles.

Section 98.72 - Prohibitions. Except for First Responders in the course of official duties, persons rendering aid to accident victims, authorized highway repair or maintenance personnel, or other use authorized by the City Manager:

- (a) No *Pedestrian* shall occupy any travel portion of any *Arterial Road* or *High Risk Intersection Road* except in a designated crosswalk.
- (b) No *Pedestrian* shall have any interaction with an operator or occupant of a *Motor Vehicle* on the *Travel Portion* of an *Arterial Road* or in a *High Risk Intersection Road* including, but not limited to, handing or delivering any object to an operator or occupant of a *Motor Vehicle* or receiving any object from an operator or occupant of a *Motor Vehicle*.
- (c) No operator or occupant of any *Motor Vehicle* on the *Travel Portion* of an *Arterial Road* or in a *High Risk Intersection Road* shall have any interaction with any *Pedestrian* including, but not limited to, handing or delivering any object to a *Pedestrian* or receiving any object from a *Pedestrian*.

Section 98.73 - Penalties. A first or second violation of this Article shall be deemed a noncriminal infraction and disposed of in the manner provided for noncriminal infractions as set forth below.

- (d) The penalty for the first violation shall be a civil penalty of \$25.00 paid in accordance with Section 98-62(b) of this Code.
- (a) The penalty for the second violation shall be a civil penalty of \$50.00 paid in accordance with Section 98-62(b) of this Code.
- (e) Appeals shall be as set forth in Section 98-63 of this Code.

