

1 **CITY OF LAKE CITY, FLORIDA**

2 **ORDINANCE NUMBER 2024-2281**

3 **AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, RELATING TO ACTIVITIES**
4 **INTERFERING WITH PUBLIC SAFETY AND PUBLIC ROADS; REPEALING ORDINANCE**
5 **2021-2183 IN ITS ENTIRETY; REPEALING ORDINANCE 2022-2220 IN ITS ENTIRETY;**
6 **AMENDING CHAPTER 98, ARTICLE V SECTION 98-70 THROUGH SECTION 98-73 OF**
7 **THE CITY OF LAKE CITY CODE OF ORDINANCES; PROVIDING DIRECTION FOR**
8 **CODIFICATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT;**
9 **PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

10 **WHEREAS**, Ordinance 2021-2183 concerning activities interfering with public safety and public roads was
11 adopted by the City Council of the City of Lake City, Florida (the “City”) on March 1, 2021; and

12 **WHEREAS**, Ordinance 2021-2183 created Chapter 98, Article V, Section 98-70 through Section 98-73 of
13 the City’s Code of Ordinances (the “Code”) addressing matters of interference with public safety and use
14 of public roads; and

15 **WHEREAS**, Ordinance 2022-2220 amended Ordinance 2021-2183 and Chapter 98, Article V, Section 98-73
16 of the Code; and

17 **WHEREAS**, Chapter 98, Article V, Section 98-70 through Section 98-73 of the Code presently provides for
18 certain restrictions on activities of pedestrians and occupants of motor vehicles at and/or on certain roads
19 and intersections in the City (the “Restricted Activities”); and

20 **WHEREAS**, the enforcement of Chapter 98, Article V, Section 98-70 through Section 98-73 concerning the
21 Restricted Activities implicates matters concerning the First Amendment of the Constitution of the United
22 States of America (the “First Amendment”); and

23 **WHEREAS**, in the years since Chapter 98, Article V, Section 98-70 through Section 98-73 were adopted by
24 the City the jurisprudence of the courts concerning the First Amendment has evolved in a manner causing
25 Chapter 98, Article V, Section 98-70 through Section 98-73 to be in conflict with such jurisprudence
26 concerning the First Amendment; and

27 **WHEREAS**, the City Council values the rights of all people to avail themselves of those rights conferred by
28 the First Amendment; and

29 **WHEREAS**, the City Council desires to repeal Ordinance 2021-2183 and Ordinance 2022-2220 in their
30 entirety and to amend the Code to repeal Chapter 98, Article V, Section 98-70 through Section 98-73; and

31 **WHEREAS**, the City Council, being fully advised of the facts and circumstances listed above, hereby finds
32 and determines the following to be the appropriate means ensuring the rights of people conferred by the
33 First Amendment are protected in the City:

34 **NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF LAKE CITY, FLORIDA:**

35 **SECTION 1. ORDINANCE 2021-2183 IS REPEALED IN ITS ENTIRETY.**

36 **SECTION 2. ORDINANCE 2022-2220 IS REPEALED IN ITS ENTIRETY.**

37 **SECTION 3 CHAPTER 98, ARTICLE V, SECTION 98-70 THROUGH SECTION 98-73 OF THE CODE OF**
38 **ORDINANCES OF THE CITY OF LAKE CITY, FLORIDA IS AMENDED AS FOLLOWS:**

39 ~~ARTICLE V. PROHIBITED ACTIVITIES THAT INTERFERE WITH PUBLIC SAFETY~~
40 ~~AND THE PRIMARY PURPOSE OF HIGH USE PUBLIC ROADS~~

41 ~~Sec. 98-70. Area of applicability. This Article shall be applicable to and~~
42 ~~govern the public roads and the rights-of-way within the City of Lake City,~~
43 ~~Florida as set forth herein.~~

44 ~~Sec. 98-71. Definitions. When used in this Section, the following words~~
45 ~~or phrases have the following meanings:~~

46 ~~(a) City means the City of Lake City, Florida.~~

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

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

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

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

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

54 ~~Arterial Road includes any medians in such roadways.~~

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

60 ~~High Risk Intersection includes any Medians in such intersection.~~

61 ~~(d) Median means the area dividing a public road that separates lanes~~
62 ~~of traffic traveling in opposite directions or that controls or directs~~
63 ~~vehicular movements; it includes traffic islands. A Median area may~~
64 ~~be paved, unpaved, curbed, or painted.~~

65 ~~(e) Motor Vehicle shall have the same meaning as in Chapter 316,~~
66 ~~Florida Statutes.~~

67 ~~(f) Pedestrian shall have the same meaning as in Chapter 316, Florida~~
68 ~~Statutes.~~

69 ~~(g) *Travel Portion* means any portion of an *Arterial Road* or a *High Risk*~~
70 ~~*Intersection Road* that is normally used by moving motor vehicles.~~

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

75 ~~(a) No *Pedestrian* shall occupy any travel portion of any *Arterial Road*~~
76 ~~or *High Risk Intersection Road* except in a designated crosswalk.~~

77 ~~(b) No *Pedestrian* shall have any interaction with an operator or~~
78 ~~occupant of a *Motor Vehicle* on the *Travel Portion* of an *Arterial Road*~~
79 ~~or in a *High Risk Intersection Road* including, but not limited to,~~
80 ~~handing or delivering any object to an operator or occupant of a~~
81 ~~*Motor Vehicle* or receiving any object from an operator or occupant~~
82 ~~of a *Motor Vehicle*.~~

83 ~~(c) No operator or occupant of any *Motor Vehicle* on the *Travel Portion*~~
84 ~~of an *Arterial Road* or in a *High Risk Intersection Road* shall have any~~
85 ~~interaction with any *Pedestrian* including, but not limited to, handing~~
86 ~~or delivering any object to a *Pedestrian* or receiving any object from a~~
87 ~~*Pedestrian*.~~

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

91 ~~(d) The penalty for the first violation shall be a civil penalty of a~~
92 ~~minimum of \$100.00 fine paid in accordance with Section 98-62(b) of~~
93 ~~this Code.~~

94 ~~(a) The penalty for the second violation shall be a civil penalty of a~~
95 ~~minimum \$175.00 fine paid in accordance with Section 98-62(b) of~~
96 ~~this Code.~~

97 ~~(e) Appeals shall be as set forth in Section 98-63 of this Code.~~

98 ~~(f) The penalty for the third and any subsequent violation shall be a~~
99 ~~misdemeanor of the second degree punishable in accordance with~~
100 ~~Florida Statutes.~~

101 SECTION 3. CODIFICATION

102 It is the intention of the City Council of the City of Lake City that the provisions of this Ordinance shall
103 become and be made part of the Code of Ordinances of the City of Lake City, Florida. The Sections of this
104 Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section”,
105 “Article” or such other word or phrase in order to accomplish such intention. The correction of
106 typographical errors which do not affect the intent or substance of the ordinance may be authorized by
107 the City Clerk or the City Clerk’s designee with the consent of the City Attorney without public hearing, by
108 filing a corrected or re-codified copy of the same with the City.

109 **SECTION 4. REPEAL OF ORDINANCES IN CONFLICT**

110 All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with
111 this Ordinance, repealed.

112 **SECTION 5. PROVIDING FOR SEVERABILITY**

113 It is the declared intent of the City Council of the City of Lake City that, if any section, sentence, clause,
114 phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or
115 inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality
116 shall not affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the
117 exclusion of such part or parts, shall be deemed to be valid.

118 **SECTION 6. EFFECTIVE DATE**

119 This Ordinance shall be effective immediately upon passage.

APPROVED, UPON THE FIRST READING, by the City Council of the City of Lake City at a regular meeting,
on the ____ day of April, 2024.

PUBLICLY NOTICED, in a newspaper of general circulation in the City of Lake City, Florida, by the City Clerk
of the City of Lake City, Florida on the ____ day of April, 2024.

APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of
a majority of a quorum present of the City Council of Lake City, Florida, at a regularly scheduled meeting
this ____ day of April, 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY, FLORIDA

Stephen M. Witt, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF
THE CITY OF LAKE CITY, FLORIDA:

Audrey Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney