

**ORDINANCE
2009-02**

**AN ORDINANCE OF WALTON COUNTY,
FLORIDA, REPEALING § 4 OF WALTON COUNTY
ORDINANCE 2003-15 PROHIBITTING MOTOR
VEHICLES FROM TRAVELING OR PARKING ON
BIKE PATHS; PROVIDING FOR DEFINITIONS;
ESTABLISHING NEW REGULATIONS FOR THE
USE OF MULTI-USE PATHS; CODIFYING THE
NEW REGULATIONS AS § 20-5 OF THE WALTON
COUNTY CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, § 4 of Walton County Ordinance 2003-15 was improperly adopted under the provisions of § 125.67, Florida Statutes; and

WHEREAS, the purported amendment of § 20-5 of the Walton County Code contained in § 4 of Walton County Ordinance 2003-15 misstated the law then set forth in the Florida Statutes; and

WHEREAS, the Board of County Commissioners of Walton County (the “Board”) finds that a number of key terms are not defined in the Code of Laws and Land Development Code of Walton County, and that various terms are used interchangeably throughout the Codes, thereby confusing the intent of the laws; and

WHEREAS, the Board finds that the intended purpose of recreational trails, bicycle paths, multi-use paths and sidewalks was to provide safe areas for persons, such as pedestrians, cyclists, skaters and other users, to move over and upon, away from vehicular traffic on the streets and highways of the County; and

WHEREAS, the Board finds it is in the public interest to clarify the terminology and refer to all such trails, paths and side walks as “multi-use paths;” and

WHEREAS, the Board finds that employees and contractors of the County, public utilities and private property owners must sometimes use and cross-over trails,

paths and sidewalks in order to properly maintain their facilities, and that often it is safer for them to operate away from vehicular traffic on the streets and highways of the County; and

WHEREAS, the Board finds that it is in the best interests of the health, safety and welfare of the people of Walton County to establish reasonable regulations for the diverse users of trails, paths and sidewalks with expectations that users will conduct themselves in a reasonable and safe manner.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, that:

1. § 4 of Walton County Ordinance 2003-15, codified as § 20-5 of the Walton County Code, is hereby repealed in its entirety.
2. A new § 20-5 of the Walton County Code is hereby created to read:

Section 20-5 Use of Multi-Use Paths

A. Definitions: The following words and phrases, when used in this Code shall have the meanings ascribed to them herein except where the context otherwise requires:

1. **BICYCLE** — As defined in § 316.003 (2), Florida Statutes: Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle

though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.

2. BICYCLE LANE — That portion of the paved surface of a road or highway specifically marked for the use of bicycles.
3. BICYCLE PATH — Except for “roads,” as defined in § 316.003 (63): Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way, and, henceforth, a MULTI-USE PATH.
4. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE — Commonly referred to as a “Segway,” and as defined in § 316.003 (83), Florida Statutes: Any self balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while

being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles defined in this section.

5. **GOLF CART** — As defined in § 316.003 (68), Florida Statutes: A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.
6. **MOPED** — As defined in § 316.003 (77), Florida Statutes: Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.
7. **MOTORIZED DISABILITY ACCESS VEHICLE** - As defined in § 320.01 (34), Florida Statutes: Means a vehicle designed primarily for handicapped individuals with normal upper body abilities and designed to be fueled by gasoline, travel on not more than three wheels,

with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

8. **MULTI-USE PATH** — A paved or unpaved recreational trail, bicycle path or sidewalk, maintained by Walton County within and without County road rights-of-way, on public or private property, intended for and open to the use of the public for travel and recreation activities; Multi-Use Paths are not part of the “County Road System” as defined in Chapter 336, Florida Statutes.
9. **SIDEWALK** — As defined in § 316.003 (47), Florida Statutes: That portion of a street between the curblines, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.
10. **UTILITY VEHICLE** — As defined in § 320.01 (43), Florida Statutes: Means a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation

of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in s. 316.2074.

B. Use of Multi-Use Paths: The following uses are authorized on and across Walton County Multi-Use Paths:

1. Pedestrians, including persons walking, jogging, running, roller skating and in-line skating.
2. Human-propelled baby carriages and strollers.
3. Electric personal assistive mobility devices, motorized disability access vehicles, and powered and non-powered wheelchairs.
4. Bicycles, but only when operated in accordance with the provisions of § 316.2065, Florida Statutes.
5. Mopeds, but only when propelled solely by human power.
6. Human-propelled scooters and skateboards.
7. Golf carts and utility vehicles, but only when operated by law enforcement, Fire District, County or public utility personnel or by owners of properties adjacent to the Multi-Use Path and their employees and contractors performing necessary maintenance and landscaping; and provided use of such vehicles on Multi-Use Paths is for the least time and distance required to accomplish the task at hand.

C. Restrictions on Vehicles on Multi-Use Paths: All users of Multi-Use

Paths are restricted to the following:

1. No vehicle, other powered device, bicycle, baby carriage or stroller

shall be stopped and left unattended on a
Multi-Use Path, except momentarily.

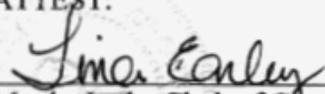
2. Users shall move themselves and their vehicles or other devices as far off the Multi-Use Path as possible, considering the safety of themselves, their equipment and other users.
3. All users shall yield to slower moving pedestrians traveling upon Multi-Use Paths.
4. All users shall conduct themselves in a reasonable and safe manner.

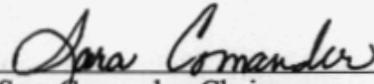
D. Driveways: None of the provisions of this Ordinance shall apply to permitted driveways.

E. Penalties: Violations of this section shall be non-criminal, civil infractions. See § 20-1 1, below.

3. This Ordinance shall become effective when filed with the Department of State.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing, this 13th day of January, 2009.

ATTEST:

for Martha Ingle, Clerk of Court


Sara Comander, Chairman
Board of County Commissioners
Walton County, Florida