



AGENDA MEMORANDUM

Recreation Department

City Council Meeting Date: May 6, 2025

To: City Council
From: Andrea Miller, Recreation Director
Date: April 23, 2025

SUBJECT: Draft Ordinance 25-009 Updates to Chapter 66, Traffic; Articles V & VIII

BACKGROUND: Draft Ordinance 25-009 proposes updates in two Articles under Chapter 66. The first proposed amendment in Article V Bicycles, Micromobility Devices, Motorized Scooters, and Mopeds, adds a definition for “Other Power Driven Mobility Device (OPDMD)” which is necessary as the term is defined and utilized in the Code of Federal Regulations for the Americans with Disabilities Act (ADA), however, it is not defined in Florida Statutes. OPDMD is proposed to be introduced into Chapter 66, Article VIII, as a replacement for the currently used term, Electric Personal Assistive Mobility Devices (additional information is provided below).

The second recommends a tiered fine approach for violations of Chapter 66, Article V, Bicycles, Micromobility Devices, Motorized Scooters, and Mopeds as follows:

- First offense = issued a written warning
- Second offense = civil penalty of \$100 plus \$10 filing fees if paid within five days of issuance; if paid after five days of issuance civil penalty of \$150 plus \$10 filing fees
- Third offense = civil penalty of \$350 plus \$10 filing fee
- Fourth or subsequent offenses = civil penalty of \$500 plus \$10 filing fee

The tiered fines listed above are consistent with current code sections:

- Chapter 66, Traffic; Article II, Parking, Stopping and Standing; Division 1; [Section 66-37](#), Penalty payment of fine referral to county court
- Chapter 66, Traffic; Article II, Parking, Stopping and Standing; Division 2, Beach Area Parking Restrictions; Subdivision III, Regulations; [Section 66-101\(b\)\(2\)](#), Prohibitions and penalties.

A tiered fine (penalty) approach is recommended for violations for Chapter 66, Article V, as City staff initiates enforcement of City Ordinances on the SUP by Sanibel Rangers. Currently, Section 66-171, Penalties, provides for a maximum fine of \$500. A progressive or tiered fine approach may result in better compliance by SUP users.

Sanibel is and shall remain a barrier island sanctuary

The third set of proposed changes in Article VIII, Electric Personal Assistive Mobility Devices, serve to update the terminology Electric Personal Assistive Mobility Devices (EPAMD) to the current terminology as defined by the Americans with Disabilities Act (ADA) to Other Power Driven Mobility Devices (OPDMD). An OPDMD is any mobility device powered by batteries, fuel, or other engines, whether or not it was designed primarily for use by individuals with mobility disabilities, that is used by such individuals for the purpose of locomotion. OPDMDs may include golf cars/carts, electronic personal assistance mobility devices, such as the Segway ® Personal Transporter (PT), or any mobility device that is not a wheelchair.

Staff recommend a tiered or progressive fine approach for violations of Chapter 66, Article VIII.

- First offense = issued a written warning
- Second offense = civil penalty of \$100 plus \$10 filing fees if paid within five days of issuance; if paid after five days of issuance civil penalty of \$150 plus \$10 filing fees
- Third offense = civil penalty of \$350 plus \$10 filing fee
- Fourth or subsequent offenses = civil penalty of \$500 plus \$10 filing fee

For informational purposes, the agenda packet also contains the updated draft OPDMD policy and OPDMD permit application which would be processed at the recreation center.

FUNDING SOURCE: N/A

RECOMENDED ACTION: Council discussion and direction on draft ordinance.