

**CITY OF SANIBEL**

**ORDINANCE 16-003**

**AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 38, NATURAL RESOURCES, ARTICLE III, CITY-OWNED LANDS, SECTION 38-201 – SAFEGUARDING CITY-OWNED LANDS AND RIGHTS-OF-WAY, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; ADDING NEW SECTION 38-203 – PROHIBITION OF MOTORIZED VEHICLES ON UNPAVED TRAILS AND WALKWAYS IN CITY PARKS AND ON CITY LANDS WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT; PROHIBITING MOTORIZED VEHICLES ON ALL CITY OF SANIBEL UNPAVED NATURE TRAILS AND WALKWAYS, FIRE LINES AND OTHER MAINTENANCE ACCESS PATHS AND MAINTENANCE ROADS ON LANDS IN CITY PARKS AND ON CITY LANDS WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT; EXEMPTING EMERGENCY RESPONSE VEHICLES, LAND MANAGEMENT VEHICLES AND AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City has the responsibility to protect and maintain City lands including, but not limited to, City park lands and environmental lands in the Environmentally Sensitive Lands Conservation District within which nature and access trails have been provided; and**

**WHEREAS, motorized vehicles (except where exempted herein) are inconsistent with the natural environment and wildlife protection objectives within the Environmentally Sensitive Lands Conservation District and on nature trails and walkways within the City parks; and**

**WHEREAS, the City Council finds it necessary and appropriate to prohibit motorized vehicles on unpaved nature trails and natural walkways, fire lines and maintenance access paths and maintenance roads on City lands within the Environmentally Sensitive Lands Conservation District and within the City parks as described in this Ordinance, except for limited exceptions as set forth herein;**

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel,**

**Florida:**

**SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 38, Natural Resources, Article III, City-owned lands is hereby amended by adding Section 38-203 entitled “Prohibition of motorized vehicles on trails and walkways in City parks and on City lands within the Environmentally Sensitive Lands Conservation District” to prohibit motorized vehicles on unpaved nature trails and walkways, fire lines and other maintenance access paths and**

maintenance roads on lands within City parks and on City lands within the Environmentally Sensitive Lands Conservation District, with exemptions, with underlining indicating additions, to read as follows:

**Sec. 38-203. Prohibition of motorized vehicles on unpaved trails and walkways in City parks and on City lands within the Environmentally Sensitive Lands Conservation District; Exemptions.**

**(a) Motorized vehicles are prohibited on all unpaved nature trails and walkways, fire lines and other maintenance access paths and maintenance roads on lands in City parks owned, managed or controlled by the City of Sanibel, and on lands within the Environmentally Sensitive Lands Conservation District which are owned, managed or controlled by the City of Sanibel, specifically including, but not limited to, the following:**

- (1) Sanibel Gardens Preserve**
- (2) Lighthouse Beach Park**
- (3) Gulfside City Park and Gulfside City Park Extension**
- (4) Pond Apple Park**
- (5) Bailey Beach Park**
- (6) Causeway Preserve**
- (7) Community Park**
- (8) Postel Preserve**
- (9) Sea Oats Preserve**
- (10) Bowman's Beach Park**
- (11) Silver Key Preserve**
- (12) Blind Pass Beach Park**

**(b) The following are exempt from the prohibition set forth in this section: emergency response vehicles, land management vehicles and vehicles for persons who are disabled for mobility purposes and which are authorized by the Americans with Disabilities Act (ADA) or otherwise specifically approved by the City.**

**(c) For purposes of this section, motorized vehicle shall mean any non-human-powered vehicle or transport device including, but not limited to, gas or electric powered, All Terrain Vehicles (ATVs), golf carts, scooters, mopeds, and motorized bicycles.**

**SECTION 2. Codification.** The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

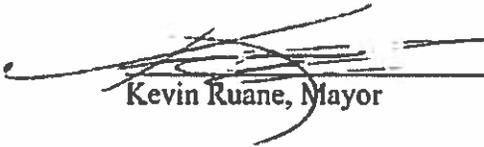
**SECTION 3. Conflict.** All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

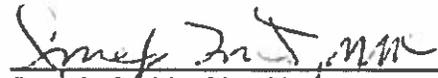
**SECTION 4. Severance.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent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

**SECTION 5. Effective date.** This Ordinance shall be effective immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 1 day of March, 2016.

**AUTHENTICATION:**

  
\_\_\_\_\_  
Kevin Ruane, Mayor

  
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Pamela Smith, City Clerk

APPROVED AS TO FORM:   
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Kenneth B. Cuyler, City Attorney

3/1/16  
Date

First Reading: February 16, 2016  
Publication Notice: February 17, 2016  
Second Reading: March 1, 2016

Vote of Council Members:

Ruane	<u>aye</u>
Denham	<u>aye</u>
Goss	<u>aye</u>
Harrity	<u>aye</u>
Jennings	<u>excused</u>

Date Filed With City Clerk: March 1, 2016