

1 Introduced by Council Member Carrico:
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4 **ORDINANCE 2022-574**

5 AN ORDINANCE AMENDING CHAPTER 804
6 (JACKSONVILLE TRAFFIC CODE), *ORDINANCE CODE* TO
7 CREATE A NEW PART 17 (PEDESTRIAN AND VEHICLE
8 SAFETY); PROVIDING A STATEMENT OF LEGISLATIVE
9 INTENT; PROVIDING PROCEDURES FOR ENFORCEMENT;
10 PROVIDING FOR PENALTIES; PROVIDING AN
11 EFFECTIVE DATE.
12

13 **WHEREAS**, in a report issued on July 12, 2022, Jacksonville was
14 identified as the sixth worst municipality in the country for
15 pedestrian deaths as a result of being struck by vehicles on
16 Jacksonville streets; and

17 **WHEREAS**, in data from the Florida Department of
18 Transportation, from the time period of January 1, 2018 through
19 December 31, 2018, Duval County experienced a total of 471
20 vehicle/pedestrian crashes, from which there were 34 fatalities;
21 and

22 **WHEREAS**, in the most recent data from the Florida Department
23 of Transportation, from the time period of January 1, 2021 through
24 December 31, 2021, Duval County experienced a total of 492
25 vehicle/pedestrian crashes, from which there were 48 fatalities;
26 and

27 **WHEREAS**, the North Florida Transportation Planning
28 Organization has conducted studies and made recommendations
29 regarding Duval County's pedestrian/vehicle safety issues and
30 remedies in 2018 and 2019; and

31 **WHEREAS**, the City has implemented a number of the

1 recommendations through its Context Sensitive Streets Standards
2 Committee and the Bicycle and Pedestrian Advisory Committee; and

3 **WHEREAS**, the Jacksonville Sheriff's Office has conducted a
4 detailed intersection analysis to identify site conditions that
5 might contribute to vehicle/pedestrian safety concerns; and

6 **WHEREAS**, in a study dated September 2021, the Florida
7 Department of Transportation evaluated Florida pedestrian and
8 bicycle safety strategies to combat the comparatively high
9 percentage (Florida is the second highest ranked state in the
10 country for vehicle/pedestrian deaths) and recommended enhanced
11 "legislation, regulations, policies and programs to support the
12 overall goal of eliminating fatal and serious injury crashes
13 involving people walking and biking;" now, therefore

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1.** The foregoing "WHEREAS" clauses are true and correct
16 and incorporated herein by this reference.

17 **Section 2. Amending Chapter 804 (Jacksonville Traffic Code),**
18 **Ordinance Code.** Chapter 804 (Jacksonville Traffic Code), *Ordinance*
19 *Code* is hereby amended to create a new Part 17 (Pedestrian and
20 Vehicle Safety) to read as follows:

21 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE**

22 * * *

23 **PART 17. PEDESTRIAN AND VEHICLE SAFETY.**

24 Sec. 804.1701. Pedestrian and Vehicle Safety.

25 (a) *Definitions.* The following words, terms and phrases, when
26 used in this section, shall have the meanings ascribed to them in
27 this subsection, except where the context clearly indicates a
28 different meaning:

29 (1) *Designated roadways* means the interstate/intrastate
30 system (including interstate/intrastate entrance and exit
31 ramps), and arterial and collector roadways and rights-of-way.

1 For purposes of this definition, collector and arterial
2 roadways and rights-of-way shall be those roadways (and their
3 rights-of-way) classified as a collector or higher on the
4 Functional Highway Classification Map of the Comprehensive
5 Plan. It also encompasses the first 440 feet of local roadways
6 intersecting with these designated roadways and any areas
7 within the rights-of-way not designated or intended for
8 pedestrian use. The portions of these designated roadways
9 subject to this section include the portions within the area
10 open for vehicular traffic (including medians), plus four feet
11 outside of the shoulders and/or curbs.

12 (2) *Legally parked* means a vehicle that is standing,
13 stopped, or parked in an area designated, or legally
14 authorized, for parking.

15 (3) *The traveled portion of a designated roadway* means
16 any portion of a designated roadway (including travel lanes,
17 turn lanes, and shoulders) that is normally used by moving
18 motor vehicle traffic that is not an area designated for or
19 routinely used as a parking area for the general public.

20 (4) *Median* means any area separating traffic lanes on a
21 roadway. A median includes, but is not limited to, any paved
22 or unpaved, marked or unmarked, landscaped or non-landscaped,
23 portions of a roadway which exist between lanes of traffic.

24 For the purpose of this section, the phrase "public rights-of-
25 way" shall be defined as set forth in section 334.03(21), *Florida*
26 *Statutes* and section 711.103, *Ordinance Code* and they may be
27 amended from time to time.

28 (b) *Prohibitions*. Except as provided herein, or as otherwise
29 permitted by law, it is unlawful to make any use of the public
30 rights-of-way in a manner that interferes with the safe and
31 efficient movement of people and property from place to place on a

1 public road or right-of-way. Such prohibited activity includes:

2 (1) *Occupancy of median.* It is unlawful for any person
3 to stop, stand, or otherwise occupy or remain in a median on any
4 designated roadway when that person is not in the process of
5 lawfully crossing the road in accordance with applicable traffic
6 and safety laws. Stopping, standing, or otherwise occupying a
7 median through two consecutive opportunities to cross in accordance
8 with applicable traffic and safety laws is prima facie evidence of
9 a violation of this subsection.

10 (2) *Physical interaction on roadway.* It is unlawful for
11 any person to engage in any physical interaction between a
12 pedestrian and an occupant of a motor vehicle, including but not
13 limited to the transfer of any product or material, while the motor
14 vehicle is not legally parked and is located on the traveled
15 portion of a designated roadway.

16 (3) *Commercial use of public rights-of-way.* It is
17 unlawful to use any public right-of-way for commercial activity.
18 Commercial activity prohibited by this section includes, but is not
19 limited to, vending or sale of goods, display or goods for sale,
20 storage of goods for sale in connection with commercial activity,
21 or repair or manufacturing of goods. Signage is not "commercial
22 activity" regulated by this chapter; however, there shall be no
23 signage placed or displayed in any median.

24 (c) *Exemptions.* Nothing in this section shall prohibit the
25 following:

26 (1) Law Enforcement, fire and rescue, or other
27 government employees or contractors acting within the
28 scope of their lawful authority;

29 (2) A person conducting inspection, construction,
30 maintenance, repair, survey, or other legally authorized
31 services;

1 (3) A person responding to lend aid during an emergency
2 situation or who is within the roadway due to a
3 mechanical or physical defect in his or her vehicle that
4 occurred while driving in the roadway;

5 (4) Entering or exiting a bus or other public transit
6 system;

7 (5) Use of public roads and rights-of-way that have been
8 closed to vehicular traffic for a special event permitted
9 by the appropriate governmental entity.

10 (d) *Penalties.* The following civil and criminal penalties may
11 be assessed by administrative or judicial process.

12 (1) In addition to other penalties authorized herein, a
13 person who violates this section may be administratively or
14 judicially assessed a civil penalty of up to \$100 for each
15 violation, provided:

16 (a) For the first offense, the offender is given
17 an educational notice from the Sheriff's Office educating
18 the offender, and the notice shall be documented in the
19 Sheriff's information system for due process and
20 recordkeeping.

21 (b) For the second violation, the offender shall
22 also be given an official warning and may be trespassed
23 as applicable from the non-pedestrian part of the hundred
24 block of the right-of-way.

25 (c) For the third violation, if an additional
26 warning is not appropriate, a civil citation shall be
27 issued.

28 (d) For the fourth violation, in conjunction with
29 the civil penalties, the offender may be arrested or
30 given a notice to appear, as applicable, with a maximum
31 of 10 days penalty if the violator is arrested and

1 convicted.

2 (2) A person who aids or participates in a violation for
3 which a civil penalty may be assessed under this Part
4 shall be considered a principal in the violation and may
5 be assessed a civil penalty of up to the maximum amount
6 prescribed for that violation.

7 (3) Due to the transient nature of these activities, each
8 incident occurring more than every twenty (20) minutes
9 after the violation has been corrected shall constitute a
10 separate violation.

11 **Section 4. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature; however, for the first thirty (30)
14 days after the effective date, the Sheriff shall conduct a public
15 education campaign and only issue warnings to violators.

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17
18 Form Approved:

19
20 /s/ Gaby Young

21 Office of General Counsel

22 Legislation prepared by: Gaby Young

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