

INTRODUCED BY: COMMISSIONER BENET

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR ANY PERSON AT ANY TIME TO OPERATE ANY MOTOR VEHICLE, MOPED, OR MOTOR POWER DRIVEN DEVICE UPON ANY COUNTY OWNED OR MAINTAINED BICYCLE TRAIL OR PATH THAT IS LOCATED WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR CITATIONS; REQUIRING THE POSTING OF BOND OR THE SIGNING OR ACCEPTANCE OF CITATIONS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND ALSO FOR FAILURE TO POST BOND OR SIGN AND ACCEPT THE CITATION; PROVIDING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. It shall be unlawful for any person to operate any motor vehicle, moped, or motor power driven device upon any bicycle trail or path that is owned or maintained by St. Johns County, Florida, within the unincorporated areas of St. Johns County, Florida.

Section 2. The sheriff of St. Johns County, Florida is authorized to print or cause to be printed "Bicycle Path Citations" which shall contain blank spaces to describe at least the following:

- a.) Name of person alleged to have violated this ordinance.
- b.) Description of the motor vehicle, moped, or motor power driven device.
- c.) Date, time and place of the alleged violation.
- d.) Witnesses, if any.
- e.) Name of sheriff or deputy charging the violation.
- f.) The date, time and location of the scheduled judicial hearing on the offense charged.

The Bicycle Path Citation will also contain a space where the alleged violator of this ordinance may sign to indicate that he received a copy of the citation.

The Bicycle Path Citation will also indicate the penalty established herein for violation of Section 1. of this Ordinance.

Section 3. A person shall be charged with violation of Section 1. of this ordinance by citation.

Section 4. A person cited for a violation of Section 1. of this ordinance shall:

a.) Post a bond which shall be equal in amount to one-half of the maximum penalty described in Section 5, or

b.) Sign and accept a citation indicating his receipt of a copy of the citation.

Section 5. Any person found guilty of violating Section 1. of this ordinance shall be guilty of a traffic infraction punishable by a fine not to exceed \$50.00.

Section 6. Any person who willfully refuses to post a bond or accept and sign a citation shall be guilty of a misdemeanor punishable by a confinement for up to 10 days in the county jail or a fine not to exceed \$200.00 or both.

Section 7. Any person charged with violation of Section 1. of this ordinance may:

a.) Pay one-half of the maximum penalty set forth in Section 5., either by mail or in person, within 10 days of the date of receiving the citation; or

b.) If he has posted bond, forfeit bond by not appearing at the scheduled hearing, or

c.) Appear at the scheduled judicial hearing to contest the charge.

If the person cited follows either a.) or b.) above, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of violation of this ordinance and the amount paid or forfeited shall be deemed payment of the fine in full.

Section 8. If any portion of this ordinance is declared unconstitutional or otherwise illegal, or if its applicability to any person or circumstances is held invalid, the validity of the remainder of this ordinance and the applicability of it to other persons and circumstances shall not be affected thereby.

Section 9. This ordinance shall become effective immediately upon receipt of official acknowledgment from the Department of State that this ordinance has been filed.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida this 24th day of July, 1979.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY:

Robert E. Carter
Its Chairman

ATTEST:

Marcia Hudson
Deputy Clerk

for OLIVER LAWTON, CLERK

Effective date: 7-30-79

COPY OF ADVERTISEMENT

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Robert F. James who on oath says that he is
Advertising Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a Legal Notice
Board of County Commissioners Meeting
_____ in the matter of _____
Ordinance for Bike Paths
_____ in the _____ Court,
was published in said newspaper in the issues of _____
June 29, 1979

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this 29th day of June
A.D. 19 79
[Signature]
(SEAL) Notary Public

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON JULY 24, 1979, AT 2:45 O'CLOCK P.M. IN THE COUNTY COMMISSIONERS ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR ANY PERSON AT ANY TIME TO OPERATE ANY MOTOR VEHICLE, MOPED, OR MOTOR POWER DRIVEN DEVICE UPON ANY COUNTY OWNED OR MAINTAINED BICYCLE TRAIL OR PATH THAT IS LOCATED WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR CITATIONS, REQUIRING THE POSTING OF BOND OR THE SIGNING OR ACCEPTANCE OF CITATIONS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND ALSO FOR FAILURE TO POST BOND OR SIGN AND ACCEPT THE CITATION; PROVIDING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. BY: OLIVER LAWTON, Its Clerk. J29L940adv

Notary Public, State of Florida at Large
My Commission Expires Oct. 2, 1980
Bonded by American Fire & Casualty Company