



1           **WHEREAS**, based on the Florida Department of Transportation guidance and the  
2 information provided by City staff, the City Commission finds that medians that are 6 feet in  
3 width or less are intended to serve as traffic separators by keeping vehicular traffic that is  
4 moving in opposite directions separated and that these traffic separators are not designed to  
5 provide safe refuge for pedestrians;

6           **WHEREAS**, the City Commission finds that pedestrians who are present within traffic  
7 separators are placing themselves in danger of serious bodily injury or death;

8           **WHEREAS**, the City Commission further finds that many medians exist within the City  
9 that are greater than 6 foot in width and that are designed to provide safe pedestrian refuge and  
10 do not need to be restricted by this ordinance and remain available for use by pedestrians;

11           **WHEREAS**, the City Commission further finds that this Ordinance is narrowly tailored  
12 to impose specific place and manner restrictions to protect the public health, safety and welfare  
13 by reducing the likelihood of serious bodily injury or death that result from conflicts between  
14 vehicular traffic and the presence of pedestrians within traffic separators that are 6 feet in width  
15 or less within the City; and

16           **WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper  
17 of general circulation notifying the public of this proposed ordinance and of public hearings to be  
18 held in the City Commission Auditorium, City Hall, City of Gainesville; and

19           **WHEREAS**, the public hearings were held pursuant to the published notice described at  
20 which hearings the parties in interest and all others had an opportunity to be and were, in fact  
21 heard.

22           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**  
23 **CITY OF GAINESVILLE, FLORIDA:**

1           **Section 1.** A new Article VII is created within Chapter 26 of the City Code of  
2 Ordinances to read as follows:

3           **Chapter 26 TRAFFIC AND MOTOR VEHICLES**

4           **Article VII. Pedestrians Prohibited in Traffic Separators.**

5           **Sec. 26-190. Pedestrians prohibited in traffic separators.** No person shall stand, sit, walk  
6 upon or stay for any purpose within any public right-of-way median that is six feet in width or  
7 less (a “traffic separator”), except within areas that are specifically designed and marked for  
8 pedestrian access as evidenced by a crosswalk within the median with ADA accessibility  
9 features, pedestrian signage and/or flashing lights.

10          **Sec. 26-191. Exceptions.** The prohibition in Sec. 26-190 does not apply within the University of  
11 Florida Master Plan Boundary as identified on the Future Land Use Map (Figure 2-1) within the  
12 Campus Master Plan, as may be amended from time to time. In addition, the prohibition in Sec.  
13 26-190 does not apply to the following persons:

14          (a) Government law enforcement officers, fire/rescue or other government employees, acting  
15 within the scope of their governmental employment and/or authority;

16          (b) A person conducting legally authorized construction or maintenance work, or other legally  
17 authorized work;

18          (c) A person responding to an emergency situation, such as medical personnel or a tow truck  
19 operator; or

20          (d) A person instructed to stand in the traffic separator by law enforcement personnel or  
21 fire/rescue personnel.

1 **Sec. 26-192. Violations.**

2 **(1) Warnings:**

3 a. When a designated official of the city determines that there is a violation of section 26-190,  
4 the official shall issue a written warning to the person violating the ordinance. The warning shall  
5 advise the person of the violation, and of the possible penalty for a second or subsequent  
6 violation.

7 b. For the purposes of this section, it is sufficient warning for subsequent violations if the  
8 person is warned, or cited for, a violation within the previous year (365) days.

9 **(2) Citation. Any person who violates the provisions of this article after receiving a warning,**  
10 **shall be subject to civil citation as provided in Sec. 2-339.**

11 **Section 2.** Sec. 2-339 titled “Applicable codes and ordinances” is amended to add the  
12 following penalty. Except for this addition, the remainder of Sec. 2-339 remains in full force and  
13 effect:

Section	Description	Class	Penalty
<u>26-190</u>	<u>Pedestrians</u> <u>prohibited in traffic</u> <u>separators</u>	<u>I</u>	<u>\$50.00</u>

14

15 **Section 3.** It is the intention of the City Commission that the provisions of Section 1 and  
16 Section 2 of this ordinance will become and be made a part of the Code of Ordinances of the  
17 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
18 renumbered or relettered in order to accomplish such intentions.

1           **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance or  
2 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
3 finding will not affect the other provisions or application of the ordinance which can be given  
4 effect without the invalid or unconstitutional provisions or application, and to this end the  
5 provisions of this ordinance are declared severable.

6           **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
7 such conflict hereby repealed.

8           **Section 6.** This ordinance will become effective immediately upon final adoption.

9

10           **PASSED AND ADOPTED** this 4th day of February, 2021.

11



12

LAUREN POE, MAYOR

13

14

15           Attest:

Approved as to form and legality:

16



17

OMICHELE D. GAINNEY  
CITY CLERK

NICOLLE M. SHALLEY  
CITY ATTORNEY

18

19

20

21

22           This ordinance passed on first reading this 21st day of January, 2021.

23

24           This ordinance passed on second reading this 4th day of February, 2021.