1	ORDINANCE NO. 200464
2 3 4 5 6 7 8 9	An Ordinance of the City of Gainesville, Florida, creating a new Article VII titled "Pedestrians Prohibited in Traffic Separators" within Chapter 26 titled "Traffic and Motor Vehicles" of the City Code of Ordinances; amending Sec. 2-339 to create a civil citation penalty; providing a severability clause, providing a repealing clause and providing an effective date.
l1 l2	WHEREAS, according to the Florida Department of Highway Safety and Motor
13	Vehicles publication titled "Traffic Crash Facts - 2019 Annual Report" available at
14	https://www.flhsmv.gov/pdf/crashreports/crash_facts_2019.pdf, in Alachua County, there were
15	156 pedestrians involved in traffic crashes and, of those, 11 were killed and 130 suffered
16	injuries;
17	WHEREAS, in 2019, in the City of Gainesville, there were 88 pedestrians involved in
18	traffic crashes and, of those, 10 were killed and 68 suffered injuries;
19	WHEREAS, the City Commission seeks to prevent further pedestrian fatalities or
20	injuries within the City;
21	WHEREAS, as stated on page 68 of the Florida Department of Transportation
22	publication titled "2014 Median Handbook, as updated October 2017," "[i]n order for a median
23	to be considered a pedestrian refuge, the minimum median width must be at least 6 ft, but
24	preferably at least 8.5 ft;"
25	WHEREAS, at the direction of the City Commission, professional staff in the
26	Department of Transportation and Mobility reviewed the medians within the City to determine
27	how/where the City might limit pedestrian access in order to reduce the likelihood of pedestrian
28	death or injury:

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
22	CITY OF GAINESVILLE, FLORIDA:

- 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
- 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,
- shall be subject to civil citation as provided in Sec. 2-339.
- Section 2. Sec. 2-339 titled "Applicable codes and ordinances" is amended to add the
- following penalty. Except for this addition, the remainder of Sec. 2-339 remains in full force and
- 13 effect:

Section	Description	Class	Penalty
26-190	Pedestrians prohibited in traffic separators	Ī	\$50.00

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- Section 3. It is the intention of the City Commission that the provisions of Section 1 and
- 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
- 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					
.0	PASSED AND ADOPTED this 4th day of February, 2021.				
1		An R			
L 2					
13		LAUREN POE, MAYOR			
L4					
15	Attest:	Approved as to form and legality:			
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L7		NICOLIEM GUALLEY			
18 10		NICOLLE M. SHALLEY CITY ATTORNEY			
L9 20					
21					
22 23	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.				

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