

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-__

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 74 -TRAFFIC AND VEHICLES OF THE CITY OF CORAL GABLES CODE IN ORDER TO ADDRESS UNAUTHORIZED OPERATION OF SHARED MOBILITY DEVICE PROGRAMS WITHIN THE CITY

WHEREAS, there has recently been an influx of dockless bicycles and motorized/e-scooters within the City; and

WHEREAS, many of these devices are being left on City right-of-way, and City sidewalks, blocking pedestrian access and creating public safety hazards; and

WHEREAS, the operators of these shared mobility devices have been operating within the City without prior approval or authorization; and

WHEREAS, the City was required to issue cease and desist letters earlier this month to two companies whose motorized/e-scooters were deployed and abandoned on City right-of-way and private property throughout the City without prior authorization from the City; and

WHEREAS, the City has received numerous complaints about devices abandoned on private property and on City right-of-way; and

WHEREAS, abandoned or improperly deployed shared mobility devices can impede safe use of the City right-of-way and sidewalks, and create violations of the Americans with Disabilities Act; and

WHEREAS, the proliferation of deployed and abandoned shared mobility devices throughout the City has created a public safety emergency requiring the City to act; and

WHEREAS, the City recognizes the value of such shared last mile mobility devices, and the desire of City residents and visitors to use such devices; and

WHEREAS, the City has a right and duty to act in the best interest of the City in an effort to protect and enhance the public health, safety, and welfare, of its residents and visitors;

WHEREAS, the City is working to develop a pilot program for shared motorized/ e-scooters and bicycles within the City; and

WHEREAS, section 316.008, Florida Statutes, provides that a municipality may enact an ordinance to permit, control or regulate the operation of vehicles, motorized scooters, and electric personal assistive mobility devices with certain limitations; and

WHEREAS, City Code Section 74-49 prohibits parking any motor scooter, or any other motor propelled vehicle, upon any privately-owned property, parking lot or driveway, or any publicly-owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to manage or possess such premises, and, in the case of publicly-owned property, without the consent and permission of the city manager or designee; and

WHEREAS the City is working to promulgate regulations regarding the operation of shared mobility device programs within the City; and

WHEREAS, given the recent proliferation of motorized/electric scooters and other shared mobility devices, and the recent need to issue cease and desist letters, as well as the time needed for the City to implement thorough and comprehensive regulations and guidelines, the City will not allow operation of shared mobility device programs within the City unless those devices are in the City pursuant to an executed memorandum of understanding with the City, or at a later date if the City has provided a process for operators to seek approval from the City to deploy shared mobility devices within the City and operators have such approval.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 74 "Traffic and Vehicles" of the Code of the City of Coral Gables, Florida be hereby amended as follows:

CHAPTER 74- Traffic and Vehicles

ARTICLE IV. – BICYCLES, SKATEBOARDS, SCOOTERS, SHARED MOBILITY DEVICES, AND OTHER SIMILAR DEVICES

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Sec. 74-239-Definitions

- (1) For purposes of this Article the following definitions apply:
- (a) Motorized Scooter is as defined in Section 316.003, Florida statutes, and includes gas and motorized scooters or any combination of the two such as a hybrid scooter.
 - (b) A shared mobility device in an individual device including, but not limited to, motorized or electronic scooters, bicycles, and other similar devices, but does not include motor vehicles used in conjunction with ride sharing companies, such as Uber or Lyft.

(c) A shared mobility device program is a program generally, in which mobility devices, including but not limited to bicycles and motorized scooters, are made available for shared use to individuals on a short term basis at no cost or for a fee.

(d) Operator means a company deploying shared mobility devices within the City.

Sec. 74-240- Operation of a shared mobility device program- Penalties and Impoundment

(1) No operator shall display, offer, or make available for rent any shared mobility device within the City, unless the person has a valid fully executed memorandum of understanding with the City or has obtained approval from the City through an established process.

(2) If two or more shared mobility devices from an operator without a valid memorandum of understanding with the City are found at a particular location within the City it will be presumed that they have deployed by that operator, and it will be presumed that the operator is in violation of this section.

(3) A violation of this section shall be considered a code enforcement violation and is punishable by a fine of \$500 per instance. Each day an operator has shared mobility devices in the City in violation of this section shall be considered a separate instance and a separate violation of this section.

(4) Impoundment: A shared mobility device that is displayed, offered, made available for rent by an operator operating without a valid memorandum of understanding with the City, or a device abandoned on the City right-of-way or private property without permission by a user of the device shall be subject to immediate impoundment by the City. In order to retrieve any impounded shared mobility device an individual or entity must demonstrate proper proof of ownership and pay a \$50 impoundment fee per device reflecting the City's enforcement, investigation, storage, and impound costs.

SECTION 3. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to

accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. COMPLIANCE.

That for the purpose of protecting the peace, health, and safety of the citizens of the City of Coral Gables, Florida, in this time of increased concern over the proliferation of shared mobility devices blocking rights-of-way, pedestrian access, and creating safety hazards, this ordinance is hereby declared an emergency measure, waiving a second reading and pre-publication and requiring a 4/5th vote of the City Commission.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2018.

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY