

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY AMENDING SECTION 142-3 THEREOF, ENTITLED "RENTALS OR LEASES OF MOPEDS, MOTORCYCLES THAT ARE POWERED BY A MOTOR WITH A DISPLACEMENT OF 50 CUBIC CENTIMETERS OR LESS, AND MOTORIZED BICYCLES PROHIBITED IN THE CITY OF MIAMI BEACH," BY AMENDING THE TITLE TO SUCH SECTION; AND BY ESTABLISHING THE DEFINITION FOR MOTOR VEHICLES AND PROHIBITING PERSONS AND BUSINESS ENTITIES FROM ENGAGING IN THE RENTAL OR LEASE OF MOTOR VEHICLES IN ALL ZONING CATEGORIES WITHIN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") is an internationally renowned coastal resort city and tourist destination; and

WHEREAS, the City encompasses only 7.69 square miles of land with an approximate population of 90,000 residents, however, due to the City's domestic and international popularity as a resort destination, the City hosts millions of visitors annually; and

WHEREAS, this large influx of visitors places additional stress on the City's infrastructure, including the City's beaches, parks, roadways and sidewalks, and places increased demands on the City's police, fire, code compliance and sanitation resources; and

WHEREAS, these additional stressors include the large number of visitors who rent golf carts, low-speed vehicles, mopeds, autocycles, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, motorized bicycles, and motorized scooters, primarily in order to joyride these motorized "toys" around the City; and

WHEREAS, there are about fourteen (14) businesses that rent or lease such motorized "toys" within the City; and

WHEREAS, due to their small size and maneuverability, such motorized "toys" may be used to weave in and out of traffic, and on and off sidewalks and bicycle paths, thereby endangering pedestrians, cyclists, and operators of other motor vehicles; and

WHEREAS, there are also approximately twenty-two (22) businesses that rent or lease other types of motor vehicles located within the City; and

WHEREAS, many of those motor vehicle rental establishments offer exotic car rentals, which rental vehicles unnecessarily contribute to the City's traffic problems and concerns due to their careless or reckless operation, in conjunction with the "cruising" and "see and be seen" driving patterns of those renting such motor vehicles; and

WHEREAS, the overwhelming majority of visitors arrive in the City via:

- (i) taxicab or rideshare service, such as Uber or Lyft; or

- (ii) motor vehicle rented or leased at the Miami or Fort Lauderdale airport; or
- (iii) personal motor vehicle driven from the visitors' place of residence to the City; and

WHEREAS, in addition to its ease of walkability for most visitors and the prominence of taxicabs and rideshare services, the City also offers a free trolley service to provide transportation around the City; and

WHEREAS, on May 16, 2018, the Mayor and City Commission adopted Ordinance No. 2018-4196, amending Chapter 70 of the City Code, entitled "Miscellaneous Offenses," to establish regulations for the rental or lease of electric bicycles, mopeds, motorcycles, motorized bicycles, and motorized scooters; and prohibit the rental or lease of a moped, a motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, or a motorized bicycle, during specified dates each year; and

WHEREAS, on January 16, 2019, the Mayor and City Commission adopted Ordinance No. 2019-4232 amending Section 70-70.1 of the City Code, entitled "Responsibilities of persons and business entities providing rentals or leases of mopeds, motorcycles, and motorized bicycles," to remove the prohibition regarding the rental or lease of a moped, motorcycle or motorized bicycle during specified dates each year, and instead set forth certain requirements with which those persons and business entities that provide rentals or leases of mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles must comply; and

WHEREAS, on September 16, 2020, the Mayor and City Commission passed and adopted an ordinance which once more amended Section 70-70.1 of the City Code, by limiting the total number of mopeds, motorcycles, and motorized bicycles which business entities may rent or lease; authorizing the city manager to prohibit the rental or lease of such vehicles upon a declaration of a high impact period; prohibiting the overnight rental or lease of such vehicles; mandating certain signage requirements regarding the prohibited hours of operating such vehicles (7 p.m. through 7 a.m.); and setting forth additional penalties for such violations; and

WHEREAS, on November 18, 2020, the Mayor and City Commission passed and adopted Ordinance No. 2020-4369, which further amended Sections 70-70.1 and 70-71 of the City Code, by:

- (i) mandating the installation of an emergency power off ("EPO") device onto each moped, motorcycle powered by motor with a displacement of 50 cubic centimeters or less, and motorized bicycle available for rental or lease by those business establishments renting or leasing such vehicles in the City; and
- (ii) requiring all persons that rent or lease such mopeds, motorcycles, and motorized bicycles in the City to return such vehicle prior to 7:00 p.m. daily; and
- (iii) establishing penalties for violations of section 70-70.1; and

WHEREAS, on December 9, 2020, the Mayor and City Commission passed and adopted Ordinance No. 2020-4388, which created Section 142-3 of the City Code in order to prohibit the rental or lease of certain identifiable vehicles (including mopeds, motorcycles that are powered

by a motor with a displacement of 50 cubic centimeters or less, motorized bicycles, golf carts, motorized scooters and low-speed vehicles) within the City of Miami Beach; and

WHEREAS, the Mayor and City Commission, and City Administration continue to receive numerous complaints regarding the careless and illegal operation of all types of rented and leased motor vehicles within the City; and

WHEREAS, City Police Department records demonstrate that the increased presence of businesses within the City that rent and lease motor vehicles continues to result in many violations of State and local laws, and generate a great deal of complaints of dangerous and reckless conduct; and

WHEREAS, in light of the dangerous situations and traffic problems created and posed by increased numbers of rented and leased motor vehicles within the City, the Mayor and City Commission desire to adopt the amendments set forth herein, as necessary to promote the public safety and welfare of the City' s residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Article 1 of Chapter 142 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 142

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ZONING DISTRICTS AND REGULATIONS

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ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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Sec. 142-3 Rentals or leases of golf carts, low-speed vehicles, mopeds, motorcycles, and motorized bicycles, motorized scooters, autocycles and motor vehicles are prohibited uses in the City of Miami Beach.

The following definitions are applicable to this section:

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

Low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions

directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

Motor vehicle means a self-propelled vehicle not operated upon rails or guideway, including any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground (including those vehicles commonly known as motor scooters). The term includes an auticycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

Motorized bicycle means a bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground, having two tandem wheels, and including any device generally recognized as a motorized bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

- a) The rental or lease of golf carts, low-speed vehicles, mopeds, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, motorized bicycles, ~~and~~ motorized scooters, autocycles and motor vehicles is prohibited in the City of Miami Beach. These uses are prohibited in any zoning category within the city, whether as a main, conditional, or accessory use.
- b) Notwithstanding the foregoing, golf courses shall be exempt from the prohibition herein concerning the rental or lease of golf carts.
- c) Any amendment to this section 142-3 (including the repealer thereof), which would create a less stringent regulation on the rentals or lease of any golf carts, low-speed vehicles, mopeds, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, motorized bicycles, ~~and~~ motorized scooters, autocycles or motor vehicles, or any of the uses listed herein, shall require an affirmative vote of 5/7ths of the eCity eCommission.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word " ordinance" may be changed to " section," " article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ___ day of _____, 2021.

PASSED and ADOPTED this ___ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by: Commissioner David Richardson)