

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney



DATE: June 23, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66 THEREOF, ENTITLED "DEFINITIONS," BY ESTABLISHING AND MODIFYING CERTAIN DEFINITIONS SET FORTH THEREIN; AND BY CREATING SECTION 70-72, ENTITLED "PROHIBITION ON DELIVERING SPECIFIED MOTORIZED VEHICLES FOR RENTAL OR LEASE," WHICH SHALL SERVE TO PROHIBIT PERSONS AND BUSINESS ENTITIES FROM DELIVERING CERTAIN MOTORIZED VEHICLES INTO THE CITY FOR RENTAL OR LEASE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), which is sponsored by Commissioner David Richardson, is submitted for first reading at the June 23, 2021 meeting of the City Commission.

In order to address the dangerous conduct, nuisance behavior and increased presence of certain rented or leased vehicles within the City, the Mayor and City Commission have enacted numerous ordinances over the last few years (as more fully set forth in the Ordinance) which regulate the rental, lease and/or operation of various motorized vehicles including, but not limited to, mopeds, motorcycles powered by motors with a displacement of 50cc or less, motorized bicycles, autocycles and motorized scooters.

However, despite the extensive efforts of the Mayor and City Commission, the increased presence of these motorized "toys" continues to result in many violations of State and local laws, traffic problems, and generate a great deal of complaints of dangerous, reckless and nuisance conduct and behavior.

As there are only about fourteen (14) businesses that rent or lease such motorized vehicles located within the City, the City Administration has determined that some of these motorized

“toys” are being delivered into the City geographic boundaries of the City for the express purpose of being rented or leased, or offered for rent or lease.

If adopted, this Ordinance would prohibit (and make it unlawful) for any person or business entity (including any employee, manager, agent and/or owner of a business entity) to bring or deliver into the City any auticycle, golf cart, low-speed vehicle, moped, motorcycle or motorized scooter for the purpose of renting or leasing such vehicle to the general public. Moreover, by prohibiting the deliveries of the “toys,” and thereby eliminating the convenience to customers desiring to have the vehicles brought to them at any location within the City, the prohibition on deliveries would advance the City’s objective of reducing the proliferation of “toys” and the associated nuisance conduct the use of the “toys” for joyriding creates within the City.

If the Ordinance passes at first reading on June 23, 2021, it is anticipated that the Ordinance will then be considered upon second reading/public hearing at the July 28, 2021 City Commission meeting.

RAP/AB/MAF/bhs