

ORDINANCE NO. _____

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, 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 BICYCLING, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-70.1, ENTITLED "RESPONSIBILITIES OF PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS OR LEASES OF MOPEDS, MOTORCYCLES, AND MOTORIZED BICYCLES," TO AMEND THE REGULATIONS APPLICABLE TO THE RENTAL OR LEASE OF MOPEDS, MOTORCYCLES, AND MOTORIZED BICYCLES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, due to the City's domestic and international popularity as a resort destination, many events, both authorized by City permits and otherwise, occur on a regular and frequent basis; and

WHEREAS, in recent years, the City has seen an increasingly large number of visitors during the period when high schools, colleges, and universities across the country recess for Spring Break, which occurs primarily during the month of March, as well as during Memorial Day weekend; and

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

WHEREAS, these additional stresses include, without limitation, the large number of visitors who rent mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles, in order to move around the City; and

WHEREAS, due to their small size, mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles may be used to weave in and out of traffic, and on and off of sidewalks and bicycle paths, endangering pedestrians, cyclists, and operators of other motor vehicles, 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, motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, or motorized bicycle, during specified dates each year, and

WHEREAS, in light of the dangers posed by increased numbers of mopeds, motorcycles (many of which are powered by motors with a displacement of 50 cubic centimeters or less), and motorized bicycles in the City, the Mayor and City Commission desire to adopt the amendments set forth herein, to promote the public safety of the City's residents, visitors, and businesses.

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

SECTION 1. That Division 2 of Article II of Chapter 70 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 70
MISCELLANEOUS OFFENSES**

* * *

ARTICLE II. Public Places

* * *

**DIVISION 2. Bicycling, Skateboarding, Roller Skating, In-Line Skating,
Motorized Means of Transportation, Electric Bicycling, Mopeds, Motorcycles, Motorized
Bicycles, and Motorized Scooters**

* * *

Sec. 70-70.1. Responsibilities of persons and business entities providing rentals or leases of mopeds, motorcycles, and motorized bicycles.

- (a) ~~It shall be unlawful for any person or business entity to rent, lease, offer for rent or lease, or permit to be rented or leased, with or without compensation, a moped, motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, or a motorized bicycle, from March 1 at 12:00 a.m. through March 31 at 11:59 p.m. of each year.~~
- (b) Any person or business entity that engages in the rental or lease of mopeds, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, or motorized bicycles, must
 - (1) provide a copy of the provisions of this section to each consumer prior to the consumer renting or leasing a moped, motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, or motorized bicycle;
 - (2) securely affix the name and telephone number of the person or business entity that rents or leases such mopeds, motorcycles, or motorized bicycles, as well as a unique device ID number, all of which shall be in lettering and numbers at least four inches in height, on the front and back of each moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle that is leased or rented;
 - (3) install and maintain a fully operable global positioning system (GPS) tracking device onto each moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle;

- (4) on an annual basis, provide the city manager with a written notice certifying that a fully operable GPS tracking device has been installed onto each moped, motorcycle powered by a displacement of 50 cubic centimeters or less, and motorized bicycle; and
- (5) provide the city's police department and code compliance department with a phone number at which the person or business entity may be contacted 24 hours a day, seven days a week, regarding potential violations of this section.

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, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

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 part of the Code of the City of Miami Beach, Florida. 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 other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2018.

PASSED AND ADOPTED this _____ day of _____, 2018.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

(Sponsored by Commissioner Ricky Arriola and Co-Sponsored by Commissioner John Elizabeth Alemán)

Underline denotes additions
~~Strike-through~~ denotes deletions

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Handwritten Signature] 12-4-18
City Attorney Date

NK