

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's is considered a domestic and international resort destination; and

WHEREAS, 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; and

WHEREAS, the large number of visitors who rent mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles do so 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, 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 set forth certain requirements with which those persons and business entities that provide rentals or leases of mopeds, motorcycles and motorized bicycles must comply; and

WHEREAS, the Mayor and City Commission desire to adopt those additional subsequent corrective amendments set forth herein, to further 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) 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) obtain an assigned alphabetical character from the City, which must be utilized exclusively by the person or business entity as the first character in each unique device ID number required pursuant to this section;
 - (3) create a unique device ID number for each moped, motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle that is leased or rented, and such unique device ID number must be comprised of a total of 3 alphanumeric characters, beginning with the alphabetical character assigned by the city, and followed by 2 numerical characters;

- (4) securely affix the unique device ID number, in a location not likely to be obscured by the body of the rider or passenger, to the front, left rear side and right rear side of each moped, motorcycle that is powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle that is leased or rented, in lettering and numbering at least four inches in height and in a contrasting color to the background upon which it is affixed;
- ~~(2)~~(5) 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~~ in a location not likely to be obscured by the body of the rider or passenger, to the left and right sides 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 in lettering at least two inches in height and in a contrasting color to the background upon which it is affixed;
- ~~(3)~~(6) 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 that is leased or rented;
- ~~(4)~~(7) 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)~~(8) on the first day of each month, unless the first day of the month falls on a Saturday, Sunday or a legal holiday, in which case the next business day, submit a certificate to the Chief of Police, or his/her designee, identifying each moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle that is leased or rented. The certification must include:
- a. the unique device ID number, along with the corresponding license plate number, for each moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycle that is leased or rented; and
 - b. the date, time and location of each moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or motorized bicycle, that was disabled pursuant to a notification of improper operation for the preceding month.
- (9) 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 _____, 2019.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner John Elizabeth Alemán)

Underline denotes additions

~~Strike through~~ denotes deletions

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney

Date

2/8/19