

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 CREATING SECTION 142-3, 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," WHICH SHALL PROHIBIT PERSONS AND BUSINESS ENTITIES FROM ENGAGING IN THE RENTAL OR LEASE OF CERTAIN IDENTIFIABLE VEHICLES (WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO MOPEDS, MOTORIZED BICYCLES, GOLF CARTS AND LOW SPEED VEHICLES) AND ESTABLISHING THOSE RESPECTIVE DEFINITIONS FOR SUCH PROHIBITED VEHICLES; 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, the 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, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, motorized bicycles, and motorized scooters, largely in order to "joyride" around the City; and

WHEREAS, due to their small size, 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 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, 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, the Mayor and City Commission, and City Administration continue to receive numerous complaints regarding the careless and illegal operations of these rented and leased 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 within the City; and

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

WHEREAS, in light of the dangers posed by increased numbers of rented and leased 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 in the City, the Mayor and City Commission desire to adopt the amendments set forth herein, as necessary to promote the public safety 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 mopeds, motorcycles, and motorized bicycles 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.

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 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, or any of the uses listed herein, shall require an affirmative vote of 5/7ths of the city commission.

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 _____, 2020.

PASSED and ADOPTED this ___ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions

~~Strikethrough~~ denotes deletions

(Sponsored by: Commissioner David Richardson)