

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO TRACK THE STATISTICAL DATA PERTAINING TO THE ENFORCEMENT OF THOSE STATE LAWS AND CITY ORDINANCES REGULATING THE OPERATION OF RENTED SCOOTERS, AUTOCYCLES, MOPEDS, MOTORCYCLES THAT ARE POWERED BY A MOTOR WITH A DISPLACEMENT OF 50 CUBIC CENTIMETERS OR LESS, AND MOTORIZED BICYCLES FROM DECEMBER 1, 2020 THROUGH JUNE 1, 2021; AND FURTHER DIRECTING THAT SUCH STATISTICAL DATA BE PRESENTED TO THE MAYOR AND CITY COMMISSION AT THE JUNE 23, 2021 CITY COMMISSION MEETING.

WHEREAS, the City's popularity as a resort and tourist destination entices many visitors to the City in order to enjoy its beautiful beaches, restaurants, and vast array of artistic and cultural attractions; and

WHEREAS, numerous visitors to the City rent scooters, autocycles, mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles; and

WHEREAS, these visitors frequently rent such motorized devices to "joyride" throughout the City; and

WHEREAS, the small size of scooters, autocycles, mopeds, motorcycles powered by motors with a displacement of 50 cubic centimeters or less, and motorized bicycles enables such vehicles to be utilized by "joyriders" to weave in and out of traffic, and to ride on and off the City sidewalks, walkways and bicycle paths; and

WHEREAS, such reckless and unlawful operation of these motorized vehicles endangers pedestrians, cyclists, and operators of other motor vehicles; and

WHEREAS, there are various State laws regulating the operation of motorized vehicles including, but not limited to, speeding, stop sign and stop light violations, improper lane change, failure to yield, and careless/reckless driving; and

WHEREAS, despite the State laws, which prohibit certain illegal conduct relating to the operation of motorized vehicles (and the City's enforcement efforts regarding same), the Police Department has substantiated that the rental of these motorized devices results in a large number of violations of State and local laws (and generates a great deal of complaints of dangerous and reckless behavior); 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," by creating Section 70-70.1, to establish regulations pertaining to the rental or lease of electric bicycles, mopeds, motorcycles, motorized bicycles, and motorized scooters; and

WHEREAS, on January 16, 2019, the Mayor and City Commission adopted Ordinance No. 2019-4232, which amended section 70-70.1 of the City Code, to set forth certain additional requirements with which those persons and business entities that provide rentals or leases of

mopeds, motorcycles, and motorized bicycles must comply; and

WHEREAS, on September 16, 2020, the Mayor and City Commission adopted Ordinance No. 2020-4356, which further amended Section 70-70.1 of the City Code, by limiting the total number of mopeds, motorcycles, and motorized bicycles which existing 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. daily); and setting forth additional penalties for such violations; and

WHEREAS, on November 18, 2020, the Mayor and City Commission again amended Section 70-70.1 of the City Code, by adopting Ordinance No. 2020-4369, which requires an Emergency Power Off ("EPO") device (that allows remote shut off, and disables restarting, of a vehicle) to be installed onto each moped, motorcycle, and motorized bicycle that is rented or leased within the City; and

WHEREAS, on December 9, 2020, the Mayor and City Commission adopted Ordinance No. 2020-4388, which prohibits any (future) persons or business entities from engaging in the rental or lease of certain identifiable vehicles (including, but not limited to, mopeds, motorized bicycles, golf carts, and low speed vehicles) within the City; and

WHEREAS, the City continues to receive numerous complaints regarding the careless and illegal operation of these rented and leased vehicles; and

WHEREAS, the Mayor and City Commission desire to adopt this Resolution requiring the City Administration to provide critical data and statistics in order to evaluate the effectiveness of those previously adopted Ordinances regulating the rental and operation of mopeds, motorcycles, and motorized bicycles; and to determine whether any further regulations of motorized scooters, autcycles, mopeds, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, or motorized bicycles are necessary to protect the health, safety, and welfare of the City's residents and visitors.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration to track the statistical data pertaining to the enforcement of those State laws and City Ordinances regulating the operation of rented scooters, autcycles, mopeds, motorcycles that are powered by a motor with a displacement of 50 cubic centimeters or less, and motorized bicycles from December 1, 2020 through June 1, 2021; and further directing that such statistical data be presented to the Mayor and City Commission at the June 23, 2021 City Commission meeting.

PASSED AND ADOPTED this ____ day of February, 2021.

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by: Commissioner David Richardson)

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2-2-21

Date

MAF