




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

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

**FROM:** Rafael A. Paz, Acting City Attorney 

**DATE:** September 17, 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 70-70.2 THEREOF, ENTITLED "RESPONSIBILITIES OF PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS OR LEASES OF ELECTRIC BICYCLES AND MOTORIZED SCOOTERS," BY CLARIFYING THE CITY'S ABILITY TO ENTER INTO CONTRACTUAL AGREEMENTS TO PERMIT THE USE OF CITY PROPERTY OR RIGHTS OF WAY FOR THE RENTAL OR LEASE OF ELECTRIC BICYCLES, CONSISTENT WITH CHAPTER 82 OF THE CITY CODE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

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The proposed Ordinance (the "Ordinance"), which is sponsored by Commissioner David Richardson, is submitted for Second Reading/Public Hearing at the September 17, 2021 meeting of the City Commission.

The Ordinance, which was approved by the City Commission at First Reading on July 28, 2021, was then intended to be heard by the Neighborhood and Quality of Life Committee ("NQLC") at its September 1, 2021 meeting. The September 1, 2021 NQLC meeting has now been rescheduled for September 20, 2021. Accordingly, in order to allow the Ordinance to be considered by the NQLC at its September 20, 2021 meeting, **Commissioner Richardson has requested that the Ordinance be open and continued to the October 13, 2021 City Commission meeting.**

### Analysis:

Presently, Section 70-70.2 of the City Code prohibits the rental or lease of electric bicycles unless such electric bicycle(s) are to be utilized exclusively on private property. The proposed Ordinance

would amend Section 70-70.2, to clarify the City's ability to enter into contractual agreements, such as concession agreements, to permit the use of City property or rights of way for the rental or lease of electric bicycles, consistent with Section 82-1 of the City Code, which authorizes commercial use of public property pursuant to written agreements with the City.

The existing prohibition on the rental or lease of electric bicycles (as currently set forth in Section 70-70.2) should not apply to concession agreements or similar agreements for the use of public property, as such agreements would permit the City to retain direct control over the terms and conditions surrounding the use of electric bicycles, so as to limit the duration of such uses and otherwise ensure the bicycles are used for commuter purposes.

The City's ability to enter into such agreements for the use of public property (similar to the City's bicycle rental concession agreement), would also advance the City's mobility and sustainability goal of reducing reliance on motor vehicle transportation options, and would further serve to reduce traffic congestion and directly mitigate the impact upon the City's streets and roadways.

If the City were to enter into a concession agreement or other agreement to authorize the limited use of electric bicycles, the City would nevertheless retain the ability to prohibit such uses if it is in the public interest to do so, as the City would incorporate termination provisions within such agreements and would have the ability to terminate the agreements (and the uses) at any time.