

# MIAMI BEACH

## Commission Meeting / Special Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

March 4, 2019 - 12:59 PM

Mayor Dan Gelber

Commissioner John Elizabeth Aleman

Commissioner Ricky Arriola

Commissioner Michael Gongora

Commissioner Joy Malakoff

Commissioner Mark Samuelian

Commissioner Micky Steinberg

City Manager Jimmy L. Morales

City Attorney Raul J. Aguila

City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the Office of the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

### AGENDA KEY

#### Consent Agenda:

C2 - Competitive Bid Reports

C4 - Commission Committee Assignments

C6 - Commission Committee Reports

C7 - Resolutions

#### Regular Agenda:

R2 - Competitive Bid Reports

R5 - Ordinances

R7 - Resolutions

R9 - New Businesses & Commission Requests

R10 - City Attorney Reports

PA - Presentations and Awards

## **AGENDA**

1. CALL TO ORDER

## **REGULAR AGENDA**

### **R5 - Ordinances**

- R5 A 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.

### **12:59 p.m. Second Reading Public Hearing**

First Reading on February 13, 2019 - R5 R

Office of the City Attorney

Commissioner John Elizabeth Aleman

### **Notices**

1. NOTICE OF SPECIAL COMMISSION MEETING.
2. ADVERTISEMENTS

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: March 4, 2019

**12:59 p.m. Second Reading Public Hearing**

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, 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.

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### **RECOMMENDATION**

Pursuant to the request of Commissioner John Elizabeth Alemán, the above-referenced Ordinance is submitted for Second Reading/Public Hearing by the Mayor and City Commission at the March 4, 2019 Commission meeting.

### **Legislative Tracking**

Office of the City Attorney

### **Sponsor**

Commissioner John Elizabeth Aleman

### **ATTACHMENTS:**

#### **Description**

- ▣ Ordinance
- ▣ Ad

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

## CITY OF MIAMI BEACH

## NOTICE OF SPECIAL COMMISSION MEETING

**SECOND READING/PUBLIC HEARING OF PROPOSED  
ORDINANCE AMENDING THE REGULATIONS APPLICABLE  
TO THE RENTAL OR LEASE OF MOPEDS, MOTORCYCLES,  
AND MOTORIZED BICYCLES;**

**March 4, 2019**

**NOTICE IS HEREBY** given that pursuant to Miami Beach Charter Section 2.04, Mayor Dan Gelber has called a Special Meeting of the Commission, in the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 4, 2019** at **12:59 p.m.** to hear the **Second Reading/Public Hearing** of the following proposed Ordinance:

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. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. A copy of this item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Rafael E. Granado, City Clerk  
City of Miami Beach

030419-01

12A

Miami Herald

WEDNESDAY, FEBRUARY 20, 2019  
MIAMIHERALD.COM





**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: March 4, 2019

SUBJECT: NOTICE OF SPECIAL COMMISSION MEETING.

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**ANALYSIS**

**CITY OF MIAMI BEACH**

**NOTICE OF SPECIAL COMMISSION MEETING**

**SECOND READING/PUBLIC HEARING OF PROPOSED  
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**Legislative Tracking**  
Office of the City Clerk

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: March 4, 2019

SUBJECT: ADVERTISEMENTS

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### Legislative Tracking

Office of the City Clerk

### ATTACHMENTS:

#### **Description**

▣ Ad

## CITY OF MIAMI BEACH

### NOTICE OF SPECIAL COMMISSION MEETING

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Rafael E. Granado, City Clerk  
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