

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY OF WEST PALM BEACH CODE OF ORDINANCES AT CHAPTER 86, TRAFFIC, TO CREATE ARTICLE VII, MICROMOBILITY SYSTEM AND DEVICES, IN ORDER TO PERMIT AND REGULATE A MICROMOBILITY SYSTEM WITHIN THE CITY; ESTABLISHING GENERAL PERMIT PROVISIONS; ESTABLISHING REGULATIONS; PROVIDING FOR IMPOSITION OF FEES; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of West Palm Beach has broad home rule powers to adopt ordinances to provide for and operate multimodal transportation systems within the City; and

WHEREAS, Section 316.008, Florida Statutes, authorizes local governments to control traffic movement, parking and the use of bicycles, motorized scooters and electric personal mobility devices within municipal boundaries; and

WHEREAS, the City of West Palm Beach, in its Comprehensive Plan Transportation Element sets out goals, objectives and policies to develop and maintain a safe, convenient, efficient transportation system which: recognizes present need, reflects the Future Land Use Element, and provides for safe, efficient intermodal transportation linkages; and

WHEREAS, the City Commission finds that this Ordinance supports and furthers Goal 2.1 of the Transportation Element of the Comprehensive Plan which states, “[t]he City shall regularly evaluate the operational conditions of its roads while making sure that the needs of the users of different modes of transportation are considered;” and

WHEREAS, the City Commission finds that this Ordinance supports and furthers Goal 2.3 of the Transportation Element of the Comprehensive Plan which states, “[t]he City shall seek to manage traffic congestion through initiatives such as transportation systems management (TSM), and transportation demand management (TDM) measures, as well as through other strategies that reduce reliance on automobiles, and reduce vehicle miles traveled;” and

WHEREAS, a micromobility system will provide City residents, business and visitors with multimodal transportation options that are viable alternative driving motor vehicles and reduce both vehicle miles traveled and greenhouse gas emissions; and

WHEREAS, companies have created new businesses offering various micromobility devices, bicycles and scooters for public use and from various locations throughout the City; and

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WHEREAS, the City Code of Ordinances does not currently regulate micromobility systems, programs or devices; and

WHEREAS, the City has evaluated other micromobility programs ordinances and regulations from Atlanta, Chicago, Denver, Ft. Lauderdale, Los Angeles, Orlando, San Francisco, Santa Monica, Seattle, and other cities to understand the regulatory programs that have been implemented to regulate various micromobility programs and devices; and

WHEREAS, the City has a substantial interest in regulating how private operators of micromobility systems and devices operate on the public right-of-way to promote public health, safety and welfare and to ensure that public rights-of-way remain obstruction free; and

WHEREAS, the City has a substantial interest in ensuring that micromobility systems and devices are socially equitable and accessible to persons without smartphones or those who are under-banked or un-banked; and

WHEREAS, it is the desire of the City to establish a micromobility system to be operated by a competitively selected operator, to establish regulations for the operation of a micromobility system, and to establish regulations for the use of micromobility devices; and

WHEREAS, it is the desire of the City to establish a schedule of fees to be paid by micromobility operators to offset the costs to the City related to the implementation and enforcement of regulations and maintenance and enhancement of the public rights-of-way to be used by commercially available micromobility devices; and

WHEREAS, the City Commission has determined that it is advisable and in the public interest to adopt and implement the Micromobility System Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1: Findings. It is hereby found, ascertained, determined, and declared by the City Commission that:

(A) Pursuant to Article VIII, Section 2(b), Florida Constitution, and Sections 166.021, 166.041 and 166.221, *Florida Statutes*, the City Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of City ordinances.

(B) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and

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(d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of a Micromobility Program within the City.

(C) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose to regulate traffic, parking and multimodal transportation within its municipal jurisdiction consistent with Section 316.008, Florida Statutes, except that the City may not exercise said power in conflict with Chapter 316, Florida Statutes.

(D) The City Commission may grant the privilege of utilizing the public rights-of-way upon such conditions and limitations as may be deemed expedient and for the best interest of the City in order to permit the operation of micromobility system within the City.

(E) Unregulated use of micromobility devices have negatively impacted and safety and/or welfare of the general public in other cities within our nation, as has been reported in the media.

(F) Permitting a Micromobility System will benefit the safety, convenience, and the general welfare of the public.

SECTION 2. The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86- Traffic, to create Article VII – Micromobility System, which shall read as follows:

ARTICLE VII - MICROMOBILITY SYSTEM AND DEVICES

Sec. 86-430 – Intent and purpose.

- (a) This article shall be known and may be cited as the “City of West Palm Beach Micromobility System Ordinance.”
- (b) This article is intended to permit and regulate a micromobility system in the city.
- (c) This article is intended to provide for multimodal transportation options and reduce reliance upon motor vehicles through commercial micromobility systems and programs and to ensure that micromobility devices are used in a safe manner and do not impede accesses within public rights-of-way and publically accessible areas.
- (d) This article is intended to ensure that micromobility system operators work with the city in a cooperative manner and comply with all federal, state and local regulations and provide safe, functioning and properly maintained micromobility devices that provide mobility options to the city’s residents, businesses and visitors. This article shall also ensure that the City is held harmless for any incidents that occur to persons or property because of the use of commercial micromobility devices and that operators provide adequate insurance to address incidents.

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- (e) This article is intended to ensure that micromobility system operators rebalance the distribution of micromobility devices per the requirements of their approved permits. This article also includes regulations related to the pick-up and storage of damaged or inoperable devices, the removal of devices during emergency events and the relocation of vehicles which impede access in public rights-of-way and in publically accessible areas.
- (f) This article is also intended to ensure that commercial micromobility operations are equitable and accessible, and that operators protect the privacy of persons using micromobility devices and that operators provide multiple means in which persons may contact the operators. This article also established requirements that micromobility operators provide ridership data to the city, and make the data accessible to the public, and as appropriate, with third parties, to allow for improvements to public right-of-way and adequate places to park micromobility devices.

Sec. 86-431. – Applicability.

- (a) The provisions of this article shall apply to commercially operated micromobility systems and to the operators and customers of such systems. For the purpose of this article, the permittee, managing agent or micromobility system operator, and system owner shall be jointly and severally liable for complying with the provisions of this article, the permit, and the permit and license agreement.
- (b) This article shall not apply to the rental and use of segways or other micromobility devices, bicycles or scooters used solely as part of an organized tour, accompanied by a tour director, and which departs and returns from the same location.

Sec. 86-431 – Definitions.

The following definitions are applicable to this article. Other defined terms shall have the meanings defined in this code, including but not limited to sec. 1-2 and sec. 94-611. In the event of any conflict, the term as defined in this article shall control for purposes of this article.

Bicycle shall mean every vehicle propelled solely by human power, and every motorized 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 upon which any person may ride, having two tandem wheels, and including any device generally recognized as a 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.

Corral shall mean facilities that can accommodate parking for a group of micromobility devices typically installed on-street in lieu of vehicle parking spaces.

Customer or user shall mean the person who rents or uses a micromobility device provided by an operator.

Deployment area shall mean the geographical areas within the city where a micromobility system operator may offer service for its users/customers under the micromobility system permit.

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Dock shall mean a fixed location rack that is controlled by information technology or a smartphone application that requires users to enter a code or scan an RFID tag to unlock the device from the rack and requires the user to place the device back into the rack to end a trip. Docked stations are most frequently associated with bicycle sharing systems.

Dockless system shall mean a system that places GPS directly in the micromobility device. The micromobility device features a self-contained locking device that is unlocked from a smartphone application by either entering a unique identification number or scanning a RFID tag. The micromobility devices typically are placed in predetermined locations within a defined service area.

Geofencing shall mean the use of GPS or RFID technology to create a virtual geographic boundary that enables software to trigger a response when a mobile device enters or leaves an area.

Micromobility devices shall include any motorized, electric, or pedal-assisted transportation device made available for private use by a business entity which may allow reservation through an online application, website or software, and which is generally not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles. Low speed electric vehicles, golf carts, or mopeds are not considered micromobility devices.

Micromobility system or service is a fleet of micromobility devices, which may also include non-motorized bicycles and scooters, operated by one or more private entities that provides the public the ability to rent docked or dockless micromobility devices for short-term trips where users pay on either a per trip basis, by purchase of a pass for a specified period, or pay for a subscription service, regardless of whether such devices may be used point to point or must be returned to specified locations or the original location.

Micromobility system operator shall mean a private entity, authorized to do business in the state, that holds a micromobility system permit and operates a city-permitted micromobility service or micromobility system. The micromobility system operator shall be responsible for the rental, deployment, maintenance, rebalancing, relocation, recharging, repairing, and replacing of micromobility devices, bicycles and scooters, along with additional obligations, under a micromobility system permit.

Micromobility system permit shall mean the permit required to operate a micromobility service within the city.

Motorized bicycle shall mean a micromobility device propelled by a combination of people power and electric helper motor capable of propelling the bicycle at a speed of not more than 20 miles per hour on level ground, upon which any person may ride, having two tandem wheels, fully operable pedals, and electric motor of less than 750 watts, and including any device generally recognized as a bicycle. The term does not include a bicycle 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 shall mean a scooter or micromobility device powered by a motor, with or without a seat or saddle for the rider, designed to travel on not more than three wheels, and which is generally not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.

Rack shall mean a metal or aluminum fixture, securely attached to the ground, upon which a micromobility device can be locked or tethered.

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Rebalancing shall mean the process by which micromobility devices are redistributed to ensure availability throughout a service deployment area and to prevent excessive buildup of devices at certain locations throughout the city.

Scooter shall mean a device of not more than three wheels, with a floorboard designed to be stood upon when riding and powered by human propulsion. The device may have handlebars and/or a driver's seat that does not interfere with the ability of the rider to stand and ride.

Station shall mean a stationary fixture to which a micromobility device can be securely attached to prevent theft and ensure the device is properly parked and which includes a roof and may feature enclosed walls on one or more sides.

Sec. 86-432 – Operation of micromobility system.

- (a) It shall be unlawful for any person, firm, corporation or micromobility system operator to provide a micromobility service or micromobility system within the city, for the use of micromobility devices, bicycles and/or scooters on city rights-of-way, without first obtaining a micromobility system permit from the city. No person, firm, corporation or micromobility system operator shall deploy or rent a micromobility device without a valid micromobility system permit.
- (b) It shall be unlawful for any person, firm or corporation to rent or pay, as part of a commercial transaction, for the use upon city rights-of way of a micromobility device, bicycle or scooter obtained from any other person, firm, corporation or micromobility system operator that does not have a valid micromobility system permit.

Sec. 86-433 – Micromobility system permit.

- (a) The city may issue a micromobility system permit to a qualified micromobility system operator selected through a competitive selection process for operation of a micromobility system or micromobility service which may include micromobility devices along with non-motorized bicycles and scooters. The city reserves the right to issue one or more micromobility system permits and may, from time to time, limit or expand the number of permits issued.
- (b) The city may issue a micromobility system permit subject to specific terms and conditions contained in the city's permit and license agreement necessary to ensure that the intent and terms of this article will be met. Micromobility system operators shall comply with all terms, conditions, regulations and requirements established by federal and state law, this code including this article, and the permit and license agreement. Micromobility system operators shall implement and comply with all operator plans kept on file with the city.
- (c) The micromobility system operator shall comply with the all requirements contained in the micromobility system ordinance, the permit, and any license or contract executed with the city. Such system and permit requirements may be amended by the city from time to time. Failure to comply with the permit and system requirements may be grounds for revocation of the micromobility system permit.
- (d) Any micromobility system permit shall be issued in the name of the lead corporation or company responsible for all operations of the permitted micromobility system and deemed to the micromobility system operator. No permit granted pursuant to this article shall be

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deemed the property of the holder thereof. Permits shall not be assigned or transferred without written city approval.

- (e) A micromobility system operator may subcontract with any other individual, firm, company or corporation to provide micromobility devices; however, the micromobility system operator shall remain responsible for all obligations, actions and inaction of its subcontractors.
- (f) A micromobility system permit shall be revocable by the city; but may be issued with the intent that such permit will have a specified term, subject to revocation.
- (g) A micromobility system operator shall pay all micromobility system permit fees, public property repair endowment charges, and mobility equity fees.
- (h) The micromobility system permit required by this section shall be in addition to any requirements for a right-of-way permit for installation work in the right-of-way, any other permits, licenses and business tax receipts which otherwise may be required by law. The micromobility system operator shall obtain and maintain, at its own expense, all such licenses and permits required by law or regulation to provide a micromobility system.
- (i) By obtaining a micromobility system permit and operating a micromobility system or micromobility service within the city, a micromobility system operator agrees to indemnify and hold the city, its commissioners, officers, employees and agents, harmless from and against any and all claims, demands, actions, or causes of action which may be made against the city for the recovery of damages for injury to or death of any person or persons and/or the damage to any property resulting directly or indirectly out of the wrongful acts or omission of the micromobility system operator or its employees or subcontractors, arising from the rental, use and operation of the micromobility service and micromobility devices within the city.
- (j) The city reserves to itself, in its sole discretion, the power to modify the micromobility system in this article; including but not limited to the right to revoke all permits granted, to change or limit the rights granted, to expand or limit the number of permits issued, or to otherwise modify the micromobility system within the city at any time and from time to time.

Sec. 86-434 – Micromobility system devices.

All micromobility system devices, bicycles and scooters operated under a micromobility system permit shall comply with the following requirements:

- 1 Every micromobility system device, bicycle and scooter shall conform to all applicable federal and state laws.
- 2 Current and up-to-date images and description of the micromobility system operator's bicycles, scooters and micromobility devices, including technical specifications, logos, designs or instructions permanently affixed to the device, safety features, and documentation that the devices meet all current federal, state and city safety standards shall be kept on file with the city;
- 3 The make, model and unique, permanent identification number of each type of bicycle, scooter and micromobility device available shall be kept on file with the city;
- 4 Every micromobility device, bicycle and scooter shall have real-time location and tracking capability;

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- 5 Every micromobility device, bicycle and scooter shall have the ability to be geofenced;
- 6 Every bicycle shall comply with the requirements of Section 316.2065, Florida Statutes, as may be amended or revised, including but not limited to the requirements for lights and brakes.
- 7 Every micromobility device shall have always-on front and rear lights which comply with the requirements of Section 316.0265, Florida Statutes, as may be amended or revised, and also stay illuminated for at least 60 seconds after the device has stopped.
- 8 Every micromobility device, bicycle and scooter shall have a kickstand capable of keeping the device, bicycle or scooter upright when not in use.
- 9 Every micromobility device shall have a maximum motor assist speed of 15 miles per hour and the ability to safely lower speeds to no faster than 5 miles per hour within walkability emphasis areas or other designated geographic areas or facilities;
- 10 Every micromobility device shall have the ability to be locked-down and made inoperable when reported or deemed to be unsafe or stolen;
- 11 All micromobility devices shall be required to be parked in corrals, docks, racks and stations, and not otherwise left on the sidewalk or street.
- 12 Every micromobility device, bicycle and scooter shall have easily accessible and identifiable language that clearly directs users to customer support mechanisms, including but not limited to a customer service phone number, website and application.

Sec. 86-435 – Micromobility system operating requirements.

- (a) The micromobility system operator shall comply with the operating requirements of this article, along with any additional permit and license requirements. Failure to comply with such requirements may be grounds for revocation of the micromobility system permit:
- (b) The micromobility system operator shall provide customer representatives, available 24 hours per day, seven days per week, to respond to questions and concerns from the public.
- (c) The micromobility system operator shall not allow use of micromobility devices by users under age 16.
- (d) The micromobility system operator shall ensure helmet use by users under age 18.
- (e) A micromobility system operator shall require all micromobility devices, bicycles and scooters to be returned and parked at a designated corral, rack, and/or station. A micromobility system operator shall provide corrals, racks, and/or stations for the parking for a group of several types of micromobility devices, bicycles or scooters, which will allow such micromobility device, bicycles and scooters to be securely attached to prevent theft, ensure the device is properly parked and to keep the sidewalks clear for pedestrians and other users. The location of such corrals, racks and/or stations shall be

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recommended by the micromobility system operator and approved by the city. The design of such corrals, racks and/or stations shall be approved by the city and the city may require the use of city branding logos or colors.

- (f) A micromobility system operator shall perform relocation and rebalancing of micromobility devices, bicycles and scooters throughout the day to provide sufficient availability and throughout the deployment area and avoid overconcentration of micromobility devices, bicycles and scooters. A micromobility system operator shall rebalance a specific location within 2 hours, upon request by the city.
- (g) Damaged, inoperable or illegally parked micromobility devices, bicycles, and scooters shall be removed within two (2) hours of notification to the micromobility system operator between 7:00 a.m. and 7:00 p.m., seven days per week, except during federally recognized holiday when such devices shall be removed within four (4) hours of notification. The city may confiscate micromobility devices, bicycles and scooters not timely removed. The micromobility system operator may be required to pay a fee to the city for removal and storage of such devices, bicycles or scooters.
- (h) Micromobility devices, bicycles and scooters shall be removed from restricted areas or from outside of a deployment area within two (2) hours of notification to the micromobility system operator between 7:00 a.m. and 7:00 p.m., seven days per week, except during federally recognized holiday when such devices, bicycles and scooters shall be removed within four (4) hours of notification.
- (i) A micromobility system operator shall charge all micromobility devices each evening or as needed to ensure the devices are available to users and do not abruptly cease operation while being operated by a user.
- (j) A micromobility system operator shall be required to provide routine and periodic maintenance for all devices, bicycles and scooters.
- (k) A micromobility system operator shall be required to remove and relocate all micromobility devices, bicycles and scooters within 12 hours' notice from the city of a tropical storm, emergency, special event, or other significant event to a secure indoor environment. The micromobility system operator may be required to pay a fee to the city for removal and storage of such devices, bicycles and scooters remaining after 12 hours' notice and the city shall not be liable for damage to any such devices removed and stored by the city.
- (l) Any micromobility system operator signage and branding on micromobility devices, bicycles and scooters shall require prior city approval and such approved specifications shall be included in the micromobility system permit. Advertising of third party products and services on micromobility devices, bicycles and scooters is prohibited.
- (m) A micromobility system operator shall provide methods for customers to utilize the service without a smartphone.
- (n) A micromobility system operator shall provide methods for customers to utilize the service without a credit card or bank account.

- (o) The city, in its sole discretion and without notice, reserves the right to remove all micromobility devices, bicycles and scooters from the right-of-way in the event of an emergency. In such instance, the city will attempt to notify the micromobility system operator as soon as reasonably practicable thereafter.

Sec. 86-436 – Micromobility system data sharing requirements.

A micromobility system operator shall be required to share real-time data related to micromobility device, bicycles and scooter utilization, by type of device, travel, user demographics, and revenue for the entire fleet with the city, and shall comply with all standards for data sharing set forth in the micromobility system permit, and as such requirements are updated from time to time. The city reserves the right to post such data and information through publicly available portals and websites

Sec. 86-437 – Micromobility system fees and charges.

A micromobility system operator shall pay the following fees and charges to the city. The amounts of each such fee and charge shall be established by resolution of the city commission which may be amended from time to time.

- (1) Permit fee
- (2) Permit renewal fee
- (3) Public property repair endowment charge to ensure adequate funds are available for future repair and maintenance costs to public property that may be incurred due to damage caused by the micromobility system operator or its customers and addressing and abating any other violations.
- (4) Mobility equity fee
- (5) Device relocation fee
- (6) Device storage fee

Sec. 86-438 – Regulations regarding use of micromobility devices, bicycles and scooters.

- (a) *General operating requirements.* All persons operating micromobility devices, bicycles and/or scooters within the city shall comply with the following regulations:

- 1. Motorized bicycles, motorized scooters and bicycles shall not be operated on public sidewalks.
- 2. Scooters shall not be operated on public streets, and may be operated on public sidewalks.
- 3. Micromobility devices, bicycles and scooters operated by a micromobility system operator shall only be operated within the geo-fenced permitted deployment areas.
- 4. Micromobility devices, bicycles and scooters shall not be operated within any public or private parking garage.

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5. Micromobility devices, bicycles and scooters shall not be operated within any area designated for pedestrians only.
6. Micromobility devices, except scooters, are permitted for use on all bike lanes, buffered bike lanes and protected bicycle lanes, unless otherwise posted.
7. Micromobility devices shall not be operated by users under the age of 16.
8. Helmets shall be worn for users under the age of 18.
9. Micromobility devices, bicycles and scooters shall have only one rider.
10. Use of public sidewalks for scooters must not:
 - i) Inhibit pedestrian movement;
 - ii) Inhibit the ingress and egress of vehicles parked on- or off-street;
 - iii) Create conditions which are a threat to public safety and security.
7. Use of public sidewalks for parking micromobility devices, bicycles or scooters must not create conditions which are a threat to public safety and security.

(b) *Parking and return.*

- (1) Micromobility devices, bicycles and scooters shall be returned to and parked in designated corrals, racks, and/or stations, or returned to the operator, as directed, and not otherwise left on the sidewalk or street.
- (2) Micromobility devices, bicycles and scooters shall be parked in an upright position at all times.
- (3) Micromobility devices, bicycles and scooters shall be locked and attached to a fixed object and not blocking pedestrian use of the sidewalk. Users shall right a fallen device, bicycles or scooter.
- (4) Micromobility devices, bicycles and scooters shall not be parked in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.
- (5) Micromobility devices, bicycles and scooters shall not be parked:
 - i. In a manner that inhibits pedestrian movement or blocks the clear pedestrian zone area of the sidewalk;
 - ii. Within in 15 feet of any fire hydrant or blocks any other emergency facility;
 - iii. Blocks any utility pole or box;
 - iv. Blocks street furniture that requires pedestrian access (for example - benches, parking pay stations);
 - v. Blocks any transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging area;
 - vi. Blocks any existing docked bikeshare stations;
 - vii. Blocks any handicap accessible parking zone or facility;

- viii. Blocks or within any loading zone;
 - ix. Blocks any curb ramp;
 - x. Blocks any business or residential entryway or driveway;
 - xi. Blocks any parklets;
 - xii. Blocks any bicycle paths or vehicular travel lanes;
 - xiii. Within any on-street parking spot;
 - xiv. Inhibits the ingress or egress of vehicles parked on street; or
 - xv. Create conditions which are a threat to public safety and security.
- (6) The city may designate geofenced areas where micromobility devices, bicycles and scooters shall not be parked.

Sec. 86-439 – Enforcement.

- (a) Violations of this article may be enforced by one or more of the following means. The provisions of chapter 26 are additional and supplemental means of enforcing city codes or ordinances. Nothing contained in this article shall prohibit the city from enforcing its codes or ordinances by any other means.
- (b) *Revocation.*
 - (1) The violation of the terms and conditions of this code which endanger the public health, safety and welfare, repeated violations of this article, the violation of the terms and conditions of the micromobility system permit, or the violation of any other applicable federal, state or local law or rule, shall be cause for revocation of the micromobility system permit.
 - (2) The submission of false or inaccurate information in the micromobility system permit application or in the required operational reports or failure to provide such reports, failure to provide the required data sharing, or failure to make payment of fee or charges shall be cause for revocation of the micromobility system permit.
 - (3) The city may revoke a micromobility system permit and shall provide notice of such revocation, and the reasons therefor, by certified mail, addressed to the micromobility system operator at the address contained in its permit application or to its registered agent. The operator may appeal such revocation in accordance with the procedures set forth in sec. 86-441 of this code.
- (c) *Traffic laws.* Violations of the traffic and parking laws of the state and city may be enforced in accordance with sec. 86-4 of this code and as otherwise provided by law. Notices of the issuance of tickets and/or citations for such violations may be reported to the micromobility system operator.
- (d) *Special Magistrate.* Violations of this article may be enforceable pursuant to sec. 26-33 of this code and F.S.. ch. 162.
 - (1) Citations and notices to appear may be issued to micromobility system operators and users or drivers of micromobility devices, bicycles and scooters in accordance with chapter 26, article III of this code, for violations of this article. A

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reasonable time period to correct the violation shall not be required. Each violation of this article shall constitute a separate offense.

- (2) Notices of violation requiring a hearing before a special master may be issued to a micromobility system operator and users or drivers of micromobility devices, bicycles and scooters in accordance with chapter 26, article II of this code, for violations of this article. A reasonable time period to correct the violation shall not be required. Each violation of this article shall constitute a separate offense. A separate notice of violation may be issued once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed.
- (e) Violations of this article shall constitute a misdemeanor enforceable in accordance with section 1-13 of this code, and may also be enforced by an injunction or other legal or equitable relief in the circuit court against any person violating this article, or by both civil injunctive and criminal relief.
- (f) A micromobility system operator may be required under the micromobility system permit to take specific enforcement actions against its users in accordance with sec. 86-440.

Sec. 86-440. - Fines and penalties; appeals.

- (a) The following civil fines shall be imposed for violations of this chapter:

- (1) Offense by the micromobility system operator / permit holder:

First offense: \$250 per device

Second offense (within one year of first offense): \$500 per device

Third offense (within one year of the first offense) and each offense thereafter: \$1,000.00 fine per device.

More than six offenses in any 12-month period may result in revocation of permit, in addition to any fine imposed.

- (2) Offense by a user or rider of a micromobility device, bicycle or scooter:

First offense: \$20

Second offense (within one year of first offense): \$40

Third offense (within one year of the first offense): City may request that the rider's account with the micromobility system operator be frozen, prohibiting rental of a micromobility device, bicycle or scooter, until rider completes a safety course, plus a \$60 fine.

For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special magistrate.

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- (b) A violator who has been served with a notice of violation in accordance with chapter 26, article II of the City Code shall elect either to:
 - (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a special magistrate to contest the decision of the code inspector that has resulted in the issuance of the notice of violation.
- (c) The named violator may request an administrative hearing before the special magistrate by filing a written request for hearing with the special magistrate's office within ten days of the date of the notice of violation. A notice shall be provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings.
- (d) Failure of the named violator to appeal the notice of violation within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and the special magistrate may assess penalties accordingly.
- (e) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien.

Sec. 86-441 – Appeal.

- (a) *Appeal of permit revocation.* Micromobility system operators who have been subject to a permit revocation may appeal the revocation of such permit to the city commission. Should an operator seek an appeal from the revocation, the operator shall furnish notice of such request for appeal to the city clerk no later than ten business days after the date of mailing of the certified letter informing the operator of the revocation of the permit. Upon receipt of a request for appeal, the city clerk shall fix the date and time at which the city commission shall hear the appeal, such hearing to be held no more than 60 days subsequent to the date upon which such request for appeal was filed with the city clerk. Upon setting the matter for hearing, the city clerk shall notify the operator of the date and time of such hearing. At the conclusion of the hearing, the city commission shall either sustain the decision of the mayor or direct the mayor to reinstate the permit.
- (b) *Appeal of special magistrate decision.* Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.

SECTION 3. The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86- Traffic, Article I – In General, at Section 86-1 – Definitions, to amend the following definitions which shall read as follows:

Sec. 86-1. - Definitions.

Nonmotorized vehicle means any rickshaw, animal-drawn vehicle, ~~bicycle pedal-~~ powered or other opened or closed vehicle with two or more wheels, commonly referred to as a rickshaw, pedicab or pedestrian cab, operated by one or more individuals for the purpose of, or capable of, transporting passengers in seats or a platform made as a part of the vehicle. This definition shall include human and animal-propelled vehicles, but shall not include bicycles, bicycles designed for two persons, tricycles designed for one person, scooters, wheelchairs or other vehicles designed and used for the transportation of the handicapped.

SECTION 4: Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Severability. Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: Codification. Authority is hereby granted to codify the text amendments set forth in Sections 2 and 3 of this Ordinance.

SECTION 7: Effective. This Ordinance shall take effect in accordance with law.

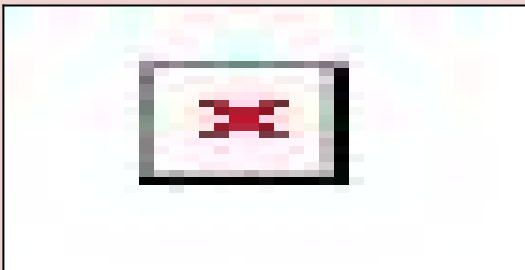
[SIGNATURES ON FOLLOWING PAGE]

FIRST READING THIS 26TH DAY OF AUGUST, 2019.

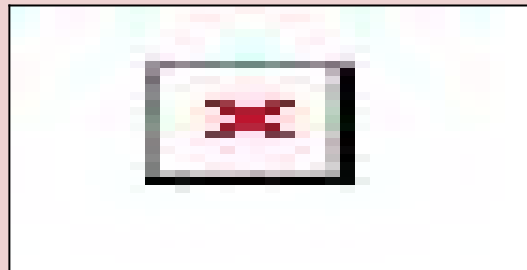
SECOND READING AND PASSAGE THIS 7TH DAY OF OCTOBER, 2019.



ATTEST:



**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**



**APPROVED AS TO FORM AND
LEGALITY:**

