

ORDINANCE NO. 2020-70

An Ordinance of Osceola County Board of County Commissioners, enacting Article VII “Micro-Mobility Devices” of Chapter 18 of the Osceola County Code; Providing for Severability; Providing for Conflict; Providing for Inclusion into the Code; Providing for Filing with the Department of State; Providing for an Effective Date.

WHEREAS, there has recently been an influx of micro-mobility devices within Osceola County; and

WHEREAS, these devices may be left on County rights-of-way or County property, including sidewalks, blocking pedestrian access, and creating potential public safety hazards throughout unincorporated Osceola County; and

WHEREAS, this ordinance shall apply to all unincorporated areas of Osceola County; and

WHEREAS, the owners of these micro-mobility devices have been operating within the County without prior approval or authorization; and

WHEREAS, the County has received numerous complaints about devices abandoned on private property, and County rights-of-way and property, and other public property, including sidewalks and alleys; and

WHEREAS, abandoned or improperly deployed micro-mobility devices can impede the safe use of public rights-of-way, property and sidewalks, and create public safety hazards and violations of the Americans with Disabilities Act; and

WHEREAS, Osceola County is a major tourist destination visited by travelers from across the world; and

WHEREAS, the popularity of scooters with visitors or those unfamiliar with micro-mobility devices and restrictions on the safe placement of such devices may cause an increase in accidents of micro-mobility users, pedestrians, and vehicle operators; and

WHEREAS, the County recognizes the value of such last-mile micro-mobility devices, and the desire of County residents and visitors to use such devices; and

WHEREAS, it is further the intent of the County to encourage the use of alternate modes of transportation which, from an environmental standpoint, are energy-efficient and output low emissions; and

WHEREAS, the County takes notice of the fact that the character, layout and design (including design speeds) of certain County roads and County property, and other public roads

and property within the community lend themselves to the operation of micro-mobility devices thereon; and

WHEREAS, the County has a right and duty to act in the best interest of the County in an effort to protect and enhance the public health, safety, and welfare of its residents and visitors; and

WHEREAS, Florida Statutes Chapter 316.008 and 316.2128 authorize counties and municipalities and permit a local government exercising its powers under Florida Statutes Chapter 316.008 to govern the operations of micro-mobility devices through an adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. That the forgoing “WHEREAS” clauses are hereby ratified and confirmed as true and correct and are hereby made a specific part of this Ordinance upon adoption

SECTION 2. Chapter 18 of the Osceola County Code, is hereby amended by the addition of a new Article VII “Micro-Mobility Devices,” as follows:

CHAPTER 18

ROADS, BRIDGES, STREETS, ALLEYS AND SIDEWALKS

* * * *

ARTICLE VII. - MICRO-MOBILITY DEVICES

Sec. 18-130. Intent.

Pursuant to Florida Statutes, Section 316.2128 (2019), it is in the intent of the Board of County Commissioners of Osceola County to allow and authorize the operation of shared micro-mobility devices on County rights-of-way and County property, and other public roads and property within the County, under the conditions, restrictions and with the exceptions, specified herein. This ordinance is not intended to regulate private property. This article shall apply to all unincorporated areas of Osceola County

Sec. 18-131. Definitions.

The following words and phrases when used in this Ordinance shall have the definitions set forth in this section. Whenever any words or phrases used in this Ordinance are not defined herein, but are defined in the Florida Statutes and any amendments thereto, such definitions shall apply.

(a) *Bicycle Path*: Any road, shared-use path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way, or within an independent right-of-way, or other public road property used for a similar purpose.

(b) *Docking Station*: A bicycle rack controlled by a bike share company or a scooter or micro-mobility device rack controlled by a company.

(c) *Geofencing*: The use of GPS or RFID technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device or micro-mobility device enters or leaves a particular area.

(d) *Micro-mobility Device*: Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in Florida Statute 316.003.

(e) *Motorized Scooter(s)*: Any vehicle or micro-mobility 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 as defined in Florida Statute 316.003.

(f) *Staging*: The orderly parking and rebalancing of micro-mobility devices within the public right-of-way or property.

(g) *Sidewalk*: That portion of a street between the curblane, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians as defined in Florida Statute 316.003.

Sec. 18-132. Operator / Safety Criteria.

In order to ensure the safe operation of micro-mobility devices within the County, operation of micro-mobility shall be permitted in accordance with, and subject to, the following criteria, restrictions and exceptions:

(a) Micro-mobility devices may only be operated on designated roads, sidewalks and bicycle paths and County rights-of-way or property and other public roads and property, as approved by the Board of County Commissioners of Osceola County and supported by an engineering study.

(b) Applications to allow micro-mobility devices on designated roads, sidewalks and bicycle paths may only be submitted by a homeowner of a self-contained community, or, if the community is governed by a homeowners association (HOA), an officer or board member of the HOA, or, if in a commercial district, by a business association or property owners' association

(POA) representing more than 15 licensed business owners, or represented by a Common Facilities District (CFD), or a special district duly organized under Florida law.

(1) Applications must include, but not be limited to, the following:

- a. A petition demonstrating community support by at least 51% of the homeowners of a self-contained community OR at least 51% of the members of an HOA OR at least 51% of businesses in the commercial district or commercial property owner's association boundary, or CFD, or at least 51% of all homeowners within a special district's boundary proposed to be served by micro-mobility devices. All associations, special districts and other legal entities submitting an application, shall also provide a resolution duly adopted by the governing body supporting the application.
- b. Defined permitting parameters for operators including, but not limited to:
 - i. A detailed description of where micro-mobility devices are proposed to operate, including any and all streets, bicycle and multi-use paths, parks, alleys, sidewalks and/or other property.
 - ii. Designated staging areas and docking stations, including plans to comply with all ADA requirements so as not to block access to streets, sidewalks, buildings, etc.
 - iii. Fleet size
 - iv. Proof of operator insurance and performance bond and hold-harmless indemnification for Osceola County and the petitioning HOA, POA, CFD, special district or other legal entity. No operator may be self-insured.
 - v. Emergency maintenance plans in the event of a hurricane, special events or other natural disaster, that addresses when micro-mobility devices must be removed from an area for safe storage.
 - vi. Safety plans, including helmet requirements, speed limits, geo-fencing and other safety-related issues.
 - vii. Enforcement plans (including fines) that the community or commercial district will impose in the event of a violation, including notice of termination of services
 - viii. Public information/public awareness plans that the community will implement to monitor and respond to micro-mobility activities

(2) Upon verification of the petition and receipt of an application, Osceola County Engineering staff will conduct a traffic engineering study to determine if micro-mobility devices may safely travel on or across proposed public rights-of-way or property based upon the speed, volume, and character of the vehicle traffic using the affected rights-of-way or property. The results of the study and finding of the Engineer shall be final and not appealable. If an applicant is denied, the applicant must wait a minimum of one-year from the date of the previous study before submitting another application and petition, however Osceola County reserves the right to reject repeat

applications should it be deemed that conditions have not substantially changed to warrant the use of micro-mobility devices.

- (3) A study fee will be assessed to the applicant. The study fee is non-refundable, regardless of the outcome of the study, and shall be paid prior to beginning the study.
- (4) The study shall include an analysis of the following:
 - a. Study limits, including geo-fencing requirements to allow operations only within approved limits
 - b. Historical crash data, incident reports, and ticketing data for a minimum of 3 years
 - c. Spot speed study
 - d. Micro-mobility warrant analysis
 - e. Design characterizes of community (i.e., new urbanism or other architectural design style, community alleys, narrow rights-of-way, pathway networks, one-way or other limited access streets, locations of schools, emergency vehicle limitations, etc.).
 - f. Operating hours
 - g. Age restrictions
 - h. Safety plans
 - i. Enforcement measures
 - j. Public Information/public awareness plans
 - k. Insurance requirements, including Osceola County indemnification of Osceola County and the petitioning HOA, POA, special district or other legal entity.
 - l. Recommendation – to be accompanied by an assessment on whether nighttime operation will be permitted, designation of the County rights-of-way or property where micro-mobility devices are allowed and/or prohibited, and the locations and defined staging areas and docking stations,
- (5) Once an application is approved, it will be presented to the Board of Commissioners of Osceola County for final approval, modification, rejection and/or implementation through the adoption of an amendment to this ordinance.

The amendment to the ordinance shall clearly identify the limits and boundaries of approval, and provide operator safety criteria and enforcement information.

Sec. 18-133. Posting of Appropriate Signs.

Osceola County approved static sign panels shall be installed by the County to clearly designate the limits of enforceable action. The cost of the signs and labor to install the signs will be borne by the applicant.

Sec. 18-134. Violations.

Any violation of the terms and conditions approved in the Ordinance shall be subject to fines not to exceed \$500 per violation or, in the event of a violation that is continuing in nature, in the amount of \$500 per day until such conditions are deemed corrected by the County, so as to offset any enforcement and inspection costs incurred by the County. The County or other public entity on the entity owned property shall have the authority to remove and impound any micro-mobility device parked left unattended or otherwise abandoned upon any roadway, sidewalk, path, alley or other public property not designated as required herein for operation of, staging and/or docking of micro-mobility devices.

A public entity shall enter into an Interlocal Agreement with the County confirming and providing the County with enforcement authority for the County to enforce and impose fines for violations of all restrictions prohibiting the use of micro-mobility devices on public property within the boundaries of the public entity.

SECTION 3. SEVERABILITY

If any portion of this Ordinance, or application thereof, is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application and, to that end, the provisions of this Ordinance are deemed and declared severable.

SECTION 4. EFFECTIVE DATE

Within 10 days after enactment by the Board of County Commissioners, a certified copy of the ordinance shall be filed with the Department of State and will be effective upon 90 days from the date of filing.

DONE AND ADOPTED this 19th day of October, 2020.

BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA

By: *Theresa Janor*
Chair/Vice Chair

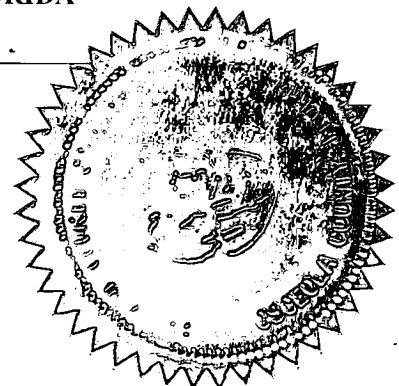
**ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD**

By: *Elizabeth Warren*
Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

October 19, 2020

Ordinance #2020-70





FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 20, 2020

Ms. Elizabeth Warren, Board Support Specialist
Osceola County
1 Courthouse Square, Suite 2401
Kissimmee, Florida 34741

Dear Ms. Warren:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2020-70, which was filed in this office on October 20, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb