

ORDINANCE NO. 21-535

AN ORDINANCE DECLARING, ESTABLISHING, AND IMPOSING AN ADDITIONAL NINETY DAY TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY AUTHORIZATIONS, PERMITS OR FRANCHISES PERTAINING TO MICROMOBILITY HUBS, THE USE OF, OR THE OFFERING FOR HIRE, MICROMOBILITY DEVICES INCLUDING, BUT NOT LIMITED TO, MOTORIZED SCOOTERS, AND SCOOT COUPES, WITHIN THE INCORPORATED AREA OF THE CITY OF BRADENTON BEACH IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS FOR SUCH USES IN THE CITY; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the Florida Legislature recently enacted House Bill 453, related to motorized scooters and micromobility devices, which amended Chapter 316, State Uniform Traffic Control; and

WHEREAS, Florida Statute 316.003(38) defines a "micromobility device" as "[a]ny motorized transportation 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;" and

WHEREAS, Florida Statute 316.003(45) defines a "motorized scooter" as "[a]ny vehicle or micromobility 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;" and

WHEREAS, Florida Statute 316.2128(1) grants micromobility devices and motorized scooters "all of the rights and duties applicable to the rider of a bicycle," including the right to operate motorized scooters on sidewalks, streets, and trails; and

WHEREAS, Florida Statute 316.2128(1) allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the City is aware of other cities which have experienced negative impacts to the safety and/or welfare of the public by the unregulated use of personal transportation vehicles, such as micromobility devices, including, but not limited to users unfamiliar with the area, as well as how to operate micromobility devices, increasing safety risks for themselves and others and shared use programs result in micromobility devices being left unattended and parked or leaned on walls or sidewalks, thereby creating a hazard and impediment to accessibility for pedestrians and persons with mobility challenges; and

WHEREAS, the City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and alleviate parking issues; and

WHEREAS, the City desires to analyze the situations which have occurred in other cities and evaluate and make recommendations for regulations which will encourage the sharing of micromobility devices and/or other personal transportation vehicles in the public right-of-way in a manner which will better promote the safety and general welfare of the City, its residents, and visitors; and

WHEREAS, the City Commission finds and declares a need to temporarily prohibit the offering for hire of motorized scooters and micromobility devices within the City, in order to allow for the development of regulations for such uses; and

WHEREAS City staff has met on multiple occasions and drafted a preliminary set of regulations amending the Land Development Code of the City of Bradenton Beach and, prior to adoption of said regulation, it must be reviewed by the Land Planning Agency for the City; and

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Extended. That the temporary moratorium, imposed by City Ordinance Nos. 20-524 and 20-526, providing for a suspension on the issuance of on the issuance of any authorizations, permits or franchises pertaining to micro mobility hubs, storage, the use of, or the offering for hire, micromobility devices including, but not limited to,

motorized scooters, and scoot coupes, within the incorporated area of the City of Bradenton Beach, is hereby extended.

Section 3. Moratorium. A temporary moratorium of 90 days is hereby imposed on the storage, use and offering for hire of motorized scooters or micromobility devices within the corporate limits of the City of Bradenton Beach.

Section 4. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 5. Repeal. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Section 6. Scrivener's Error. Staff shall be vested with the authority to correct any scrivener's errors and to renumber this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption. This Ordinance shall be effective retroactive to September 1, 2020. The temporary moratorium shall terminate 180 days from the date adopted by the City Commission, unless the City Commission rescinds or extends the moratorium by subsequent ordinance. This moratorium has been established for the minimum time period anticipated by the City to complete an analysis for the development of regulations of motorized scooters and micromobility devices.

PASSED AND DULY ADOPTED with a quorum present and voting this 3rd day of June, 2021.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.

BY: 
JOHN CHAPPIE, MAYOR

ATTEST: 
TERRI SANCLEMENTE, CITY CLERK