

**CITY OF OAKLAND PARK, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT**

AGENDA ITEM NO. 3

MEETING DATE: 2/6/2019

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DEPARTMENT HEAD APPROVAL: ECD Engineering

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SUBJECT: An Ordinance amending Chapter 21 creating Article IV prohibiting shared mobility device programs without a valid fully executed memorandum of understanding with the City or has obtained approval from the City through an established process.

1. BACKGROUND/HISTORY

Issue Statement: Section 316.008, Florida Statutes, provides that a municipality may enact an ordinance to permit, control or regulate the operation of vehicles, motorized vehicles, and electric personal assistive mobility devices with certain limitations. Staff proposes amending Chapter 21 by creating Article IV to prohibit shared mobility device programs without a valid fully executed memorandum of understanding with the City or unless approval from the City has been obtained through an established process.

Recommended Action: City Commission approval of the attached Ordinance amending Chapter 21 creating Article IV to prohibit shared mobility device programs without a valid fully executed memorandum of understanding with the City or unless approval from the City has been obtained through an established process.

2. CURRENT ACTIVITY

The South Florida Tri-County area has experienced an influx of dockless scooters. Florida State Statute currently prohibits electric scooters and other enumerated personal mobility devices unless specifically allowed by a City. However, the attached bills, filed in the State Senate and House (SB 452/HB453) for the Legislative Session that begins on March 4th, address scooter regulations at the state level and may place limits on municipal home rule of this matter.

Staff has actively engaged in researching the success and challenges of other local ordinances. The passage of a local ordinance will allow the City time to assess the benefits, issues, and orderly implementation of a shared mobility program.

In line with the current State Statute, the proposed City ordinance will prohibit the operation of motorized/electric vehicles on city sidewalks and also prohibit the operation of programs for shared mobility devices unless approved by the City. The proposed ordinance will provide the City the future ability to consider and establish an approval process, should that be the direction of the City Commission, for shared mobility devices to be permitted within the City.

A summary of the proposed City ordinance is as follows:

Definitions:

- **Motorized/Electric Vehicles** are defined as vehicles including but not limited to golf carts, mopeds, electric bicycles, segways, electric skateboards, and motorized scooters, not registered with the state, designed to transport persons, and propelled by power other than muscular power.
- **Shared Mobility Device** is defined as a program generally, in which mobility devices, including but not limited to bicycles and motorized/electric scooters are made available for shared use to individuals on a short-term basis for a fee.

Operation of Motorized/Electric Vehicles along City sidewalks and sidewalk areas:

- **Who can use them:** Only permitted under the Americans with Disabilities Act.
- **Are they allowed on a sidewalk and sidewalk areas:** No

- **Violation:** A violation of this section shall be a traffic infraction and is punishable by any allowable fine or action applicable under Florida law.

Operation of a Shared Mobility Device program:

- No person or company shall display, offer or make available for rent within the City unless the person or company has: (1) a valid fully executed memorandum of understanding with the City or (2) has obtained approval from the City through an established process.
 - **Violation:** A violation of this section shall be considered a code enforcement violation and is punishable with a fine. Each day the person or company with ownership of the Shared Mobility Device has the Shared Mobility Device in the City in violation of this section shall be considered a separate instance and a separate violation of this section.
 - **Impoundment:** A Shared Mobility Device found the City right -of-way or private property without permission shall be subject to immediate impoundment by the City.

3. FINANCIAL IMPACT

A resolution establishing the fees will be presented along with second reading of the ordinance.

4. RECOMMENDATION

City Commission approval of the attached Ordinance amending Chapter 21 creating Article IV to prohibit shared mobility device programs without a valid fully executed memorandum of understanding with the City or unless approval from the City has been obtained through an established process.

ATTACHMENTS:

[Draft Ordinance](#)

[Proposed Senate Bill 542](#)

[Proposed House Bill 453](#)

[Media Articles](#)