

**ORDINANCE NO. 4861-19: 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.**

**RESOLUTION NO. 275-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THE COMPREHENSIVE FEE SCHEDULE TO ESTABLISH THE FEE SCHEDULE FOR A MICROMOBILITY SYSTEM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 22621](#)

**Staff Recommended Motion:**

Approve Ordinance No. 4861-19 at Second Reading.

Approve Resolution No. 275-19.

**Background:**

The recent adoption of the City's Mobility Plans, by Resolution No. 134-18, has generated interest in the establishment of various transportation alternatives within the City of West Palm Beach, including the establishment of mobility "micro hubs" for the sharing of bicycles, scooters and/or other micromobility personal transportation vehicles.

The City's Comprehensive Plan, in its 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 linkage. Goal 2.1 of the Transportation Element of the Comprehensive Plan 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 Goal 2.3 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."

The City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and in accordance with the Mobility Plans. Local governments across the country are experiencing the increased integration of new technology platforms into their transportation systems. One area where this growth is moving at a fast pace is the deployment of dockless micromobility, such as bikes, including electric assist, and electric scooters. While dockless micromobility offers great opportunities to reduce congestion and help local governments meet goals around reduction

in greenhouse gas emissions, these new technologies are challenging to regulate since they often do not fit neatly into existing ordinances and laws. They can also pose safety and privacy risks to users and thus it is important that local governments carefully consider if and how to regulate them.

Today, in its most popular form, micromobility encompasses shared fleets of small vehicles like bikes, scooters, e-bikes, and e-scooters. Their popularity is booming: In 2018, 84 million trips were taken on shared bikes and scooters in the U.S., doubling shared micromobility use from the previous year. Some communities are moving forward with the deployment of dockless micromobility by releasing a request for proposals to determine which firms not only have the experience and qualifications to operate within a community, but also have operational goals that align with the stated vision for dockless micromobility in the request for proposals. City staff is aware of other cities within our nation where the safety and/or welfare of the public have been negatively impacted by the unregulated use of personal transportation vehicles, such as scooters and bicycles. Some cities have found that, while bike rentals like those in West Palm often have set locations for renting and returning, docking areas, scooter rentals frequently operate as dock-less systems, which means they can be left about when no longer in use, blocking sidewalks and ADA access. 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.

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. By state law, electronically powered bicycles and scooters may not operate on the sidewalk. The City also 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.

Previously adopted Ordinance No. 4810-18, authorized a temporary moratorium upon the acceptance of applications and the issuance of permits or franchises pertaining to micro mobility hubs, including but not limited to bicycle or scooter sharing, in order to facilitate the development and adoption of regulations and standards for the permitting and operation of such micro mobility systems within the City. Ordinance No. 4843-19 extended the temporary moratorium until September 23, 2019.

Ordinance No. 4861-19 amends the Code of Ordinances at Chapter 86-Traffic, to create Article VII -Micromobility System and Devices. The Ordinance requires that operators of commercial micromobility systems (including e-bikes, e-scooters, bicycles and scooters) must have a permit from the City in order to operate on City streets. The requirement does not apply to tour operators that provide tours by segway or other personal transportation device and who commence and return to the same location. The ordinance also establishes regulations for the operation of micromobility devices on public streets and sidewalks.

The Ordinance establishes requirements for a micromobility system permit, including any requirements established in the permit and license, along with regulations for operation of the system. Such regulations include, but are not limited to:

- No rental of devices to persons under 16 years of age, and helmets are required to be worn by all persons under age 18.
- The system operator must require all devices to be parked and returned to designated locations.
- The system operator must perform relocation and rebalancing of devices throughout the day to provide sufficient availability and throughout the deployment area and avoid overconcentration in a particular area.
- The system operator must monitor devices and right fallen devices, collect inoperable or damaged devices and devices outside of the permitted area.
- The operator must have customer service available for its users and the City, 24 hours per day, seven days per week.
- The system operator must provide forms of transportation equity, so that a user without a smart phone or without a credit card or bank account can still use the system.
- The system operator must also share real-time data related to the use of micromobility devices, including type of device, travel, user demographics, and revenue.
- The system operator must provide racks, corrals or other parking locations and fixtures, to be determined in conjunction with the City. The design of such fixtures would be brought to the City Commission for face of the City approval.

By obtaining a micromobility system permit and operating a micromobility system, a system operator agrees to indemnify the City 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.

Additionally, the City reserves, the power to modify the micromobility system, 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.

Ordinance No. 4861-19 also establishes requirements for the features and functions of micromobility devices, bicycles and scooters, including requirements for front and rear lights, the ability to stand upright, a tracking devise, ability to be geo-fenced, and maximum motor speeds.

Ordinance No. 4861-19 also provide enforcement methods and fines and penalties for ordinance violations by both the system operator and users operating devices on City streets and sidewalks

It is the intent of the City to competitively select one system operator to be permitted to operate within the City, and to provide the full spectrum of micromobility devices, bicycles and scooters. The selected operator may subcontract with other firms, if necessary, to provide all forms of devices.

The City has prepared an RFP (Request for Proposals) from companies that would provide rental bikes, e-bikes and e-scooters for use downtown and elsewhere in the City. The selected firm would be issued a permit and license to operate within the City.

Resolution No. 275-19 the fee schedule related to the micromobility system, which includes an application fee, an annual license fee, per device charges, charges in the event the City must relocate or remove and/or store a device, a \$1 per device charge to be used for transportation equity programs, and a charge for future costs of repairing or maintaining rights-of-way damaged by the system operator or its users.

**Fiscal Note:**

Approval of the Micromobility System Fee Schedule will assist in funding the City's costs for regulation of such micromobility system.

**12. Public Hearing and First Reading of Ordinance No. 4870-19 amending Section 2-61 of the City's Code, relating to city board appointee eligibility requirements.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES AND COMMISSIONS), SECTION 2-61 (APPOINTMENT POLICIES) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO ALLOW DUAL APPOINTMENT IN CERTAIN CIRCUMSTANCES; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22636](#)**

**Staff Recommended Motion:**

Approve Ordinance 4870-19 at First Reading and schedule for Second Reading.

**Background:**

The City of West Palm Beach Charter, Section 3.01 provides that the Mayor has the power to appoint and remove the members of boards, committees and commissions, except as required by state law to be made by the city commission as the governing body of the city. Section 2-61 of the City of West Palm Beach Code of Ordinances provides that the mayor shall be governed in exercising powers of appointment to boards, committees and commissions ("boards") within certain enumerated restrictions. Specifically, subsection (3), provides at the time of appointment, appointees may only serve on one city board at a time. This restriction prevents appointees who may have more than one area of expertise or institutional knowledge from serving on more than one city board, regardless if the appointment is to a quasi-judicial (i.e., fact finding) board or not.