



AGENDA ITEM COVER PAGE

File ID: #11135

Ordinance

First Reading Ordinance

**Sponsored by: Alex Diaz de la Portilla, Commissioner, Ken Russell,
Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," MODIFYING AND PROVIDING FOR ADDITIONAL SAFETY MEASURES AND OTHER REGULATIONS; AND ADDING DIVISION 2 TO PROVIDE FOR THE PERMANENT MOTORIZED SCOOTER PROGRAM; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.



City of Miami

Legislation

Ordinance

File Number: 11135

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," MODIFYING AND PROVIDING FOR ADDITIONAL SAFETY MEASURES AND OTHER REGULATIONS; AND ADDING DIVISION 2 TO PROVIDE FOR THE PERMANENT MOTORIZED SCOOTER PROGRAM; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 13795 adopted on October 11, 2018, the City Commission established a Motorized Scooter Pilot Program ("Pilot Program") within City of Miami ("City") Commission District 2 for a period of six (6) months; and

WHEREAS, due to permitting, information technology, technical, and other issues, the rollout for the Pilot Program was delayed; and

WHEREAS, pursuant to Ordinance No.13862 adopted on September 26, 2019, Resolution No. R-19-0520 adopted December 12, 2019, and Resolution No. R-20-0040, the Pilot Program was extended to April 15, 2020 for the City's Administration to pursue a thorough and competitive sealed solicitation process for the establishment of a permanent Motorized Scooter Program ("Permanent Program"); and

WHEREAS, on September 24, 2020, pursuant to Resolution No. R-20-0297, the City Commission extended the Pilot Program until the execution and rollout of a Permanent Program or until the end of the Pilot Program pursuant to Section 2-33(c)(9) of the City Code, whichever is sooner, subject to the issuance of an emergency order by the County Mayor modifying or repealing Miami-Dade County Emergency Order No. 05-20 to allow the Pilot Program to resume; and

WHEREAS, there were also delays in the Pilot Program due to the Novel Coronavirus pandemic; and

WHEREAS, as a result of unsafe conditions posed by the scooters and numerous accidents reported in the City rights-of-way, the City Commission rescinded Resolution No. R-20-0297 pursuant to Resolution No. R-21-0464 adopted on November 18, 2021, thereby terminating the Pilot Program; and

WHEREAS, during a Special City Commission meeting held on November 29, 2021, the City Commission passed a Resolution rescinding Resolution No. R-21-0464, thereby reinstating the Pilot Program, and directing the City Manager to immediately implement certain safety measures; and

WHEREAS, also during the Special City Commission meeting held on November 29, 2021, there was a request for an ordinance to codify additional safety measures for the Pilot Program and the eventual Permanent Program;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 8 of the Code of the City of Miami, Florida, as amended ("City Code"), is further amended in the following particulars:¹

"CHAPTER 8

BICYCLES, SKATEBOARDS, SCOOTERS AND OTHER SIMILAR DEVICES

ARTICLE I – GENERALLY

Sec. 8-1. Definitions.

For the purposes of this chapter, the term "bicycle," "bicycle path," "moped," "pedestrian," "motorized scooter," "sidewalk," "street," and "vehicle," shall have the meanings ascribed to them in F.S. § 316.003, as amended, as may be further defined in this Chapter. "Scooter" or "skateboard" shall mean any vehicle not having a seat or saddle for the use of the rider, designed for travel by human propulsion and "other similar devices" shall refer to any vehicle or apparatus intended to propel a person by either human power or an electrical, mechanical or other power source.

Sec. 8-2. Applicability of chapter.

This chapter shall apply whenever a bicycle, moped, motorized scooter, scooter, skateboard, or other similar devices are operated on specifically designated areas of the city set forth below and to the operation of bicycles upon any street, or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

* * *

Sec. 8-7. Penalties for violation of this chapter.

Every person guilty of a violation of any provisions of this chapter shall be punishable by a fine of not more than ~~\$25~~200.00.

ARTICLE II - MOTORIZED SCOOTERS

DIVISION 1 – MOTORIZED SCOOTERS PILOT PROGRAM

Sec. 8-8. Applicability, Policy Statement and Purpose.

This ~~Article~~ Division is supplemental to the general laws of the State of Florida, including Chapter 316, Florida Statutes, titled "State Uniform Traffic Control." All definitions from Sections 316.003 and 316.2128, Florida Statutes, are incorporated herein by reference, including the definitions of "Bicycle" and "Motorized Scooter", as may be further defined in this Chapter. This Article shall apply to any and all Motorized Scooters and Motorized Scooter Services operating within the corporate limits of the City of Miami ("City"), as permitted. This

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Article is intended to govern the operation of Motorized Scooters and Motorized Scooter Services within the City to ensure that they are consistent with the safety and well-being of all bicyclists, pedestrians, and other users of the public rights-of-way. This Article shall not apply to any sidewalk/sidewalk area funded by the Federal Government except as expressly allowed by United States Department of Transportation Secretary or as expressly allowed by 23 United States Code Section 217(h). The Pilot Program under this Article shall apply to the area of the City within City Commission District 2. Motorized Scooters are not authorized by the Pilot Program under this Article in any area of the City other than City Commission District 2.

Sec. 8-9. Definitions.

* * *

License shall mean the document by which a privilege is granted by the city to authorize a person to operate a motorized scooter service within its corporate limits. Any license issued in accordance with this article shall be nonexclusive.

Motorized Scooter(s). The term “Motorized Scooter(s)” shall have the meaning ascribed to it in Section 316.003, Florida Statutes, as amended. Motorized Scooter(s) are further defined, in the context of this Article, as a device, with an electric motor, designed to transport only one person, exclusively or in combination with the application of human power, which cannot attain a speed of more than ~~fifteen~~ ten (150) miles per hour in Bike Lanes or Streets without the application of human power on a level surface; or more than seven (7) miles per hour on any Sidewalk, Baywalk, or in Parks.

Motorized Scooter User. The term “Motorized Scooter User” shall mean a person driving a Motorized Scooter.

Motorized scooter service shall mean a system in which motorized scooters are made available for shared use to individuals on a short-term basis for a price or fee.

Operator shall mean an individual or company that has been issued a license pursuant to this article and/or pursuant to any appropriate procurement process, if approved by the city commission, as may be later determined by the city commission to be applicable, as outlined in chapter 18 of this Code.

* * * * *

Sec. 8-10. Rules and Regulations.

- (a) The City Manager, or his or her designee, may administratively issue, promulgate and establish additional rules and regulations, consistent with this Article and applicable state and federal laws, as determined to affect the policy of this Article. The Rules may include Standard Operating Procedures (“SOP”) addressing issues with persons under the age of eighteen (18) operating Motorized Scooters in violation of this Article. All additional rules and regulations shall be made available on the City’s website.
- (b) Pilot Program: Notwithstanding Section 2-33(c)(9) of the City Code, the City hereby continues the pilot program until agreements are signed with Operators pursuant to the Request for Proposals (“RFP”) (the “Pilot Term”), as may be extended subject to Section 2-33 of the City Code, for the continued operation of temporary Pilot Program Licenses within the boundaries of Commission District 2 or as authorized by Ordinance. Once the contracts are finalized pursuant to the RFP, this Pilot Program will automatically sunset and the Permanent Motorized Scooter Program as described in Division 2 of the this

Article will apply. As this Pilot Program is exempt from the time limitations of Section 2-33(c)(9), the Pilot Program will continue and this Ordinance will retroactively apply to Motorized Scooters insofar as there may be a gap in service due to the time limitations of Section 2-33 for Pilot Programs.

- (1) Operators shall have a maximum initial fleet of one hundred (100) Motorized Scooters. Operators participating in the first six (6) months of the Pilot Program enacted by Ordinance 13795 may retain their current fleet size. Operators commencing the Pilot Program on or after November 1, 2019 will have a maximum fleet size of fifty (50) Motorized Scooters during the first two (2) weeks of their participation, and thereafter one hundred (100) Motorized Scooters.
- (2) The City shall allow Operators to increase their fleet size on a monthly basis by a maximum of 25 percent (25%) if Operator's usage data demonstrates that their fleet provides on average more than three (3) rides per Motorized Scooter per day. The increase in vehicles on the street or sidewalk/sidewalk area shall not exceed the amount required to keep usage rates at or above three (3) rides per Motorized Scooter per day. The City may also require Operators to reduce their fleet size on a monthly basis by twenty-five percent (25%) if Operator's usage data demonstrates that their fleet provides on average less than two (2) rides per Motorized Scooter per day.
- (3) Notwithstanding Subsection (2), the City retains the right to require Operators to reduce their fleet size, to impose a cap on fleet sizes or on the number of Operators as is warranted, or cease operations in the event that Operators repeatedly fail to timely rebalance or remove vehicles blocking the right of way or provide timely responses to complaints received by the City, each as may be warranted.
- (4) There shall be a limit of two (2) Motorized Scooters per City block per Operator.
- (5) Operators may only make Motorized Scooters available from 6am until 9pm.
- (46) During the duration of the Pilot Program, Operators shall designate two (2) local operational staff who will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of scooters parked illegally, and providing public education.
- (57) On or before the expiration of this Pilot Program, the City Manager or his designee shall report to the City Commission on the status of the Pilot Program. Following the City Manager's report, the City Commission will consider the City's options relative to the Pilot Program including discontinuing, reinstating, or expanding the Pilot Program, authorizing the City Manager to issue a competitive solicitation for a more permanent Motorized Scooter License program, or such other measures as determined to be in the City's best interests.

Sec. 8-11. Application for Pilot Program License

- (a) A person may not operate, or cause or permit the operation of, a Motorized Scooter Service for the duration of the Pilot Program without first having obtained a valid Pilot Program License issued under this Article.
- (b) A person desiring to obtain a License shall make a written application in a form prescribed by the City Manager, or his or her designee, with the applicant being the person who will own, control, or operate the proposed Motorized Scooter Service.
- (c) An applicant shall file with the City a verified application statement that, at a minimum, contains the following:

- (1) The address of the applicant's operations center within the City, and the address of the applicant's corporate headquarters, if different from the address of the operations center;
 - (2) A witnessed signature of the applicant;
 - (3) Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the insurance required by the Article;
 - (4) Documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the payment and performance bond or irrevocable letter of credit required by this Article;
 - (5) Documentary evidence indicating that the applicant has applied for and received a current Certificate of Use, Business Tax Receipt, Occupational License, and similar permits and approvals, as applicable;
 - (6) An agreement to indemnify, hold harmless, and defend the City and the Department of Off-Street Parking, also referred to as the Miami Parking Authority ("MPA"), in a form acceptable to the City;
 - (7) The name of the person designated to receive any and all notices sent by the City to the Operator, including their mailing address, telephone number, and e-mail address; and
 - (8) The name of the person designated to Rebalance, remove, and/or relocate Motorized Scooter(s), including their mailing address, telephone number, and e-mail address.
- (d) The application, including new Applications and all Applications in relation to any extension(s), renewal(s), or reinstatements of the Pilot Program, shall be accompanied by a non-refundable licensing fee of \$50,000, which shall be used to offset any costs to the City and/or the Department of Off-Street Parking, also referred to as the MPA related to enforcement of this Section. Any excess licensing fees shall be designated for sidewalk/sidewalk area and/or street improvements within the Pilot Program Area. Any extension, renewal or reinstatement of the Pilot Program will require all Operators to comply with all requirements of the Pilot Program License, including payment of the fee, required insurance and bond.
- (e) A Pilot Program License shall expire at the conclusion of the applicable Pilot Program.
- (f) In the event that the Pilot Program is reinstated by vote of the City Commission, Pilot Program License(s) may be renewed following the same process set forth in this Section.
- (g) The City Manager, or his or her designee, reserves the right to cancel any License, if there is a violation of the Article, violations involving public health, safety or general welfare, failure to maintain the required insurance or bonding or otherwise comply with this Article, or for other good and sufficient cause as determined by the City Manager in his or her sole discretion.

Sec. 8-12. Motorized Scooter Fee.

In addition to the non-refundable licensing fee set forth in Section 8-11, Operators shall remit to the City a Motorized Scooter Fee in an amount of one dollar (\$1.00) per Motorized Scooter per day. The Motorized Scooter Fee shall be calculated monthly based on the number of scooters authorized by the City of the current period. Payments shall be paid in full by the Operators and received from the City within thirty (30) days of when invoiced. During the duration of the Pilot

Program, this Motorized Scooter Fee shall be designated for sidewalk/sidewalk area, and/or street improvements within Pilot Program Area.

Sec. 8-13. Motorized Scooter ~~Parking~~ Docking.

- (a) ~~Any and all~~ Motorized Scooters must be parked ~~on a Sidewalk or other hard surface, beside a bicycle rack, or at a city-owned location~~ on a docking station, which docking station shall display signage about the rules and regulations. Motorized Scooters may only be ~~parked~~docked on private property with the permission of the property owner.
- (b) Motorized Scooters may not be parked or docked at bicycle docking stations located on City and/or MPA property with an existing agreement.
- (c) Motorized Scooters must be upright while ~~parked~~docked.
- (d) Motorized Scooters may not be ~~parked~~ docked, in a manner that would impede normal and reasonable pedestrian access on a Sidewalk or in any manner that would reduce the minimum clear width of a Sidewalk to less than 3 feet.
- (e) Motorized Scooters may not be ~~parked~~ docked in a manner that would impede vehicular traffic.
- (f) Motorized Scooters may not be ~~parked~~ docked in a manner that would impose a threat to public safety or security.
- (g) Motorized Scooters may not be ~~parked~~ docked on a block where the Sidewalk is at any point less than 6 feet in width, or on a block that does not have Sidewalks.
- (h) Motorized Scooters may not be ~~parked~~ docked in a visibility triangle as defined in Section 54-1 of this Code, measured in accordance with Section 3.8.4 of Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, as amended.
- (i) Motorized Scooters must be ~~parked~~ docked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.
- (j) Motorized Scooters may not be ~~parked~~ docked in a way that blocks:
 - (1) Fire hydrants call boxes or other emergency facilities;
 - (2) Transit Facilities;
 - (3) Loading spaces or zones;
 - (4) Passenger loading spaces or zones, or valet parking service areas;
 - (5) Railroad tracks or crossings;
 - (6) Disabled or prohibited parking zones;
 - (7) Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);
 - (8) Window Displays;
 - (9) Building entryways; or
 - (10) Vehicular driveways.
- (k) Motorized Scooters that are parked or docked, in an incorrect manner must be ~~parked~~docked, removed and/or relocated by an Operator within two (2) hours of receiving notification from the City.
- (l) The City or the MPA may identify designated Motorized Scooter ~~parking~~docking zones in order to guide riders to preferred parking zones and assist with the orderly ~~parking~~ docking of Motorized ~~Vehicles~~ Scooters throughout the City.
- (m) Motorized Scooter Users should provide a picture of the ~~parked~~docked scooters at the end of their use so as to assure they are ~~not blocking pedestrian walkways, parked in a hazardous manner, etc.~~ In the event the City established any marked and designated motorized scooter parking corrals, scooters shall park in available spaces within such ~~corrals~~ properly docked.

- (n) ~~Parking v~~ Violations of this Section, including disabled parking space violations, will be subject to remedies as are provided by State Uniform Traffic Control laws, this Article, and Section 1-13 of the City Code, titled "General Penalty." Violations may be issued to Motorized Scooter Drivers or Operators. Remedies are cumulative and not exclusive.

Sec. 8-14. Operations; Remedies.

- (a) No one under the age of eighteen (18) shall operate a Motorized Scooter. Persons under eighteen (18) years of age may not be Motorized Scooter Users or passengers. No more than one (1) person, eighteen (18) years of age or older, may ride a Motorized Scooter at any one time. There shall be a fine of ~~one~~two hundred dollars (\$~~1~~200.00) imposed for each instance that an unregistered person is found to be a User or passenger. The Operator shall also be fined in the amount of two hundred dollars (\$200.00) for each instance of a minor found riding on or using a Motorized Scooter in its fleet.
- (b) Operators shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee. Operators ~~should encourage~~ must require the use of a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the Federal safety standard for bicycle helmets, Final Rule, 16 C.F.R. Part 1203.

Motorized Scooter Users shall be subject to all rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee, applicable to Motorized Scooter User, except those which, by their very nature, can have no application. The City Manager may consider the following factors in promulgating the rules: The National Association of City Transportation Officials recommendations, inclusive of, cities should require Licensees/Operators to come to agreement with the city on procedures and protocols for:

- extreme weather (e.g. blizzards, hurricanes, floods)
 - emergencies (e.g. earthquakes, fires, etc.)
 - special events (e.g. marathons, events, parades, film shoots, etc.)
 - maintenance (e.g. debris and trash removal) for small vehicle parking zones.
- Operators shall at all times maintain a staffed operations center within the City;

- (c) Operators shall maintain a twenty-four (24) hour customer service phone number prominently posted on each Motorized Scooter for customers and citizens to report safety concerns, make complaints, ask questions, or request that a Motorized Scooter(s) be relocated.
- (d) Operators shall provide the City with the contact information for someone who can Rebalance, remove, and/or relocate Motorized Scooter(s). The Operator shall Rebalance, remove, and/or relocate a Motorized Scooter(s) within two (2) hours of receiving notification from the City. An Operator shall notify the City within twenty-four (24) hours of a change in contact information.
- (e) Any Motorized Scooter that is removed due to maintenance or safety issues shall be repaired before being returned to service.
- (f) The City and/or MPA may, without prior notice to the Operator or Motorized Scooter User, remove any Motorized Scooter(s) that is/are visibly damaged or non-functional, or blocking the public right of way, or located outside the Pilot Program Area, and take it to a MPA or other City facility for storage, at the sole expense of an Operator. The City and/or MPA shall charge a fee of not to exceed \$25.00 per scooter for removal and storage. The City and/or the MPA shall invoice the Operator for the cost of removal and storage. Any Motorized Scooter that remains unclaimed with the City and/or MPA for five (5) days is subject to sale pursuant to the procedures for abandoned or lost property set

forth in Section 705.103, Florida Statutes, or by any other method allowed by the laws of the State of Florida or the City.

- (g) Motorized Scooters must be well maintained and in good operating condition.
- (h) Motorized Scooters must be of a high quality and sturdily built to withstand the effects of weather and constant use for a period of no less than five (5) years.
- (i) Motorized Scooters must be rebalanced on a daily basis.
- (j) Motorized Scooters shall not display any third-party advertising.
- (k) Each Motorized Scooter shall be equipped with active global positioning system (GPS) technology.
- (l) Each Motorized Scooter shall display the name of the Operator, (and if it can be accommodated the local business address) along with a unique identification number. Each Motorized Scooter shall have an identification number ("ID NO.#) matching motorized scooter QR code" and each digit within the ID NO. must be at least two inches (2") in height. Each ID NO. # must be placed on both sides of the vertical post of the scooter. This will aid reporting, monitoring, and compliance issues.
- (m) Operators shall educate ~~persons operating~~ Motorized Scooters Users regarding the rules, regulations, and laws applicable to riding, operating, and parking a Motorized Scooter. An Operator's mobile application must provide information notifying a Motorized Scooter User that:
 - (1) Motorized Scooters may be operated on Bike Paths, Bike Lanes, including those within City Parks, and the Baywalk, Streets, or Sidewalks/Sidewalk Areas in a manner similar to bicycles;
 - (2) Motorized Scooters are to be operated at a person's own risk, and that no representation is being made by the City as to the condition of any Sidewalk, Street, Road, Bike Path, Lane, Baywalk, or Sidewalk Area;
 - (3) Motorized Scooters users shall at all times yield to pedestrians and shall give an audible signal before overtaking and passing such pedestrian;
 - (4) The use of helmets while operating a Motorized Scooter is ~~strongly encouraged~~ required;
 - (5) That each Motorized Scooter User must be eighteen (18) years of age or older;
 - (6) That each Motorized Scooter User must wear a helmet.
 - ~~(7)~~ Operators will require every Motorized Scooter User to pass a Motorized Scooter Safety Education training as is provided by the Operator;
 - ~~(8)~~ Operators will require every Motorized Scooter User to show or scan a photographic identification, which shall be a driver's license, a state identification, or a passport, which must indicate that every Motorized Scooter User is at least eighteen (18) years old;
 - ~~(9)~~ Operators must show every Motorized Scooter User a clear and legible map of the mandated geofenced areas within the City. For purposes of this Article a geofenced area is simply a virtual fence or a perimeter around a physical location where Motorized Scooters are allowed to operate pursuant to this Article; and
- (n) Operators will implement marketing and targeted community outreach plans, at their own expense, and to the satisfaction of the City, to promote the use of Motorized Scooters, particularly in low-income communities, and provide education regarding the rules, regulations and laws applicable to riding, operating, and parking a Motorized Scooter, as well as safe, prudent, defensive, and courteous operation.

- (o) Operators shall work with local businesses or other organizations to ~~promote~~require the use of helmets by persons operating Motorized Scooters through partnerships, promotional credits, and other incentives.
- (p) Operators shall not place or attach any fixtures, structures, or personal property, other than a Motorized Scooter, in the public right-of-way without the written permission of the City Manager or his or her designee. Permission to place any items in the public right-of-way must be incorporated into the License.
- (q) If the City, or MPA, incurs a cost in addressing or abating any violation of this Article, or incurs any cost of repair or maintenance of any public property resulting from the use of Motorized Scooters, the Operator shall reimburse the City for the full cost within thirty (30) days of receiving written notification from the City.
- (r) Motorized Scooter Users shall have all of the rights and duties applicable to a rider of a bicycle riders under Section 316.2065, Florida Statutes, titled "Bicycle regulations," except the duties imposed by Sections 316.2065(2), (3)(b), and 3(c), Florida Statutes, which by their nature do not apply. However, this Section may not be construed to prevent the City, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance such as this Article governing the operation of Micromobility Devices, Motorized Scooters on streets, highways, sidewalks, and sidewalk areas under the City's jurisdiction.
- (s) Motorized Scooter Users, pursuant to subsection (r) above, who are in violation of this Article, or in violation of Applicable State Laws including State Uniform Traffic Control Laws, will be subject to enforcement as provided by applicable Florida Laws, this Article, and as set forth Section 1-13 of the City Code, titled "General Penalty." Remedies are cumulative and are not exclusive.
- (t) In addition to Code Compliance, the Police Chief and other members of the police department shall have authority to enforce the provisions of this Chapter as it relates to Motorized Scooters.

* * * *

Sec. 8-17. Payment and Performance Bond or Irrevocable Letter of Credit.

- (a) An Operator shall submit to the Risk Management Department a payment and performance bond, in a format as prescribed in Section 255.05, Florida Statutes, and in a form acceptable to the City Manager, or his or her designee, prior to the issuance of a License under this Article.
- (b) Alternatively, an Operator may post an irrevocable letter of credit issued by a bank authorized to transact business in Florida.
- (c) The payment and performance bond or irrevocable letter of credit shall be in the sum of \$50,000.00, and must list the Operator as principal and be payable to the City.
- (d) The payment and performance bond or irrevocable letter of credit must remain in effect for the duration of the License.
- (e) Cancellation of the payment and performance bond or irrevocable letter of credit does not release the Operator from the obligation to meet all requirements of this Article and License. If the payment and performance bond or irrevocable letter of credit is cancelled, the License shall be suspended on the date of cancelation and the Operator shall immediately cease operations until the Operator provides the City Manager, or his

or her designee, with a payment and performance bond or irrevocable letter of credit that meets the requirements of this Section.

* * * *

Sec. 8-19. Expiration

Notwithstanding Section 2-33(c)(9) of the City Code, the Motorized Scooter Pilot program will continue until the RFP process is complete, by virtue of this two (2) month extension, commence on November 1, 2019 and automatically terminate on January 1, 2020. Any further extension of this Pilot Program may be approved by Resolution, subject to Pilot Program limitations set forth in Section 2-33 of the Code of the City of Miami, Florida, as amended. This will not preclude the City from making this a permanent program.

DIVISION 2.- PERMANENT MOTORIZED SCOOTER PROGRAM

Sec. 8-20. Applicability, Policy Statement and Purpose.

This Division will become effective once the Motorized Scooter Pilot Program as described in Division 1 expires. This Division is supplemental to the general laws of the State of Florida, including Chapter 316, Florida Statutes, titled "State Uniform Traffic Control." All definitions from Sections 316.003 and 316.2128, Florida Statutes, are incorporated herein by reference, including the definitions of "Bicycle" and "Motorized Scooter", as may be further defined in this Chapter. This Article shall apply to any and all Motorized Scooters and Motorized Scooter Services operating within the corporate limits of the City of Miami ("City"), as permitted. This Article is intended to govern the operation of Motorized Scooters and Motorized Scooter Services within the City to ensure that they are consistent with the safety and well-being of all bicyclists, pedestrians, and other users of the public rights-of-way. This Article shall not apply to any sidewalk/sidewalk area funded by the Federal Government except as expressly allowed by United States Department of Transportation Secretary or as expressly allowed by 23 United States Code Section 217(h). The Program shall apply to the area of the City within City Commission District 2. Motorized Scooters are not authorized by the Program under this Article in any area of the City other than City Commission District 2.

Sec. 8-21. Definitions.

As used in this article the following definitions apply:

Applicable state laws shall mean all general laws of the State of Florida relating to mobility devices and Motorized Scooters. The Motorized Scooters will operate in a manner consistent with and subject to applicable general laws of the state including, without limitation, F.S. §§ 316.003, 316.008, 316.2065, and 316.2128, and the entirety of F.S. ch. 316, the "Florida Uniform Traffic Control Law", as amended. The City in this Article reserves all municipal home rule powers to impose more restrictive public safety, insurance, licensing, data sharing, parking, and similar requirements.

Application programming interface key (API Key) shall mean a code passed in by computer programs calling an application programming interface ("API") to identify the calling program, its developer, or its user to the web site.

Bicycle shall have the meaning ascribed to it in F.S. § 316.003, as amended.

Bicycle path (bike path) shall generally mean a bikeway separated from motorized traffic and dedicated to cycling or shared with pedestrians or other users, and additionally have the same meaning ascribed to it in F.S. § 316.003, as amended.

Bike lane shall mean a part of the road which is intended to be used in part by people riding bicycles.

License shall mean the document by which a privilege is granted by the City to authorize a person to operate a motorized scooter service within its corporate limits.

Motorized Scooter(s). The term "Motorized Scooter(s)" shall have the meaning ascribed to it in Section 316.003, Florida Statutes, as amended. Motorized Scooter(s) are further defined, in the context of this Article, as a device, with an electric motor, designed to transport only one person, exclusively or in combination with the application of human power, which cannot attain a speed of more than ten (10) miles per hour in Bike Lanes or Streets without the application of human power on a level surface; or more than seven (7) miles per hour on any Sidewalk, Baywalk, or in Parks.

Motorized Scooter User. The term "Motorized Scooter User" shall mean a person driving a Motorized Scooter.

Motorized scooter service shall mean a system in which motorized scooters are made available for shared use to individuals on a short-term basis for a price or fee.

Operator shall mean an individual or company that has been issued a license pursuant to any appropriate procurement process approved by the City Commission, as outlined in Chapter 18 of this Code.

Rebalance shall mean moving motorized scooters from an area of low demand to an area of high demand.

Sidewalk means that portion of the public right-of-way between the back of curb lines or the lateral lines of a non-driving lane separated by curb and the adjacent property lines, where a three-foot minimum clearance is available to pedestrians and intended for public use. There may also be a median strip or road verge (a strip of vegetation, grass or bushes or trees or a combination of these) either between the sidewalk and the roadway or between the sidewalk and the adjacent property line (also described as "right-of-way line" or "building baseline").

Sidewalk area includes bike lanes and bike path, as well as the sidewalk width perpendicular to the road times the sidewalk length along and parallel to the road.

Transit facility means a facility providing accommodations by public, private, or nonprofit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to: bus terminal, railroad station, freight terminal, airport, helistop or seaport.

Sec. 8-22. Rules and Regulations.

- (a) The City Manager, or his or her designee, may administratively issue, promulgate and establish additional rules and regulations, consistent with this Article and applicable state and federal laws, as determined to affect the policy of this Article. The Rules may include Standard Operating Procedures ("SOP") addressing issues with persons under the age of eighteen (18) operating Motorized Scooters in violation of this Article. All additional rules and regulations shall be made available on the City's website.
- (b) There shall be a limit of two (2) Motorized Scooters per City block per Operator.
- (c) Operators may only make Motorized Scooters available from 6am until 9pm.

- (d) Operators shall designate two (2) local operational staff who will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of scooters parked illegally, and providing public education.
- (e) An Operator shall not make Motorized Scooters available for operation unless permitted by the City pursuant to Chapter 18 of this Code.

Sec. 8-23. Motorized Scooter Docking.

- (a) Any and all Motorized Scooters must be parked on a docking station, which docking station shall display signage about the rules and regulations. Motorized Scooters may only be docked on private property with the permission of the property owner.
- (b) Motorized Scooters may not be parked or docked at bicycle docking stations located on City and/or MPA property with an existing agreement.
- (c) Motorized Scooters must be upright while docked.
- (d) Motorized Scooters may not be docked, in a manner that would impede normal and reasonable pedestrian access on a Sidewalk or in any manner that would reduce the minimum clear width of a Sidewalk to less than 3 feet.
- (e) Motorized Scooters may not be docked in a manner that would impede vehicular traffic.
- (f) Motorized Scooters may not be docked in a manner that would impose a threat to public safety or security.
- (g) Motorized Scooters may not be docked on a block where the Sidewalk is at any point less than 6 feet in width, or on a block that does not have Sidewalks.
- (h) Motorized Scooters may not be docked in a visibility triangle as defined in Section 54-1 of this Code, measured in accordance with Section 3.8.4 of Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, as amended.
- (i) Motorized Scooters must be docked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.
- (j) Motorized Scooters may not be docked in a way that blocks:
 - (1) Fire hydrants call boxes or other emergency facilities;
 - (2) Transit Facilities;
 - (3) Loading spaces or zones;
 - (4) Passenger loading spaces or zones, or valet parking service areas;
 - (5) Railroad tracks or crossings;
 - (6) Disabled or prohibited parking zones;
 - (7) Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);
 - (8) Window Displays;
 - (9) Building entryways; or
 - (10) Vehicular driveways.
- (k) Motorized Scooters that are docked in an incorrect manner must be re-docked, removed and/or relocated by an Operator within two (2) hours of receiving notification from the City.
- (l) The City or the MPA may identify designated Motorized Scooter docking zones in order to guide riders to preferred parking zones and assist with the orderly parking docking of Motorized Scooters throughout the City.
- (m) Motorized Scooter Users should provide a picture of the docked scooters at the end of their use so as to assure they are properly docked.
- (n) Violations of this Section, including disabled parking space violations, will be subject to remedies as are provided by State Uniform Traffic Control laws, this Article, and Section

1-13 of the City Code, titled "General Penalty." Violations may be issued to Motorized Scooter Drivers or Operators. Remedies are cumulative and not exclusive.

Sec. 8-24. Operations; Remedies.

- (a) No one under the age of eighteen (18) shall operate a Motorized Scooter. Persons under eighteen (18) years of age may not be Motorized Scooter Users or passengers. No more than one (1) person, eighteen (18) years of age or older, may ride a Motorized Scooter at any one time. There shall be a fine of two hundred dollars (\$200.00) imposed for each instance that an unregistered person is found to be a User or passenger. The Operator shall also be fined in the amount of two hundred dollars (\$200.00) for each instance of a minor found riding on or using a Motorized Scooter in its fleet.
- (b) Operators shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee. Operators must require the use of a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the Federal safety standard for bicycle helmets, Final Rule, 16 C.F.R. Part 1203.

Motorized Scooter Users shall be subject to all rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee, applicable to Motorized Scooter User, except those which, by their very nature, can have no application. The City Manager may consider the following factors in promulgating the rules: The National Association of City Transportation Officials recommendations, inclusive of, cities should require Licensees/Operators to come to agreement with the City on procedures and protocols for:

- extreme weather (e.g. blizzards, hurricanes, floods)
 - emergencies (e.g. earthquakes, fires, etc.)
 - special events (e.g. marathons, events, parades, film shoots, etc.)
 - maintenance (e.g. debris and trash removal) for small vehicle parking zones.
- Operators shall at all times maintain a staffed operations center within the City;

- (c) Operators shall maintain a twenty-four (24) hour customer service phone number prominently posted on each Motorized Scooter for customers and citizens to report safety concerns, make complaints, ask questions, or request that a Motorized Scooter(s) be relocated.
- (d) Operators shall provide the City with the contact information for someone who can Rebalance, remove, and/or relocate Motorized Scooter(s). The Operator shall Rebalance, remove, and/or relocate a Motorized Scooter(s) within two (2) hours of receiving notification from the City. An Operator shall notify the City within twenty-four (24) hours of a change in contact information.
- (e) Any Motorized Scooter that is removed due to maintenance or safety issues shall be repaired before being returned to service.
- (f) The City and/or MPA may, without prior notice to the Operator or Motorized Scooter User, remove any Motorized Scooter(s) that is/are visibly damaged or non-functional, or blocking the public right of way, or located outside the Commission District 2, and take it to a MPA or other City facility for storage, at the sole expense of an Operator. The City and/or MPA shall charge a fee of not to exceed \$25.00 per scooter for removal and storage. The City and/or the MPA shall invoice the Operator for the cost of removal and storage. Any Motorized Scooter that remains unclaimed with the City and/or MPA for five (5) days is subject to sale pursuant to the procedures for abandoned or lost property set forth in Section 705.103, Florida Statutes, or by any other method allowed by the laws of the State of Florida or the City.

- (g) Motorized Scooters must be well maintained and in good operating condition.
- (h) Motorized Scooters must be of a high quality and sturdily built to withstand the effects of weather and constant use for a period of no less than five (5) years.
- (i) Motorized Scooters must be Rebalanced on a daily basis.
- (j) Motorized Scooters shall not display any third-party advertising.
- (k) Each Motorized Scooter shall be equipped with active global positioning system (GPS) technology.
- (l) Each Motorized Scooter shall display the name of the Operator, (and if it can be accommodated the local business address) along with a unique identification number. Each Motorized Scooter shall have an identification number ("ID NO.#) matching motorized scooter QR code" and each digit within the ID NO. must be at least two inches (2") in height. Each ID NO. # must be placed on both sides of the vertical post of the scooter. This will aid reporting, monitoring, and compliance issues.
- (m) Operators shall educate Motorized Scooters Users regarding the rules, regulations, and laws applicable to riding, operating, and parking a Motorized Scooter. An Operator's mobile application must provide information notifying a Motorized Scooter User that:
 - (1) Motorized Scooters may be operated on Bike Paths, Bike Lanes, including those within City Parks, and the Baywalk, Streets, or Sidewalks/Sidewalk Areas in a manner similar to bicycles;
 - (2) Motorized Scooters are to be operated at a person's own risk, and that no representation is being made by the City as to the condition of any Sidewalk, Street, Road, Bike Path, Lane, Baywalk, or Sidewalk Area;
 - (3) Motorized Scooters users shall at all times yield to pedestrians and shall give an audible signal before overtaking and passing such pedestrian;
 - (4) The use of helmets while operating a Motorized Scooter is required;
 - (5) That each Motorized Scooter User must be eighteen (18) years of age or older;
 - (6) That each Motorized Scooter User must wear a helmet.
 - (7) Operators will require every Motorized Scooter User to pass a Motorized Scooter Safety Education training as is provided by the Operator;
 - (8) Operators will require every Motorized Scooter User to show or scan a photographic identification, which shall be a driver's license, a state identification, or a passport, which must indicate that every Motorized Scooter User is at least eighteen (18) years old;
 - (9) Operators must show every Motorized Scooter User a clear and legible map of the mandated geofenced areas within the City. For purposes of this Article a geofenced area is simply a virtual fence or a perimeter around a physical location where Motorized Scooters are allowed to operate pursuant to this Article; and
- (n) Operators will implement marketing and targeted community outreach plans, at their own expense, and to the satisfaction of the City, to promote the use of Motorized Scooters, particularly in low-income communities, and provide education regarding the rules, regulations and laws applicable to riding, operating, and parking a Motorized Scooter, as well as safe, prudent, defensive, and courteous operation.
- (o) Operators shall work with local businesses or other organizations to require the use of helmets by persons operating Motorized Scooters through partnerships, promotional credits, and other incentives.
- (p) Operators shall not place or attach any fixtures, structures, or personal property, other than a Motorized Scooter, in the public right-of-way without the written permission of the

City Manager or his or her designee. Permission to place any items in the public right-of-way must be incorporated into any License or agreement.

- (q) If the City, or MPA, incurs a cost in addressing or abating any violation of this Article, or incurs any cost of repair or maintenance of any public property resulting from the use of Motorized Scooters, the Operator shall reimburse the City for the full cost within thirty (30) days of receiving written notification from the City.
- (r) Motorized Scooter Users shall have all of the rights and duties applicable to a rider of a bicycle riders under Section 316.2065, Florida Statutes, titled "Bicycle regulations," except the duties imposed by Sections 316.2065(2), (3)(b), and 3(c), Florida Statutes, which by their nature do not apply. However, this Section may not be construed to prevent the City, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance such as this Article governing the operation of Micromobility Devices, Motorized Scooters on streets, highways, sidewalks, and sidewalk areas under the City's jurisdiction.
- (s) Motorized Scooter Users, pursuant to subsection (r) above, who are in violation of this Article, or in violation of Applicable State Laws including State Uniform Traffic Control Laws, will be subject to enforcement as provided by applicable Florida Laws, this Article, and as set forth Section 1-13 of the City Code, titled "General Penalty." Remedies are cumulative and are not exclusive.
- (t) In addition to Code Compliance, the Police Chief and other members of the police department shall have authority to enforce the provisions of this Chapter as it relates to Motorized Scooters.

Sec. 8-25. - Data sharing.

- (a) Operators shall cooperate with the City in the collection and analysis of aggregated data concerning its operations. All data furnished under Section 8-15 will be in a form reasonably acceptable to the chief information officer of the City. Operators shall provide the City with real-time information on all Motorized Scooters operating within its boundaries through a documented API. Operators shall provide the City manager, and his or her designee under section 8-15, the chief information officer, with the procedure and credentials to authenticate to the API.
- (b) Operators shall publish to the API (1) the point location, and (2) identification number for each Motorized Scooter. The City shall be permitted to display real-time data provided via the API and may publish real-time Motorized Scooter availability data to the public.
- (c) Operators shall also provide the following anonymized data for each trip record through the API:

<u>Field Name</u>	<u>Format</u>	<u>Description</u>
<u>Company Name</u>	<u>[Company Name]</u>	<u>N/A</u>
<u>Trip Record Number</u>	<u>XXX0001, XXX0002, XXX0003, ...</u>	<u>3-Letter Company Acronym + Consecutive Trip Number</u>
<u>Trip Duration</u>	<u>MM:SS</u>	<u>N/A</u>
<u>Trip Distance</u>	<u>Feet</u>	<u>N/A</u>
<u>Start Date</u>	<u>MM/DD/YYYY</u>	<u>N/A</u>
<u>Start Time</u>	<u>HH:MM:SS (00:00:00 –</u>	<u>N/A</u>
<u>End Date</u>	<u>MM/DD/YYYY</u>	<u>N/A</u>

<u>End Time</u>	<u>HH:MM:SS (00:00:00 –</u>	<u>N/A</u>
<u>Start Location</u>	<u>XY or Lat/Lon Coordinates</u>	<u>N/A</u>
	<u>XY or Lat/Lon Coordinates</u>	
<u>End Location</u>	<u>XY or Lat/Lon Coordinates</u>	<u>N/A</u>
<u>Identification Number</u>	<u>xxxx1, xxxx2, ...</u>	<u>Unique Identification for Every Motorized Scooter</u>

Route: Operator will create a GeoJSON Feature Collection where every observed point in the route, plus a time stamp, should be included. The route must include at least two points, a start point and end point. Additionally, it must include all possible GPS samples collected by a provider.

Standard Cost: The cost, in cents that it would cost to perform that trip in the standard operation of the system.

Actual Cost: The actual cost in cents paid by the user for the trip.

- (d) Operators shall provide the City's department of innovation and technology with well-developed data through the mobility data standard ("MDS") in two different feeds: real-time/current information; and historical information. In-trip, route telemetry data is required for analysis in MDS Historical feeds, but may be excluded from the MDS Realtime feed. However, operators must provide scooter availability in real-time for enforcement purposes.

Sec. 8-26. - Insurance requirements.

- (a) An Operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company or companies authorized to do business in Florida, who are rated A- (V) or better per A.M. Best's Key Rating Guide.
- (b) The insured provisions of the policy or policies must list the City, the MPA, their officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a Motorized Scooter.
- (c) An operator shall maintain the following insurance coverages:
 - 1) Commercial general liability with limits of \$2,000,000.00 per occurrence, \$5,000,000.00 policy aggregate affording coverage for claims resulting from bodily injury (including death) and property damage. The policy shall be written on a primary and noncontributory basis, and should insure against premises and operations, personal injury, and contingent and contractual exposures.
 - 2) Automobile/motorcycle liability affording coverage on all motor vehicles/scooters used in connection with the operations or activities contemplated under this article. The operator should furnish the City with a policy affording coverage on all owned autos and scooters, including coverage for hired and non-owned auto exposures, with a combined single limit for bodily injury (including death) and property damage of \$2,000,000.00 per accident.
 - 3) Workers compensation subject to the statutory limits of the State of Florida.

- 4) The City retains the right to require additional insurance coverage in connection with the activities performed by the operator under this article as may be determined by the City risk management director, considering the size of the fleet and other liability insurance related factors.
 - 5) Failure to maintain required insurance coverage is cause for immediate cancellation of the license or agreement by the City Manager or his or her designee.
- (d) Any insurance policy required by this section must be on file with the risk management department, in a form acceptable to the City Manager, or his or her designee, prior to the issuance of a License or an agreement under this Article.
 - (e) Insurance required under this section must include a cancelation provision in which the insurance company is required to notify both the operator and City manager, or his or her designee, in writing not fewer than 30 days before cancelling any insurance policy or before making a reduction in coverage. An operator, upon receiving said notice, shall file with the risk management department, in a form acceptable to the City Manager, or his or her designee, any and all replacement insurance policies prior to the cancelation or reduction of the same.
 - (f) An operator may not be self-insured.

Sec. 8-27. Payment and Performance Bond or Irrevocable Letter of Credit.

- (a) An Operator shall submit to the Risk Management Department a payment and performance bond, in a format as prescribed in Section 255.05, Florida Statutes, and in a form acceptable to the City Manager, or his or her designee, prior operating in the City.
- (b) Alternatively, an Operator may post an irrevocable letter of credit issued by a bank authorized to transact business in Florida.
- (c) The payment and performance bond or irrevocable letter of credit shall be in the sum of \$50,000.00, and must list the Operator as principal and be payable to the City.
- (d) The payment and performance bond or irrevocable letter of credit must remain in effect for the duration of the operations in the City.
- (e) Cancellation of the payment and performance bond or irrevocable letter of credit does not release the Operator from the obligation to meet all requirements of this Article and any agreement with the City. If the payment and performance bond or irrevocable letter of credit is cancelled, the operations and any agreement shall be suspended on the date of cancellation and the Operator shall immediately cease operations until the Operator provides the City Manager, or his or her designee, with a payment and performance bond or irrevocable letter of credit that meets the requirements of this Section.

Sec. 8-28. - Indemnification.

Operators shall indemnify, defend, and hold harmless the City, the MPA, jointly and severally, and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including any and all attorneys' fees and costs of defense, which the City and its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature including, but not limited to, personal injury or wrongful death, property loss or damage, the conditions and features on all sidewalks and sidewalk areas, bike lanes or bike paths, streets, bay walks, or other areas within the City on

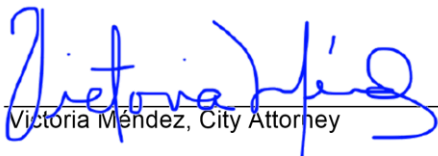
which a Motorized Scooter is operated, to the extent arising out of or in any way connected with the operation of the Motorized Scooter service or use of a Motorized Scooter. Operators shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including administrative, trial, and appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. Operators shall expressly understand and agree that any insurance protection required by this Article, or otherwise provided or secured by an Operator, shall in no way limit the responsibility to indemnify, defend and hold harmless the City, the MPA, or their officers, employees, agents and instrumentalities as required by this Section. The obligation to indemnify, defend, and hold harmless will survive the revocation, cancellation, or expiration of a license or agreement. The Operators will acknowledge this indemnification in substantially the language provided by this section, that the granting of the license or a contract is, in part, conditioned on the granting of this indemnification which is knowingly and voluntarily given by the Operators.

Motorized Scooters are only authorized to be used in the area of Commission District 2. Motorized Scooter use outside the District 2 area is not lawful, is not authorized and Operators shall defend, hold harmless and indemnify the City and MPA for every, any, and all liabilities, losses or damages, including any and all attorneys' fees and costs of defense, which the City and its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature for Motorized Scooters operating outside the District 2 area including, without limitation, those listed in this Section and the impoundment, seizure, and possible sale of Motorized Scooters operating anywhere outside of the District 2 area in the City. In addition to other remedies available the City may make a claim against the payment and performance bond or letter of credit submitted by the Operator and/or effectuate a revocation of their license or agreement.”

Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become immediately after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Mendez, City Attorney 11/30/2021

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.