

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 35, STREET, SIDEWALKS AND OTHER PUBLIC PLACES, CREATING DIVISION 7, TITLED “DOCKLESS MOBILITY”, PERMITTING AND REGULATING THE PLACEMENT AND USE OF DOCKLESS BICYCLES AND SCOOTERS ON THE TOWN’S RIGHTS-OF-WAY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) has adopted a Strategic Plan which includes the enhancement of vehicular and non-vehicular mobility; and

WHEREAS, since 2017, the Town has allowed Spin and Lime Bicycles to use the Town’s rights-of-way to stage dockless bicycles for resident use; and

WHEREAS, from 2017 through the present over town residents have completed over 11,000 trips using these dockless services; and

WHEREAS, Spin, Lime and other providers have moved towards a dockless scooter model; and

WHEREAS, in line with the Town’s strategic plan, allowing for the regulated use of scooters on the Town’s rights-of-way will provide our residents with an alternative transportation method; and

WHEREAS, the proposed ordinance will help ensure that our residents are able to safely use these alternative transportation devices, without burdening the town with the blight of vehicle littering, mis-use of these dockless vehicles, and ensure that dockless vehicles are uses in designated locations; and

WHEREAS, the Town Manager suggest that the Town Council adopt the enclosed Ordinance; and

WHEREAS, during the April 2019 Town Council Meeting, the Town Council passed this Ordinance on first reading; and

WHEREAS, the Florida Legislature has passed amendments to Florida Statute § 316.2128, creating new regulations to Micromobility Devices which includes motorized scooters and bicycles; and

WHEREAS, Florida Statute § 316.2128 pre-empts the Town's ability to impose certain regulations on Micromobility Device users, and imposes on them the same rights and responsibilities as a bicycle rider pursuant to Florida Statute § 316.2065; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Creation of Division Seven of Chapter 35 Division 7 of Chapter 35 is hereby enclosed in Exhibit "A."

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of April, 2019.

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SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

Division 7 Dockless Mobility

Section 35-62 – Definition For purposes of this article the following definitions apply:

- (1) *Motorized scooter* means the same as the term is defined in F.S. § 316.003 and includes gas and electric powered scooters or any combination of the two such as a hybrid scooter.
- (2) *Micromobility devices* means the same as those defined in F.S. §316.2128
- (3) *Dockless mobility provider* means an individual or business entity deploying shared mobility devices within the city.
- (4) *Dockless mobility device* means any human-powered or motorized transportation, except Motor Vehicles as that term is defined in F.S § 316.003(42), as may be amended from time to time, made available for private use by reservation through an online application, website, or software for point-to-point trips.
- (5) *Dockless mobility program* means a program generally, in which Shared Mobility Devices are made available for shared use to individuals on a short-term basis at no cost or for a fee.

Section 35-63 – General Provisions.

(a) *General regulations pertaining to dockless mobility units:*

- (1) All bicycles utilized in a dockless mobility program shall conform with the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 - Requirements for Bicycles, the safety standards outlined in ISO 43.150 - Cycles, subsection 4210, and F.S. § 316.2065, as may be amended or revised.
- (2) All dockless mobility devices shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least five hundred (500) feet and a reflective rear red light visible from a distance of at least six hundred (600) feet.
- (3) All dockless mobility units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including not limited to a customer service phone number, websites, and applications.
- ~~(4) Persons below sixteen years of age (16) shall not be permitted to operate motorized scooters.~~
- (5) The riding of motorized scooters, as defined in this article, is permissible upon all bicycle lanes, roads with a speed limit of 25 miles per hour or less, and all sidewalks located within the Town, except where otherwise prohibited by official posting or ordinance. Motorized scooter

may not be operated at speeds exceeding 15 mph per hour on permitted roadways and bicycle lanes and may not be operated at speeds exceeding 10 mph on permitted sidewalks. Motorized scooters shall be prohibited within the Main Street development and Town shopping centers. An operator must have the technology available to advise and ward the operator of the motorized vehicle of these restrictions.

(7) Operators of motorized scooters must yield to pedestrians at all times.

(8) Operators of motorized scooters must wear a helmet at all times.

(b) *Parking and right-of-way.*

(1) Dockless mobility units shall not be parked within the following areas: loading zones, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, on-street parking spots, street furniture, curb ramps, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within fifteen (15) feet of a fire hydrant.

(2) Dockless mobility units shall not be parked in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.

(3) The Town Manager, at his/her discretion, may designate certain areas where dockless mobility units shall not be parked. An operator must have the technology available to operate these requirements upon request.

(4) The Town Manager, at their discretion, may create designated parking zones (i.e., bike corrals) in certain areas where dockless mobility units shall be parked.

(c) *Maintenance, operations, and fleet size.*

(1) Dockless mobility units that are inoperable/damaged or do not comply with other subsections of this code must be removed within 2 hours upon receipt of the complaint between the hours of 7:00 a.m. and 7:00 p.m., seven (7) days per week and within twelve (12) hours upon receipt of the complaint on holidays. An inoperable or damaged dockless bicycle, dockless electric bicycle, or dockless scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle.

(2) Operators must detail a plan to relocate the dockless mobility units to a safe, indoor facility within twenty-four (24) hours in the result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all dockless mobility units from circulation once a storm watch or warning has been established.

(3) The operator's smartphone application and website must inform users of how to safely and legally ride a bicycle as defined by F.S. § 316.2065, including the rights and duties of cyclists riding on sidewalks or in streets. For the purposes of this division, these duties shall also apply to users of motorized scooters.

(4) The Town Manager, at their discretion, reserves the right to cap the total number of dockless mobility units permitted to operate within town limits.

(e) Data sharing.

(1) Dockless mobility operators shall provide the Town with the following data on a monthly basis in PDF format:

i. Number of dockless mobility units in circulation;

ii. Number of daily, weekly, and monthly riders;

iii. Total number of miles traveled by users (daily, monthly, quarterly, annually) broken down by dockless bicycle, dockless electric bicycle, and/or dockless scooter;

iv. Average time each dockless mobility units spends available (not in use);

v. Number of rides per user per day;

vi. Number of rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;

vii. Duration of rides per rider per day as well as rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;

viii. Average duration of ride per day of the week;

ix. Monthly summary of dockless bicycle, dockless electric bicycle, and/or dockless scooter distribution and GPS-based natural movement in heat map format;

x. Summary of fleet numbers lost to theft/vandalism;

xi. Summary of customer comments/complaints, resolution to, and time it took to resolve each complain.

xii. Summary of repairs per dockless bicycle, dockless electric bicycle, and/or dockless scooter per month;

Dockless mobility operators shall distribute a six (6) month and one-year customer satisfaction survey, the summary and raw results of which shall be provided to the Town.

Dockless mobility operators shall provide real-time or semi-real-time dockless bicycle, dockless electric bicycle, and/or dockless scooter location data via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format per North American Bikeshare Association (NABSA) guidelines. The city reserves the right to post this information through a publicly available portal.

(f). Terms

(1) No operator shall display, offer, or make available for rent any shared mobility device within the Town, unless the person has a valid fully executed agreement with the city or has obtained approval from the Town through an established process.

(2) Operators shall obtain an insurance policy as agreed to that shall include the Town as a third party and indemnify the Town from any harm.

(2) If a dockless mobility provider without a valid agreement with the Town is found deploying dockless mobility devices within the Town it will be presumed that the provider is in violation of this section. A violation of this section shall be considered a code enforcement violation and is punishable by a fine of \$500.00 per instance.

(3) Impoundment. A dockless mobility device that is displayed, offered, made available for rent by a dockless mobility provider without a valid agreement within the town, or abandoned on the Town rights-of-way, Town park, or Town Public building is subject to impoundment.