

ORDINANCE NO. 9296-19

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, DECLARING, ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM ON THE OFFERING FOR HIRE OR OPERATION OF MOTORIZED SCOOTERS AND MICROMOBILITY DEVICES, OR ISSUANCE OF ANY PERMITS OR FRANCHISES PERTAINING TO MICROMOBILITY HUBS, FOR A PERIOD OF 180 DAYS, IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS FOR SUCH USES IN THE CITY RIGHTS OF WAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 453, Micromobility Devices has passed the Florida House and Senate; and

WHEREAS, House Bill 453 defines a “micromobility device” as “[a]ny motorized transportation device 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, House Bill 453 defines a “motorized scooter” as “[a]ny vehicle or micromobility device that is powered by a motor with or without 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, if signed by the Governor, House Bill 453 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, City staff is aware of other cities within our nation where the safety and/or welfare of the public has been negatively impacted by the unregulated use of personal transportation vehicles, such as motorized scooters; 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, City staff 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, while House Bill 453’s definition of micromobility devices includes motorized scooters and motorized bicycles, City staff intend to temporarily prohibit

motorized scooters only, whether they are privately owned or are made available by reservation online; and

WHEREAS, the City Council finds and declares a need to temporarily prohibit the offering for hire or operation of motorized scooters and micromobility devices, not to include motorized bicycles, in the public right-of-way to allow the development of regulations for such uses; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. For the purposes of this temporary moratorium, a "micromobility device" shall be defined only as a motorized scooter which is 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.

Section 2. A temporary moratorium is hereby imposed on the offering for hire or operation of motorized scooters and micromobility devices, not to include motorized bicycles, within the corporate limits of the City of Clearwater.

Section 3. During the period of this moratorium, the City shall not process or issue any business tax receipts, other related permits or franchises, nor shall it process applications concerning micromobility hubs or the offering for hire of micromobility devices and/or motorized scooters, not to include motorized bicycles.

Section 4. This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate six (6) months from the date of adoption, unless the City Council rescinds or extends the moratorium by subsequent ordinance.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretkos
Mayor

Approved as to form:

Matthew Smith
Assistant City Attorney

Attest:

Rosemarie Call
City Clerk