

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING CHAPTER 72, "BICYCLES," BY CREATING SECTION 72.03, "MOTORIZED SCOOTERS AND MICRO MOBILITY DEVICES," BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," AND SECTION 98.02, "PROHIBITED ACTS," BY AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," BY AMENDING SECTION 100.35, "BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY," AND BY AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," BY AMENDING SECTION 131.21, "OPERATION OF MOTORIZED SCOOTERS," TO MODIFY REQUIREMENTS FOR MOTORIZED SCOOTERS AND TO AMEND THE DEFINITION OF MOTORIZED SCOOTERS TO CONFORM TO STATE STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 72.03, "Motorized Scooters and Micro Mobility Devices," of Chapter 72, "Bicycles," of the City of Pompano Beach Code of Ordinances is created to read as follows:

§ 72.03 MOTORIZED SCOOTERS AND MICRO MOBILITY DEVICES.

All requirements and regulations pertaining to operation of bicycles in the city shall also be applicable to motorized scooters and micro mobility devices pursuant to § 316.2128, F.S.

SECTION 2. That Section 98.02, “Prohibited Acts,” of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.02 PROHIBITED ACTS.

It shall be unlawful for any person to do any acts hereafter set out on the cultural or recreational facilities described in § 98.01 or on other public properties.

(A) Sell, peddle, or carry on any business on or within 50 feet of the municipal public beach and any park recreational or cultural facility. This provision shall not apply to persons having express permission to do so from the City Commission or its authorized agents or personnel.

...

(Q) Operate a motorized device by which any person may be transported having not more than three wheels. For this paragraph, motorized device shall include, but not limited to, mopeds and motorized scooters as defined in F.S. § 316.003(77) as it presently exists or as it may hereafter be defined, go-peds and self-propelled bicycles. However, this provision shall not apply to the operation by any person of any such motorized vehicle for which permission to operate on a specific cultural or recreational facility has been granted by the City Commission, nor to city owned vehicles in the course of official business, nor to motorized disability access vehicles as defined in F.S. § 320.01(34) as it presently exists or as it may hereafter be defined or such similar vehicles designed for ~~handicapped~~ disabled persons when used by ~~handicapped individuals~~ disabled persons.

...

(CC) Skateboard, rollerblade, roller skate, operate a Segway, hoverboard, motorized scooter or ride a bicycle whether or not motorized upon the sidewalk on the east side of Pompano Beach Boulevard or on city recreational or cultural facilities and any adjacent common areas.

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SECTION 3. That Section 98.12, “Municipal Fishing Pier,” of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.12 MUNICIPAL FISHING PIER.

(A) All acts prohibited by § 98.02 shall also be prohibited on the municipal fishing pier. In addition to those acts, the following provisions shall also govern the conduct of persons on the pier.

(1) Loitering. Any person or persons not patronizing the pier or any of the businesses thereon are prohibited from loitering on the pier, patio area, or adjacent parking area.

...

(15) Parking of motorcycles, and similar vehicles. Motorcycles, motorbikes, mopeds, motorized scooters, and bicycles shall be parked only in those areas specifically designated for motorcycle, motorbike, moped, motorized scooters, and bicycle parking, and no such vehicle or device shall be operated on or otherwise brought onto the pier. The use of bicycles, skateboards, roller blades, scooters and surfboards are prohibited on the pier

...

SECTION 4. That Section 100.35, “Building or Obstruction on Public Streets, Sidewalks, and Right-of-Way Swale Areas; Pedestrian Median Safety,” of Chapter 100, “Streets and Sidewalks,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 100.35 BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY.

(A) It shall be unlawful for any person:

(1) To erect, build, construct, deposit, or place on or in any street or sidewalk, right-of-way, or any place where the public has the right of passage, any building, structure, or obstruction of any kind whatsoever, including the temporary or permanent placement of any packages, goods or personal items including, but not limited to, bicycles and motorized scooters, except as momentarily placed at a person’s feet. Any such obstructions are declared to constitute a hazard and may be removed by the city and disposed of accordingly; or

(2) To enclose any street, park, or other public property.

~~(B)~~ ~~(3)~~ A receptacle for the actual curbside delivery of mail shall not be prohibited pursuant to subsections (1) and (2) above as long as such receptacle does not exceed five feet in height and is securely mounted on posts no larger than four-inch by four-inch or four and one half-inch diameter wood posts or two-inch

diameter standard steel or aluminum pipe buried no more than 24 inches in the ground, and the receptacle for mail is located in a manner which does not obstruct vehicular or pedestrian traffic or pose a public safety hazard.

~~(B)~~ C Any building, structure, or obstruction abutting or encroaching upon any public street, alley, sidewalk, or right-of-way swale area in the city is hereby declared to be a public nuisance against the welfare and safety of the public, and the owner, or lessee or agent of the owner, or any person responsible for the presence of any such public nuisance shall remove the nuisance or otherwise comply with the exemption requirements of this section, and shall be guilty of a punishable offense for placement of the nuisance, or for failure to remove same, or for both.

~~(C)~~ D It shall be unlawful for any person to:

...

~~(D)~~ E Loose stone, pebbles, pea rock, or similar loose material shall not be placed in the public right-of-way swale area or driveways within the public right-of-way.

~~(E)~~ F Approved parking areas within the public right-of-way shall comply with § 100.27. Poured concrete, flagstones, and similar materials shall not be used for construction of parking areas and landscaped areas in the public right-of-way. Paved driveways within the public right-of-way for vehicular use shall be constructed of asphalt concrete, poured concrete, paver blocks, turf block or poured Chattahoochee rock surface to grades subject to the approval of the City Engineer. However, in the event the materials are damaged or removed from the public right-of-way as the result of utility construction, repairs, or any other reason, the city shall only be required to replace or restore the paved driveway with asphalt pavement.

~~(F)~~ G Street trees planted within street swale areas shall be planted in accordance with the city's landscaping requirements located in the Zoning Code, and shall not be placed on top of or within five feet of any existing city utility lines, including individual services. Trees, plants and ground cover shall be planted and maintained so that there is a clear unobstructed vertical sight window provided in an area between two foot and eight-foot four inches above the edge of the public roadway. Trees which are growing and are of a species capable of attaining adequate size to necessitate the vertical sight window, but which are not yet mature enough to provide for same, shall not constitute a violation.

~~(G)~~ H Limited landscaping may be located in right-of-way street swale areas in single-family residential districts only, provided the following requirements are met:

...

(~~H~~I) The City Manager shall have authority to authorize exemptions to ~~division~~ section (A) above, for non-conforming mailboxes, and ~~divisions~~ sections (~~F~~G) and (~~G~~H) above for trees, landscaping, and related landscaping materials, provided that:

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SECTION 5. That Section 131.21, "Operation of Motorized Scooters," of Chapter 131, "Offenses Against Persons and Property," of the Pompano Beach Code of Ordinances is amended to read as follows:

§ 131.21 OPERATION OF MOTORIZED SCOOTERS.

(A) *Definitions.* For purposes of this section, the following words, terms, phrases and derivations shall have the meanings given herein.

HELMET. A bicycle ***HELMET*** that is properly fitted and is securely fastened upon the rider's head by a strap. Such ***HELMET*** must meet or exceed the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standards for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the United States Department of Transportation.

MOTORIZED SCOOTER. Any vehicle ~~not having or~~ micro mobility device that is powered by a motor, with or without a 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 speeds greater than thirty (30) miles per hour on level ground, or as otherwise may be defined in §316.003(48), F.S. The term does not include an electric bicycle, the term does not include mopeds and any other two or three-wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility.

(B) *Regulations.*

(1) It shall be unlawful for any person to operate a motorized scooter in violation of any of the requirements set forth below. Motorized scooters:

...

(2) It shall be unlawful for any parent or guardian of children under 18 years of age who operate motorized scooters to knowingly permit any such child to violate any provision of this chapter.

(3) (a) It shall be unlawful to deposit or otherwise leave or abandon any motorized scooter upon any city property, street, sidewalk or right-of-

way. Any such motorized scooter found unattended and left or deposited upon any such city property may be retrieved by the city and disposed of as abandoned property.

(b) It shall be unlawful to deposit or otherwise leave unattended, or abandon any motorized scooter upon any private property without the authorization of the owner of, or person lawfully in charge of, such private property.

(C) *Penalties.*

(1) Any person violating the provisions of this section shall commit a civil infraction and be subject to a ~~\$25~~35 fine for each offense, payable to the city within 14 days of the violation.

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SECTION 6. All ordinances or parts of ordinances in conflict with this Ordinance are revoked.

SECTION 7. That any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
1/12/22
L:ord/ch98/2022-88