

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.31, "MOTORIZED SCOOTER RENTALS," TO PROHIBIT THE RENTAL OF MOTORIZED SCOOTERS IN THE CITY FOR USE ON CITY STREETS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach is a thriving residential and business community as well as an annual destination for thousands of tourists and seasonal residents; and

WHEREAS, recent enhancements, both public and private, such as a new pier, parking garage, hotels, restaurants and shops, have also made Pompano Beach a destination for residents from all over Broward, Palm Beach and Miami-Dade Counties; and

WHEREAS, the increased tourism, visitation by south Florida residents and increased used by city residents as described above has resulted in an increase in vehicular traffic on roadways within the city; and

WHEREAS, the materially increased congestion and size of city roads and intersections of roads have made it increasingly dangerous for inexperienced operators of rented scooters to operate on city streets; and

WHEREAS, various streetscape improvements occurring on city streets within the city are altering lanes of traffic and requiring the strict attention of motorists who are required to modify their driving habits due to same; and

WHEREAS, while drawn to the city by the beach, restaurants and other attractions and activities, visitors will also seek other forms of amusement off the beach and waterway areas as well; and

WHEREAS, over the last decade, rental scooter businesses have begun operating throughout the State of Florida, including local beachfront communities such as Fort Lauderdale, here in Broward County; and

WHEREAS, as the popularity and use of rental scooters increased in various Florida municipalities such as Panama City Beach and Fort Lauderdale, the behavior of scooter renters became noticeably more dangerous as traffic violations by rental scooter operators became more common than by other vehicle operators. This problem was fostered by the lack of training, supervision and oversight by the rental scooter businesses, and by the lack of familiarity with local roadways by visitors; and

WHEREAS, cities in Florida with scooter rental businesses such as Panama City Beach have found that scooter rentals attracted inexperienced, youthful drivers who engage in reckless and hazardous conduct on their city roadways when operating rental scooters; and

WHEREAS, this irresponsible driving behavior by scooter renters in these cities with scooter rental businesses has become so common that it frequently affects both visitors and residents who are often forced to modify their own driving behavior or routes of travel to compensate for the irresponsible behaviors of scooter renters in order to avoid motor vehicle accidents with scooters; and

WHEREAS, neither safety equipment nor insurance are required under state law for motor scooters and thus operators of rented motor scooters are at risk of greater damages and injury than in a conventional motor vehicle accident as there is no physical protection in case of collision and no financial compensation from insurance for financial losses from injuries; and

WHEREAS, rented motor scooters are often deposited or abandoned by renters along city streets and other public right-of-way as well as on unauthorized private property, creating hazards for motorists and pedestrians alike and requiring action to secure their removal, which is far different than the manner privately-owned scooters are treated by local residents; and

WHEREAS, despite the continuing efforts of cities which are similarly situated to Pompano Beach, such regulation has not been effective in curtailing the hazards of rental scooter operation and

the typical reckless and often illegal driving behavior of rental operators have created an impracticable strain upon city resources, draining valuable police, fire rescue and public works' resources; and

WHEREAS, accordingly, the City Commission finds that the potential sheer volume of daily scooter rentals and often reckless operation of scooters will place an impracticable strain on city resources, negatively impacting tourist experiences and pose safety hazards to visitors and residents alike; and

WHEREAS, the City Commission concludes however that scooter owners would be more experienced, more familiar with local streets, and thus safer than one-time renters; and

WHEREAS, the City Commission finds that regulation of the rental of motor scooters in the city is a reasonable exercise of the city's police powers to protect the safety of the city's citizens and visitors. Furthermore, there are no less restrictive means available to accomplish this goal of safety; and

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 Chapter 115, "Miscellaneous Businesses," of the Pompano Beach Code of Ordinances is hereby amended to create Section 115.31, "Motorized Scooter Rental," to read as follows:

§ 115.31 MOTORIZED SCOOTER RENTAL.

(A) *Definitions.* For purposes of this section, the following definitions shall apply:

(1) **MOTORIZED SCOOTER.** As defined in Section 131.21(A) of this Code.

(B) No person shall rent or make available for rent, or permit another to rent or make available for rent, a motorized scooter within the city.

(C) (1) Violations of this section by individuals shall be punishable under Section 10.99 of this Code.

(2) Enforcement against individuals in paragraph (1) above shall not preclude the city from pursuing any and all available civil remedies against any business or corporate entity in violation of this section.

SECTION 2. If any provision of this Ordinance or the application thereof 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 3 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/ch115/2022-85