

**ORDINANCE NO. O-6-21**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 70. TRAFFIC AND VEHICLES., ARTICLE II. PARKING, STOPPING AND STANDING., DIVISION 1. GENERALLY. TO CREATE AN ENTIRELY NEW SECTION 70-31 ENTITLED "MOTORIZED SCOOTERS AND MICROMOBILITY DEVICES; PARKING AND OPERATION PROHIBITIONS; ENFORCEMENT; SUPPLEMENTAL REGULATIONS." PROVIDING REGULATIONS FOR THE USE OF SUCH VEHICLES; ALSO AMENDING SECTIONS 70-32 AND 48-4 TO PROVIDE INTERNAL CONSISTENCY AND ACCURATE CROSS-REFERENCING OF SUCH REGULATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 70. TRAFFIC AND VEHICLES. AND CHAPTER 48. PARKS AND RECREATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, through the adoption of Chapter 2019-109, Laws of Florida, the Florida Legislature amended Section 316.2128, *Florida Statutes*, to provide motorized scooter and micromobility device operators all of the rights and duties applicable to bicycle riders; and

**WHEREAS**, in its adoption of Chapter 2019-109, Laws of Florida, the Florida Legislature also provided that motorized scooter and micromobility device operators are required to satisfy the license, registration, and insurance requirements required for motor vehicle operators; and

**WHEREAS**, Section 316.2128, *Florida Statutes*, allows a local government to regulate the operation of motorized scooters and micromobility devices on the streets and sidewalks within its jurisdiction; and

**WHEREAS**, Section 316.008, *Florida Statutes*, generally authorizes a local government to regulate the stopping, standing, and parking of vehicles within its jurisdiction; and

**WHEREAS**, Chapter 70, Article II of the Code of Ordinances of the Town of Palm Beach Shores ("Town") regulates the parking, stopping, and standing of vehicles within the Town; and

**WHEREAS**, the Town Commission desires to regulate the parking and operation of motorized scooters and micromobility devices in a similar manner to motor vehicles so as to prevent their proliferation throughout the Town; and

**WHEREAS**, it has come to the attention of the Town Commission that motorized scooters and other micromobility devices which are rented or otherwise made available for hire are being

misused and left unattended in the Town Parkway and at other public places, creating a nuisance and an aesthetic blight within the town; and

**WHEREAS**, the Town Commission has determined that these amendments to the Code of Ordinances, providing for the regulation of motorized scooters and other micromobility devices, are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote and protect the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1.** The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

**Section 2.** The Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended at Chapter 70. Traffic and Vehicles., Article II. Parking, Stopping and Standing, Division 1. Generally. to create an entirely new Section 70-31 entitled “Motorized Scooters and micromobility devices; parking and operation prohibitions; enforcement; supplemental regulations.” providing applicable regulations for motorized scooters and micromobility devices within the Town; providing that Section 70-31 shall hereafter read as follows:

**Sec. 70-31. - Motorized scooters and micromobility devices; parking and operation prohibitions; enforcement; supplemental regulations. ~~Reserved.~~**

**(a) Definitions.**

**(1) *Motorized scooter* means a motorized transportation 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 (3) wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.**

**(2) *Micromobility device* means any 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.**

**(b) Parking and operation prohibitions.**

**(1) *Parking.* It shall be unlawful for any person to park or leave a motorized scooter or other micromobility device unattended on public property, including streets, sidewalks or the Town Parkway, or within a right-of-way within the jurisdictional limits of the Town, except for the following locations:**

- i. At bicycle parking racks located at the Town's beach parking lot; and
- ii. At bicycle parking racks located at the Town Hall complex.

(2) Operation. It shall be unlawful for any person to operate motorized scooters or other micromobility devices upon any sidewalk or portion of the Town Parkway within the jurisdictional limits of the Town

(c) Removal, storage, and notice. Whenever any Town law enforcement or code enforcement officer finds a motorized scooter or other micromobility device parked or left unattended upon public property or within a right-of-way in violation of this section, such officer is authorized to provide for the removal and storage of such motorized scooter or other micromobility device, with all actual costs incurred from such removal and storage becoming a lien against such motorized scooter or other micromobility device and/or otherwise being charged to the owner. All such costs shall be paid to the town prior to the release of the motorized scooter or other micromobility device to its owner.

(d) Fines and Penalties. In addition to the removal and storage of motorized scooters and other micromobility devices found to be in violation of this section, violations of this section may also be enforced by citation. The fine schedule for violations of the regulations set forth in this section shall be set by the town commission and may be amended from time to time, as necessary. The fine schedule shall be available at the office of the town clerk during normal business hours. Any motorized scooter or other micromobility device found parked in violation of this section may be posted with a citation clearly stating that the fine set forth on such citation must be paid to the town within ten days. Failure to pay the fine within ten days after such citation is posted may result in a summons being issued ordering the owner of the scooter to appear in county court. In the event the owner is found guilty of such violation in county court, the owner may be assessed additional fines and court costs.

(e) Supplemental regulations.

(1) Minimum age. No person under the age of 16 years old shall operate a motorized scooter or other micromobility device within the jurisdictional limits of the town.

(2) Business tax receipt required. Any motorized scooter or micromobility device provider who rents, provides, or otherwise makes available for hire any motorized scooters or other micromobility devices within the town's jurisdictional limits shall be subject to

the business tax and certificate of use requirements as specified in Chapter 18 of the town's code of ordinances.

(3) Insurance. Any motorized scooter or other micromobility device provider who rents, provides, or otherwise makes available for hire motorized scooters or other micromobility devices within the town's jurisdictional limits shall provide proof of insurance to the Town, with coverage limits deemed acceptable to the Town.

(4) Indemnity and Hold Harmless Agreement. Any motorized scooter or other micromobility device provider who rents, provides, or otherwise makes available for hire motorized scooters or other micromobility devices within the town's jurisdictional limits shall be required to enter into an Indemnity and Hold Harmless Agreement with the town prior to making such motorized scooters or other micromobility devices available within the jurisdictional limits of the town.

(f) Exemption. This section shall not apply to the parking or operation of any manually-operated or power-driven mobility devices, assistive mobility devices, or other devices utilized for locomotive use by a person with a mobility disability as authorized by the Americans with Disabilities Act.

**Section 3.** The Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended at Chapter 70. Traffic and Vehicles., Article II. Parking, Stopping and Standing., Division 1. Generally. Section 70-32. Parking prohibitions; fines and penalties. to provide for internal consistency; providing that Section 70-32 shall hereafter read as follows:

**Sec. 70-32. - ~~Motor vehicles; P~~parking prohibitions; fines and penalties.**

(a) Parking of motor vehicles is strictly prohibited and unlawful within the Town of Palm Beach Shores as follows:

- (1) Obstructing traffic.
- (2) Parallel parking within ten feet of a fire hydrant.
- (3) Parking on any street or right-of-way, including the "ten-foot strip" but excluding driveways and designated and approved parking areas from this prohibition.
- (4) Double-parking.
- (5) Parking in prohibited area posted with a "No Parking" sign.
- (6) Reserved.
- (7) Parallel parking within 15 feet of a "Stop" sign.

- (8) Blocking driveway, public or private.
  - (9) Parking on private property without permission (trespassing).
  - (10) Parking at beach parking lot with no permit.
  - (11) Parking at beach parking lot with expired permit.
  - (12) Parking in any handicapped parking space without permit.
  - (13) Parking in fire lane or zone.
  - (14) Parking in any manner so as to block any portion of a sidewalk and/or bicycle path or cross walk.
  - (15) Parking outside of designated lines at beach or Town Hall parking lots.
- (b) Fines and penalties. The fine schedule for violations of the motor vehicle parking regulations set forth in this chapter shall be set by resolution of the town commission and may be amended from time to time, as necessary. The fine schedule shall be available at the office of the town clerk during normal business hours. Any motor vehicle found parked in violation of the regulations set forth in this chapter shall be posted with a citation affixed to such vehicle clearly stating that the fine set forth on such citation must be paid to the town within ten days. Failure to pay the fine within ten days after such citation is posted to the motor vehicle may result in a summons being issued ordering the owner of the motor vehicle to appear at county court. In the event the owner is found guilty of such violation in county court, the owner may be assessed additional fines and court costs. Failure to pay may also result in the inability to re-register the vehicle.

**Section 4.** The Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended at Chapter 48. Parks and Recreation., Section 48-4. Traffic. to provide for internal consistency and accurate cross-referencing; providing that Section 48-4 shall hereafter read as follows:

**Sec. 48-4. - Traffic.**

- (a) No motor vehicle, as defined in F.S. § 320.01, shall be operated at any time upon the town's parkway (except in designated parking lot facilities associated with Town Hall) or upon the United States government easement running parallel to the north side of the Lake Worth Inlet.
- (b) No moped, ~~as defined in F.S. § 316.003(77)~~, motorized electric bicycle as defined in F.S. § 316.003(2), or motorized scooter or micromobility device as defined in Chapter 316, Florida Statutes F.S. § 316.003(82), shall be operated upon the town's parkway (except in

designated parking lot facilities associated with Town Hall) or upon the United States government easement running parallel to the north side of the Lake Worth Inlet at any time. Nothing contained in this article shall be deemed to prohibit the operation of an electric personal assistive mobility device as defined in F.S. § 316.003(23)(83) upon the town's parkway or upon the United States government easement running parallel to the north side of the Lake Worth Inlet.

- (c) No bicycle, roller-skates, rollerblades, skateboards or scooters shall be operated upon the town's parkway or in Inlet Park on any day during the week, during the following periods of time: dusk until dawn, inclusive. Operators or riders of bicycles, roller-skates, rollerblades, skateboards or scooters shall yield the right-of-way to other pedestrians on the town's parkway in the Inlet Park and shall not otherwise endanger or interfere with such pedestrian traffic.
- (d) No quadricycles shall be operated upon the town's parkway or in Inlet Park at any time.
- (e) The prohibitions set forth in subsection (a) through (d) shall not be applicable to town personnel in the course of conducting official town business.

(f) *Parking:*

- (1) *Designated areas.* No person in a park shall park a vehicle, motorized scooter or other micromobility device in other than an established or designated parking area, and such use shall be in accordance with the posted directions there and with the instructions of the chief of police and/or his officers who may be present.
- (2) *Overnight parking.* No person in a park shall leave a vehicle, or a motorized scooter or other micromobility device, standing or parked overnight.

**Section 5.** Each and every other section and subsection of Chapter 70. Traffic and Vehicles. and Chapter 48. Parks and Recreation. shall remain in full force and effect as previously adopted.

**Section 6.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 7.** If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

**Section 8.** Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores.

**Section 9.** This ordinance will take effect immediately upon adoption.

FIRST READING this 23<sup>rd</sup> day of August 2021.

SECOND AND FINAL READING this 27<sup>th</sup> day of September 2021.

**TOWN OF PALM BEACH SHORES**

Alan D. Fiers  
Alan Fiers, Mayor

ATTEST:

Evyonne Browning  
Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis for  
Keith Davis, Town Attorney

