

RESOLUTION NO. 134-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S CODE OF ORDINANCES RELATING TO THE REGULATION OF DOCKLESS MOBILITY DEVICES; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR DOCKLESS MOBILITY DEVICES INCONSISTENT WITH THE CODE OF ORDINANCES DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, on February 5, 2019, the Delray Beach City Commission ("City Commission") approved by majority vote Resolution No. 44-19, recognizing that the City of Delray Beach ("City") is considering amendments to the City's Code of Ordinances relating to the regulation of dockless mobility devices; and

WHEREAS, Resolution No. 44-19 invoked the pending ordinance doctrine with respect to amendments to the Code of Ordinances for the City of Delray Beach and provided that, from the date of adoption of the Resolution and during the pendency of the City's consideration of amendments to the Code, the City would defer the acceptance and processing of applications, permits, or any other approvals for related to the sharing of dockless bicycles, scooters and/or personal transportation vehicles; and

WHEREAS, the period established by Resolution No. 44-19 is 180 days, which expires on July 14, 2019; and

WHEREAS, on June 18, 2019, Governor Ron Desantis signed House Bill 453 into law allowing electric scooter companies to operate anywhere in the State subject to regulation at the local level; and

WHEREAS, the City is actively engaged in drafting the proposed amendments to the Code of Ordinances based on the newly enacted law signed by the Governor as well as the data received from other municipalities concerning the negative impacts resulting from unregulated use of personal transportation devices; and

WHEREAS, the City desires to extend the period established by Resolution 44-19 by further resolution of the City Commission; and

WHEREAS, the City Commission desires to extend the pending ordinance doctrine period for an additional one hundred and eighty (180) days in order to give the City sufficient time to finalize and consider the adoption of amendments to the Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitals above are true and correct and incorporated into the findings of this Resolution as if set forth in full herein.

Section 2. That the City Commission of the City of Delray Beach hereby declares its intention to extend the period established by City Commission Resolution No. 44-19 for a period of 180 days from its original expiration date. The zoning in progress period will now expire on January 10, 2019.

Section 3. That the acceptance and processing of applications, permits or any other approvals for dockless mobility devices shall continue to be deferred from consideration by the City until the expiration of the period as set forth in Section 2.

Section 4. That pursuant to the pending legislation doctrine, the period shall remain in effect until new or amended ordinances for the regulation of dockless mobility devices are adopted by the City Commission or until the passage of 180 days, whichever occurs first. This policy may be extended by Resolution of the City Commission for additional periods of time in order to complete the tasks outlined herein.

Section 5. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach this _____ day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney