



Cover Memorandum/Staff Report

File #: 20-457

Agenda Date: 7/7/2020

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: July 7, 2020

ORDINANCE NO. 28-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING TITLE 7, "TRAFFIC CODE", BY ENACTING A NEW CHAPTER 73, "REGULATION OF MICROMOBILITY DEVICES, DOCKLESS BICYCLE SHARING DEVICES, AND MOTORIZED SCOOTERS WITHIN THE CITY" TO REGULATE THE RENTAL OF SUCH DEVICES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Motion to Approve Ordinance 28-20.

Background:

Standing electric scooters first appeared in 2017 when a certain micromobility company placed thousands of scooters throughout Santa Monica, California. Users, through a smartphone application, locate and unlock scooters for their personal use. At the conclusion of their ride, the user simply abandons the device for the next person to locate and utilize. Micromobility companies offering standing electric scooters, bicycles and go-peds are rapidly expanding throughout the United States.

A 2019 study conducted by the American Medical Association entitled, "Injuries Associated with Standing Electric Scooter Use," considered the public health and safety concerns associated with electric scooters. The study found that patients who presented to emergency departments with injuries associated with standing electric scooter use suffered from fractures, contusions, sprains, lacerations and head injuries. Of the 249 patients that were studied, only 10 were documented as wearing a helmet and twelve had a blood alcohol level of greater than .05%. The study notes, "[t]his rapidly expanding technology is a disruptive force in short-distance transportation, and policy makers seeking to understand associated risks and appropriate regulatory responses should seriously consider its effects on public health."

Locally, concerns have grown over the emergence of electric scooters. Neighboring municipalities such as Hillsboro Beach and the City of Hollywood have adopted similar regulations citing concerns such as those listed above.

This Ordinance, if adopted, serves to

- Define terms such as bicycle, dockless bicycle sharing devices, micromobility devices and motorized scooters in accordance with Florida Statutes, if applicable.

- Prohibit the rental of micromobility devices, dockless bicycle sharing devices, and motorized scooters within the City.
 - Violations would result in the issuance of a fine of \$500 per instance.
 - Micromobility devices, dockless bicycles sharing devices, and motorized scooters abandoned in the City right-of-way or on private property would be subject to impoundment.

City Attorney Review:

Approved as to form and legal sufficiency.