



ORDINANCE NO. 2019 - 03

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 9 ENTITLED "TRAFFIC", BY SPECIFICALLY CREATING SECTION 9-3 ENTITLED "PROHIBITION OF SHARED MOBILITY DEVICES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has recently been an influx of dockless motorized/electric vehicles within the Town; and

WHEREAS, Florida state law prohibits certain vehicles from being operated on a road or bicycle path; and

WHEREAS, many of these vehicles are being left in the Town and operated erratically which creates public safety hazards; and

WHEREAS, abandoned or improperly deployed shared mobility devices can impede the safe use of the Town property, and create violations of the Americans with Disabilities Act; and

WHEREAS, the Town Commission has determined that it is in the Town's best interest to have a prohibition on the operation of shared mobility devices within the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and is hereby made a part of this Ordinance.

**Section 2.** Chapter 9 of the Code of Ordinances is hereby amended by specifically creating Section 9-3 which shall read as follows:

**Section 3.** Section 9-3 of the Code of Ordinances is created to read as follows:

Sec. 9-3 – Prohibition of Shared Mobility Devices

(1) Definitions

(a) For purposes of this Section the following definitions apply:

(1) Motorized/Electric Vehicles are defined as vehicles including but not limited to golf carts, mopeds, electric bicycles, segways, electric skateboards, and motorized scooters, not registered with the state, designed to transport persons, and propelled by power other than muscular power.

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1 (2) Shared Mobility Device is defined as a program generally, in which mobility devices,  
2 including but not limited to Motorized/Electric Vehicles are made available for shared  
3 use to individuals on a short term basis for a fee.  
4

5 (2) Operation of a Shared Mobility Device program

6 (a) No person or company shall display, offer or make available for rent any shared mobility  
7 device within the Town unless the person or company has obtained approval from the Town  
8 through an established process.

9 (b) A violation of this section shall be considered a code enforcement violation and is  
10 punishable with a fine of \$500 per instance. Each day the person or company with ownership  
11 of the Shared Mobility Device has the Shared Mobility Device in the Town in violation of this  
12 section shall be considered a separate instance and a separate violation of this section.

13 (c) Impoundment: A Shared Mobility Device that is displayed, offered, made available for rent  
14 by a person or company without valid approval from the Town or a device abandoned in the  
15 Town without permission shall be subject to immediate impoundment by the Town. In order  
16 to retrieve an impounded Shared Mobility Device, a person or company must demonstrate  
17 proper proof of ownership and pay a \$50 impoundment fee per device reflecting the Town's  
18 enforcement, investigation, storage, and impound costs.  
19

20 **Section 4.** If any section, subsection, sentence, clause or provision of this Ordinance is held  
21 invalid, the remainder of this Ordinance shall not be affected by such invalidity.  
22

23 **Section 5.** That all ordinances or parts of ordinances and all resolutions or parts of resolutions  
24 in conflict with this Ordinance are repealed to the extent of such conflict.  
25

26 **Section 6.** It is the intention of the Town Commission of the Town of Hillsboro Beach, that  
27 the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of  
28 Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word  
29 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish  
30 such intention.  
31

32 **Section 7.** This Ordinance shall be effective fifteen (15) days after its passage and adoption  
33 by the Town Commission of the Town of Hillsboro Beach.  
34

35 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO  
36 BEACH, FLORIDA, ON FIRST READING, THIS 5<sup>th</sup> DAY OF FEBRUARY, 2019.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,  
FLORIDA, ON SECOND AND FINAL READING, THIS 5<sup>th</sup> DAY OF MARCH 2019.



By: Deborah L. Tarrant  
Deborah L. Tarrant, Mayor

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ATTEST:

By:

Sherry D. Henderson  
Sherry D. Henderson, CMC Town Clerk



APPROVED AS TO FORM:

Donald J. Doody  
Donald J. Doody, Town Attorney

**RECORD OF TOWN COMMISSION VOTE:**

MAYOR TARRANT	<u>Yes</u>
VICE MAYOR KIRDAHY	<u>yes</u> Motion
COMMISSIONER FEAMAN	<u>Yes</u>
COMMISSIONER BALDASARRE	<u>Yes</u> Second
COMMISSIONER BROWN	<u>yes</u>

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