

Introduced by: Council Member Cory Nichols
First Reading: March 21, 2022
Second Reading: April 4, 2022
Second Reading as Amended: April 18, 2022

ORDINANCE NO. 2022-8173

AN ORDINANCE BY THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING ORDINANCE NO. 2020-8157 WHICH IMPOSED A TEMPORARY MORATORIUM ON THE COMMERCIAL RENTAL AND LEASE, AND USE OF RENTED AND LEASED, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES, AND MOTORIZED SCOOTERS; CONTINUING THE BASIS FOR THE EMERGENCY MORATORIUM; AND EXTENDING THE MORATORIUM INDEFINITELY.

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Section 166.021, Florida Statutes, provides that municipalities have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, in accordance with City Code of Ordinances Section 2-55, on December 21, 2020, the City Council approved Ordinance No. 2020-8157 which instituted a temporary moratorium on the commercial leasing, rental, and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City for a period of 12 months from its effective date (*i.e.*, December 21, 2021), or until it is repealed by the City Council as part of its adoption of permanent regulations, whichever is sooner; and

WHEREAS, on December 20, 2021, the City Council approved Ordinance No. 2021-8169 which amended Ordinance No. 2020-8157 and extended the temporary moratorium for four months from the original effective date (until April 21, 2022); and

WHEREAS, on February 28, 2022, the City Attorney provided the City Council with options to assist in the discussion and/or decision as to whether and/or how a commercial shared mobility program could be implemented in the City; and

WHEREAS, it is the consensus of the City Council that extending the temporary moratorium once more is necessary to provide the City Council with ample opportunity to evaluate the options of governing the regulations for the renting or leasing of electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City finds a legitimate public purpose and it is in the best interests of the public health, safety, and welfare to extend the temporary moratorium on the commercial leasing, rental, and use of commercially rented or leased electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City until such time as appropriate City regulations are in place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. That Section 2 of Ordinance No. 2020-8157, is hereby amended as follows¹:


TEMPORARY MORATORIUM. A temporary moratorium is imposed on the commercial leasing, rental, and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City. While this temporary moratorium is in effect, the City shall not authorize, allow, accept, process, or approve any application relating to the operation or commercial leasing and renting of these devices and scooters. This moratorium applies to any business that operates out of a hotel, motel, store, vendor stand, or any other local business location in the City, and to any online business operation that makes these devices and scooters locally available for rent or lease in the City. Nothing in this Ordinance shall be construed as a limit on the lawful use of privately-owned devices and scooters. Those individuals who use their privately-owned devices and scooters are required to follow all Florida Laws and City Ordinances relating to these devices and scooters. This moratorium is imposed pursuant to the City's police and regulatory powers to protect the public health, safety, and welfare of the community at large. The moratorium imposed by this Ordinance shall remain in effect ~~for a period of 12 months from its effective date~~ indefinitely, or until it is repealed by the City Council as part of its adoption of permanent regulations, ~~whichever is sooner~~.

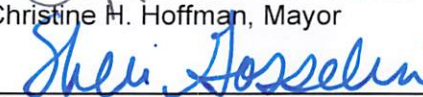
SECTION 3. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this Ordinance or parts thereof previously adopted or entered by the City in conflict with this Ordinance are temporarily suspended to the extent inconsistent herewith and until a future ordinance is permanently addresses the subject matter.

SECTION 4. SEVERABILITY. If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be enforceable in all aspects immediately upon final reading and approval by the City Council for the City of Jacksonville Beach as authenticated herein.


AUTHENTICATED THIS 18th **DAY OF** April, A.D., 2022.



Christine H. Hoffman, Mayor


Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:



Sandra R. Robinson, City Attorney

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.