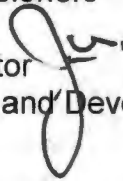




Interoffice Memorandum

March 10, 2020

TO: Mayor Jerry L. Demings
— AND —
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department 

CONTACT PERSON: **Alan Marshall, Assistant to the Director
Planning, Environmental, and Development Services
(407) 836-5884**

SUBJECT: March 24, 2020 – Public Hearing
Moratorium Ordinance on Micromobility Devices

Micromobility devices are defined in State Statutes as 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. This term includes motorized scooters and bicycles.

In August 2019, a micromobility company began distributing its brand of electric scooters on the sidewalks of select locations along on International Drive in unincorporated Orange County. The scooters were available to users who set up billing accounts through an online app. The company provides instructions on their usage within the coverage area.

Orange County Code Enforcement immediately began receiving complaints from businesses along I-Drive relating to clutter from the parked scooters, pedestrian traffic patterns being altered, and general liability concerns. Shortly thereafter, the scooters were removed by the company, but returned in October 2019. In early February, a second company began leaving scooters along the same area.

Orange County does not have an ordinance regulating the use of micromobility devices in rights-of-way and has been unable to manage the complaints received

by the businesses along I-Drive. In order to appropriately respond to complaints associated with these devices, and adequately study the usage of these devices in areas of the County (City of Orlando, UCF), staff will be holding a policy discussion with the Board where a moratorium on this activity will be proposed until a review is completed and potential permitting standards can be developed.

As a part of the public hearing, staff will provide a presentation describing the background issues, concepts and regulatory oversight of micromobility devices, existing local programs, and the need for, and parameters of, a moratorium for these activities in unincorporated Orange County.

ACTION REQUESTED: Adoption of an Ordinance Establishing a Moratorium on the Use of Micromobility Devices, Including Motorized Scooters and Motorized Bicycles, Within the Unincorporated Area of Orange County; and Providing an Effective Date. All Districts

JWW/FB
Attachment

C. Byron Brooks
Chris Testerman
Diana Almodovar

ORDINANCE NO. 2020-_____

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AN ORDINANCE ESTABLISHING A MORATORIUM ON
THE USE OF MICROMOBILITY DEVICES, INCLUDING
MOTORIZED SCOOTERS AND MOTORIZED BICYCLES,
WITHIN THE UNINCORPORATED AREA OF ORANGE
COUNTY; AND PROVIDING AN EFFECTIVE DATE.

10 *Section 1. Creation of Article VI (“Micromobility Devices”) of Chapter 35*
12 *(“Traffic”), Establishing a Moratorium on the Use of Micromobility Devices, including*
14 *Motorized Scooters and Motorized Bicycles. Article VI of Chapter 35 of the Orange County*
16 *Code is hereby created and shall read as follows:*

14 **ARTICLE VI**
MICROMOBILITY DEVICES

16 **Section 35-80. Findings.**

18 (a) Motorized transportation devices made available for
20 private use by reservation, that are not capable of traveling at a
speed greater than twenty (20) miles per hour, are known as
micromobility devices, and include motorized scooters and
motorized bicycles.

22 (b) The use of micromobility devices through a
24 “shared” service model is an increasing trend nationwide including
Florida.

26 (c) Motorized scooters and motorized bicycles have
been promoted as a means to provide a sustainable, relatively low
cost method of transportation over relatively short distances,
28 particularly in downtown and tourist areas.

30 (d) Various jurisdictions have permitted micromobility
devices but other jurisdictions have prohibited them or
implemented restrictions on micromobility devices based on
32 operational and safety concerns.

34 (e) Orange County, Florida (“Orange County”) is a
tourist destination frequented by tens of thousands of visitors at
any given time.

36 (f) Micromobility device companies have established a
38 presence in unincorporated Orange County, including areas
popular to tourists.

40 (g) Micromobility device users may be unfamiliar with
the area, as well as how to operate micromobility devices,
increasing safety risks for themselves and others.

42 (h) The nature of shared use programs will likely result
44 in micromobility devices being left unattended and parked or
leaned on walls or sidewalks, thereby creating a hazard and
46 impediment to accessibility for pedestrians and persons with
mobility challenges.

48 (i) Micromobility devices may result in injury or harm
to their users or pedestrians in the right of way, including in and on
crosswalks and sidewalks.

50 (j) It will require time and effort to thoroughly evaluate
52 existing micromobility device programs, conduct research, and
prepare an ordinance to permanently address micromobility
devices in unincorporated Orange County.

54 (k) Accordingly, until micromobility device regulations
56 have been adopted and have become effective, or until January 15,
2021, whichever date is earlier, the Orange County Board of
58 County Commissioners find it necessary and appropriate and in the
public interest to adopt a moratorium prohibiting the use of
micromobility devices in unincorporated Orange County.

60 **Section 35-81. Moratorium; Review and Study; Purpose.**

62 (a) During the moratorium period described in Section
64 35-82, the use of micromobility devices is hereby prohibited in
unincorporated Orange County and no person or entity shall allow
or permit the private use of these devices by reservation through an
online application, website, or software for point-to-point trips.

66 (b) During the moratorium period, Orange County staff
68 shall review and study safety and other issues related to the use of
micromobility devices in the unincorporated area of Orange
County, Florida.

70 (c) The purpose of the moratorium is to allow Orange
County a sufficient period of time to determine whether to develop

72 regulations for the use of micromobility devices in the
73 unincorporated area of Orange County or to prohibit them.

74 **Section 35-82. Moratorium Period.**

76 The moratorium described in Section 35-81 shall be in
77 effect until the effective date of an ordinance establishing
78 regulations concerning the use of micromobility devices or
79 permanently prohibiting micromobility devices in unincorporated
80 Orange County, or until January 15, 2021, whichever date is
81 earlier.

82 **Section 35-83. Definitions.**

83 The following terms shall have the following definitions:

84 “Micromobility device” means any motorized
85 transportation device made available for private use by reservation
86 through an online application, website, or software for point-to-
87 point trips and which is not capable of traveling at a speed greater
88 than twenty (20) miles per hour on level ground. This term
89 includes motorized scooters and motorized bicycles.

90 “Motorized scooter” means any micromobility device that
91 is powered by a motor, with or without a seat or saddle for the use
92 of the rider, which is designed to travel on not more than three
93 wheels, and which is not capable of propelling the vehicle at a
94 speed greater than twenty (20) miles per hour on level ground.

95 **Section 35-84. Seizure and Impoundment.**

96 Orange County may seize and impound any micromobility
97 device found on public property. The micromobility device will be
98 released to the lawful owner only after all towing and storage fees
99 have been satisfied.

100 **Section 35-85. Applicability.**

101 (a) This article shall only apply within the
102 unincorporated area of Orange County.

103 (b) Nothing in this article shall prohibit the use of
104 motorized devices that do not fall within the definition of a
105 micromobility device.

Section 2. Effective date. This moratorium ordinance shall become effective on

106 April 3, 2020.

ADOPTED THIS 24th DAY OF March, 2020.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings,
Orange County Mayor

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116 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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