

BCC Mtg. Date: March 24, 2020

Effective Date: April 3, 2020

ORDINANCE NO. 2020-10

**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.**

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

ARTICLE VI
MICROMOBILITY DEVICES

Section 35-80. Findings.

(a) Motorized transportation devices made available for 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.

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

(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, particularly in downtown and tourist areas.

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

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

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

(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.

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

(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.

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

(k) Accordingly, until micromobility device regulations have been adopted and have become effective, or until January 15, 2021, whichever date is earlier, the Orange County Board of 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.

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

(a) During the moratorium period described in Section 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.

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

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

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

Section 35-82. Moratorium Period.

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

Section 35-83. Definitions.

The following terms shall have the following definitions:

“*Micromobility device*” means 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 twenty (20) miles per hour on level ground. This term includes motorized scooters and motorized bicycles.

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

Section 35-84. Penalties and Remedies.

Any person who violates Section 35-81(a) shall be subject to any one or more of the following penalties and/or remedies:

(a) A violation of Section 35-81(a) may be enforced through the code enforcement process as described in Chapter 11 of the Orange County Code and Chapter 162 of the Florida Statutes;

(b) Orange County may bring a lawsuit in a court of competent jurisdiction to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law to cure, remove, prevent, or end a violation of Section 35-81(a);

(c) A violation of Section 35-81(a) may be punished as provided in Section 1-9 of the Orange County Code; and

(d) Orange County may seize and impound any micromobility device found on public property in violation of Section 35-81(a), and the micromobility device will be released to the lawful owner only after all towing and storage fees have been satisfied.

Section 35-85. Applicability.

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

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

Section 2. Effective date. This moratorium ordinance shall become effective on April 3, 2020.

ADOPTED THIS 24th DAY OF March, 2020.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings,
Orange County Mayor

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

By: *Katie Smith*
Deputy Clerk

