

ATTACHMENT 1

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2020 - 01

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5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF**
6 **THE VILLAGE OF ESTERO, FLORIDA,**
7 **PROVIDING FOR THE PROHIBITION OF**
8 **MICROMOBILITY DEVICES AND MOTORIZED**
9 **SCOOTERS; PROVIDING FOR PURPOSE;**
10 **PROVIDING FOR PENALTY; PROVIDING FOR**
11 **CONFLICT; PROVIDING FOR SEVERABILITY;**
12 **PROVIDING FOR CODIFICATION; PROVIDING**
13 **AN EFFECTIVE DATE.**
14

15 **WHEREAS**, Section 316.003(38), Fla. Stats., (2019), defines the term “micromobility
16 device” as “any motorized transportation device made available for private use by reservation
17 through an online application, website, or software for point-to-point trips and which is not
18 capable of traveling at a speed greater than 20 miles per hour on level ground. This term
19 includes motorized scooters and bicycles as defined in the chapter”; and
20

21 **WHEREAS**, Section 316.003(45 Fla. Stats. (2019), defines the term “motorized
22 scooter” as “any vehicle or micromobility device that is powered by a motor with or without a
23 seat or saddle for the use of the rider, which is designed to travel on not more than three wheels,
24 and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on
25 level ground”; and
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27 **WHEREAS**, the Village Council of the Village of Estero finds that the use of
28 micromobility devices and motorized scooters on the Village’s sidewalks, shared use paths,
29 streets, and roads may create a potential hazard due to the heavy use of such public areas by
30 pedestrians and vehicles, and
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32 **WHEREAS**, the Village Council of the Village of Estero finds that it is in the best
33 interest of the health, safety and welfare of the residents and visitors of the Village of Estero
34 to prohibit the use of micromobility devices and motorized scooters within the Village.
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36 **NOW, THEREFORE, BE IT ORDAINED** by the Village Council of the Village of
37 Estero, Florida, as follows:
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39 **Section 1. Recitals.**
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41 Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if
42 specifically set forth herein.
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46 **Section 2.** The following shall be added to Chapter 24 – Motor Vehicles and Traffic,
47 Article I – In General, Division 1, Generally, of the Codes and Ordinances of the Village of
48 Estero:
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50 **Section 24-1. Prohibition on use of Micromobility Devices and Motorized**
51 **Scooters**

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53 (a) Definitions:

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55 *Micromobility Devices:* Any motorized transportation device made available for
56 private use by reservation through an online application, website, or software for
57 point-to-point trips and which is not capable of traveling at a speed greater than 20
58 miles per hour on level ground. This term includes motorized scooters and bicycles.
59

60 *Motorized Scooters:* any vehicle or micromobility device that is powered by a motor
61 with or without a seat or saddle for the use of the rider, which is designed to travel on
62 not more than three wheels, and which is not capable of propelling the vehicle at a
63 speed greater than 20 miles per hour on level ground.
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65 (b) No person shall drive or operate a micromobility device or motorized scooter or
66 any vehicle operated in any manner other than by human power upon any public
67 sidewalk or path, except:

- 68 a. Governmental personnel on official business, emergency vehicles, or the
69 use of special mobile equipment for repair or maintenance of the sidewalk
70 areas.
71 b. Motorized wheelchairs or similar mobility device having three or more
72 wheels being operated by a person disabled for mobility purposes who is
73 either permanently or temporarily unable to walk without the use of a
74 mobility device.
75 c. A person age 18 or older operating a Class 1 pedal assisted bicycle, defined
76 as an electric assisted bicycle equipped with a motor that provides assistance
77 only when the rider is peddling and ceases to provide assistance when the
78 bicycle reaches a speed of 20 miles per hour.
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80 (c) No micromobility device, motorized scooter, or Class 1 pedal assisted bicycle shall
81 be rented or offered to rent upon any sidewalk, bicycle path or shared use path or
82 other portion of a roadway set aside for the exclusive use of bicycles, or bicycles
83 and pedestrians.
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85 (d) Violation of any provision of this Ordinance herein for first time offenders shall
86 result in the issuance of a written warning by enforcement officers. All subsequent
87 violations of any provision of this Ordinance shall result in a fine not to exceed
88 \$500.00, in addition to any penalty that may be imposed under State Law.
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Section 3. Conflict.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Village or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

Section 4. Severability.

In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Codification.

The Village Council intends that this Ordinance be made part of the Code of the Laws and Ordinances, of the Village of Estero, Florida; and that the sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the Village Manager without the need for a public hearing.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 8th day of January, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 22nd day of January, 2020.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
Bill Ribble, Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq., Village Attorney

	Vote:	AYE	NAY
137	Mayor Ribble	_____	_____
138	Vice Mayor Errington	_____	_____
139	Councilmember Batos	_____	_____
140	Councilmember Boesch	_____	_____
141	Councilmember Levitan	_____	_____
142	Councilmember McLain	_____	_____
143	Councilmember Wilson	_____	_____