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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2020 - 01

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA,
PROVIDING FOR THE PROHIBITION OF
MICROMOBILITY DEVICES AND MOTORIZED
SCOOTERS; PROVIDING FOR PURPOSE;
PROVIDING FOR PENALTY; PROVIDING FOR
CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Section 316.003(38), Fla. Stats., (2019), defines the term “micromobility device” 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 motorized bicycles as defined in the chapter”; and

WHEREAS, Section 316.003(45) Fla. Stats. (2019), defines the term “motorized scooter” as “any vehicle or 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 20 miles per hour on level ground”; and

WHEREAS, the Village Council of the Village of Estero finds that the use of micromobility devices and motorized scooters on the Village’s sidewalks, shared use paths, streets, and roads may create a potential hazard due to the heavy use of such public areas by pedestrians and vehicles, and

WHEREAS, the Village Council of the Village of Estero finds that it is in the best interest of the health, safety and welfare of the residents and visitors of the Village of Estero to prohibit the use of micromobility devices and motorized scooters within the Village.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Estero, Florida, as follows:

Section 1. Recitals.

Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if specifically set forth herein.

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:

49
50 **Section 24-1. Prohibition on use of Micromobility Devices and Motorized**
51 **Scoters**

52
53 (a) Definitions:

54
55 *Micromobility Devices:* Any motorized transportation device made available for
56 private use by reservation through an online application, website, or software for point-
57 to-point trips and which is not capable of traveling at a speed greater than 20 miles per
58 hour on level ground. This term includes motorized scooters and motorized 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.

64
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.

79
80 (c) No micromobility device, motorized scooter, or Class 1 pedal assisted bicycle shall
81 be rented or offered to rent for use upon any sidewalk, bicycle path or shared use
82 path.

83
84 (d) Violation of any provision of this Ordinance herein for first time offenders shall
85 result in the issuance of a written warning by enforcement officers. All subsequent
86 violations of any provision of this Ordinance shall result in a fine not to exceed
87 \$500.00, in addition to any penalty that may be imposed under State Law.

91 **Section 3. Conflict.**

92 All ordinances, resolutions, official determinations or parts thereof previously
93 adopted or entered by the Village or any of its officials and in conflict with this
94 Ordinance are hereby repealed to the extent inconsistent herewith.
95

96
97 **Section 4. Severability.**

98
99 In the event that any portion of this ordinance is for any reason held invalid or
100 unconstitutional by any court of competent jurisdiction, such portion shall be deemed
101 a separate, distinct and independent provision, and such holding shall not affect the
102 validity of the remaining portions of this ordinance.
103

104 **Section 5. Codification.**

105
106 The Village Council intends that this Ordinance be made part of the Code of the Laws
107 and Ordinances, of the Village of Estero, Florida; and that the sections of this
108 Ordinance can be renumbered or re-lettered to the appropriate word or phrase to
109 accomplish codification, and regardless of whether this Ordinance is ever codified, the
110 Ordinance can be renumbered or re-lettered and typographical errors and clarification
111 of ambiguous wording that do not affect the intent can be corrected with the
112 authorization of the Village Manager without the need for a public hearing.
113

114 **Section 6. Effective Date.**

115
116 This Ordinance shall take effect immediately upon adoption.
117

118 **PASSED** on first reading this 8th day of January, 2020.
119

120 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
121 Florida this 22nd day of January, 2020.
122

123 Attest:

VILLAGE OF ESTERO, FLORIDA

124
125
126 By: Kathy Hall
127 Kathy Hall, MMC, Village Clerk
128

129
130
131 By: Bill Ribble
132 Bill Ribble, Mayor
133

134 Reviewed for legal sufficiency:

135 By: Burt Saunders
Burt Saunders, Esq., Village Attorney

	Vote:	AYE	NAY
137	Mayor Ribble	<u>✓</u>	_____
138	Vice Mayor Errington	<u>✓</u>	_____
139	Councilmember Batos	<u>✓</u>	_____
140	Councilmember Boesch	<u>✓</u>	_____
141	Councilmember Levitan	<u>✓</u>	_____
142	Councilmember McLain	<u>✓</u>	_____
143	Councilmember Wilson	<i>Absent</i>	_____