

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024 First Reading

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66, ENTITLED "DEFINITIONS," BY CONFORMING THE DEFINITION OF MOTORIZED SCOOTER TO STATE LAW; AND BY AMENDING SECTION 70-67, ENTITLED "PROHIBITED ACTIVITIES," BY PERMITTING SENIOR CITIZENS HAVING ATTAINED A CERTAIN AGE TO OPERATE ELECTRIC BICYCLES AND MOTORIZED BICYCLES UPON THE BEACHWALK AND THE LUMMUS PARK PROMENADE SUBJECT TO A MAXIMUM SPEED OF EIGHT (8) MILES PER HOUR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance, sponsored by Commissioner Kristen Rosen Gonzalez, is submitted for consideration by the Mayor and City Commission.

It is the policy of the City of Miami Beach that public property including, but not limited to, public sidewalks, streets, alleyways, parks, beaches, beach access areas, walkways, pathways, garages, buildings, promenades, and pedestrian malls should be readily accessible and available for use by residents, visitors, and the public at large for their safe enjoyment.

As such, the Mayor and City Commission seek to encourage the safe use of bicycle and pedestrian paths; and to facilitate and balance the health, safety, and welfare of bicyclists, pedestrians, and other residents (and visitors) utilizing shared-use and bicycle paths in the City.

The Beachwalk, in conjunction with the Lummus Park Promenade, connects the City from north (87th Terrace) to south (South Pointe), and provides a safe and pleasurable non-motorized pathway (except for motorized devices and wheelchairs when used by disabled persons) that can be utilized by bicyclists and pedestrians for exercise, leisure, or traversing the length of the City. However, some senior citizens may be unable to make use of the Beachwalk because they are

unable to comfortably walk or ride a traditional bicycle (propelled solely by human power) to get from north to south within the City.

If adopted, the proposed Ordinance would permit senior citizens 70 years of age or older to ride electric bicycles or motorized bicycles on the Beachwalk, at a maximum speed of eight (8) miles per hour. This would offer a calmer environment, allowing seniors to ride at a comfortable pace while minimizing the chances of serious collisions and injury. Moreover, riding on the Beachwalk would provide seniors with a safer alternative than riding on the streets and roadways by reducing their exposure to fast-moving traffic and the associated risks of accidents with cars and larger vehicles, along with easier access to amenities and the ability to safely stop for rest (or otherwise), as needed.

### **FISCAL IMPACT STATEMENT**

N/A.

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

#### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

#### **Department**

City Attorney

#### **Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

**Co-sponsor(s)**

**Condensed Title**

1st Rdg, Ch. 70, E-Bikes Permitted on Beachwalk for Senior Citizens. (Rosen Gonzalez) CA