

R5 Y 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.

Applicable Area:

# 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

ORDINANCE NO. \_\_\_\_\_

**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.**

**WHEREAS**, 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; and

**WHEREAS**, 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 bicycle paths in the City; and

**WHEREAS**, the Beachwalk, in conjunction with the Lummus Park Promenade, connects the City from north (87<sup>th</sup> Terrace) to south (South Pointe); and

**WHEREAS**, the Beachwalk 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; and

**WHEREAS**, some senior citizens may be unable to comfortably walk or ride a traditional bicycle (propelled solely by human power) to get from north to south within the City; and

**WHEREAS**, allowing senior citizens 70 years of age or older to ride electric bicycles or motorized bicycles on the Beachwalk provides 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; and

**WHEREAS**, streets and roadways can be hazardous, especially for older riders who may have slower reflexes, poorer eyesight, less balance, and reduced endurance; and

**WHEREAS**, permitting senior citizens 70 years of age or older to ride electric or motorized bicycles on the Beachwalk, at a maximum speed of eight (8) miles per hour, offers a calmer environment, allowing seniors to ride at a comfortable pace while minimizing the chances of serious collisions and injury; and

**WHEREAS**, utilization of the Beachwalk for senior citizens on electric or motorized bicycles would also provide seniors with much easier access to amenities and the ability to safely stop for rest (or otherwise), as needed.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Section 70-66 of Division 2 of Article II of Chapter 70 of the Miami Beach City Code is hereby amended as follows:

## **CHAPTER 70**

### **MISCELLANEOUS OFFENSES**

\* \* \*

### **ARTICLE II. PUBLIC PLACES**

\* \* \*

#### **DIVISION 2. BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS**

\* \* \*

#### **Sec. 70-66. - Definitions.**

The following definitions are applicable to this division:

*Autocycle* means a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

*Bicycle* means every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. The term does not include non-motorized vehicles for hire as defined in [section 106-463](#) of the city Code.

*Bicycle path* means any road, path or way that is open to bicycle travel which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way, and as defined and authorized by state law and the city Code, and includes the city's coastal pathways, beachwalk, baywalk, and cutwalk that are within the Atlantic Greenway Network as set forth in appendix A.

*Code compliance officer* means a code inspector as defined in section 30-3 of the city Code and, for purposes of this division shall include without limitation police officers.

*Electric bicycle* means a bicycle propelled by an electric motor, having two tandem wheels, and including any device generally recognized as an electric bicycle though equipped with two front or two rear wheels.

*Electric personal assistive mobility device* means any self-balancing, two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system, and includes the definition set forth in F.S. § 316.003(83), as may be amended.

*Golf cart* means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

*Grinding* means the process by which a skater or skateboarder attaches to a curb or rail and slides along the edge of the curb or rail.

*High impact periods* mean those periods of time as annually designated by the city manager during which one or more of the following occur:

- (1) There is a designated major event period;
- (2) A maintenance of traffic plan is required (e.g., including, but not limited to, street closures, lane closures, shuttle service);
- (3) Hotel occupancy levels are anticipated to be greater than 75 percent;
- (4) Mutual aid or other assistance from outside agencies is required to provide for the safety and well-being of residents and visitors to the destinations; or
- (5) An event on public property is anticipated to result in more than 25,000 visitors to the destination.

*Launching* means using any angled or elevated surface which the skater, skateboarder, or cyclist can jump from in order to get airborne.

*Low-speed vehicle* means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour including, but not limited to, neighborhood electric vehicles.

*Moped* means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

*Motorcycle* means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an auticycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

*Motorized means of transportation* means any devices or means of transportation which are propelled other than solely by human power and includes, but is not limited to, electric personal assistive mobility devices, motorized skateboards, motorized skates, and any other motorized device not defined as a vehicle in F.S. § 316.003, as may be amended; but shall not include motorized devices and wheelchairs when used by disabled persons.

*Motorized bicycle* means a bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground, having two tandem wheels, and including any device generally recognized as a motorized bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

*Motorized scooter* means 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. The term does not include an electric bicycle or motorized bicycle.

*Rail sliding* means an activity similar to curb or edge grinding. Handrails are often used for rail sliding, in which the skater jumps to the top of the rail and slides down the decline.

*Stalling* means the process by which a skater or skateboarder attaches to a curb or edge in the space between the second and third wheel of the in-line skate or any part of the skateboard.

\* \* \*

**SECTION 2.** That Section 70-67 of Division 2 of Article II of Chapter 70 of the Miami Beach City Code is hereby amended as follows:

**Sec. 70-67. Prohibited activities.**

- (a) It shall be unlawful for any person to engage in skateboarding, roller skating, and in-line skating at any time, to operate any motorized means of transportation at any time, or to engage in bicycling between 9:00 a.m. and 2:00 a.m., in, on, or upon any portion of Lincoln Road Mall lying west of the westerly line of Washington Avenue to the easterly line of Alton Road.
- (b) It shall be unlawful for any person to engage in bicycling, roller skating, in-line skating, or skateboarding, in, on, or upon any portion of the sidewalk on the east and west sides of Ocean Drive between South Pointe Drive and 15th Street at any time.
- (c) It shall be unlawful to operate, at any time, any motorized means of transportation, in, on, or upon any portion of:
  - (1) The Beachwalk between 15th and 23rd Streets, between 64th and 79th Streets, south of 5th Street and between 15th Street and 87th Terrace, and on any additional segments of the Beachwalk that may be constructed in the future, except that persons 70 years of age or older shall be permitted to operate an electric bicycle or motorized bicycle at a maximum speed of eight (8) miles per hour;

- (2) The Lummus Park Promenade (also known as the Lummus Park Serpentine Walkway) between 5th and 15th Streets, except that persons 70 years of age or older shall be permitted to operate an electric bicycle or motorized bicycle at a maximum speed of eight (8) miles per hour;
  - (3) The sidewalks on the east and west sides of Ocean Drive between South Pointe Drive and 15th Street;
  - (4) The South Pointe Park Cutwalk adjacent and parallel to Government Cut;
  - (5) The Marina Baywalk adjacent and parallel to Biscayne Bay and south of 5th Street;
  - (6) The interior pathways within South Pointe Park and Collins Park; and
  - (7) The South Pointe Park Pier.
- (d) It shall be unlawful to operate any motorized means of transportation, in, on, or upon any sidewalk or sidewalk areas in the city, except for (a) wheelchairs or other motorized means of transportation when used by disabled persons and (b) electric personal assistive mobility devices, where otherwise not prohibited, which shall be restricted to a maximum speed of eight miles per hour.
  - (e) It shall be unlawful to operate an electric personal assistive mobility device on any bicycle path in the city, where otherwise not prohibited, at a speed greater than eight miles per hour.
  - (f) It shall be unlawful to grind, rail slide, launch, stall or to engage in any other such type of activity on a skateboard, in-line skates, or roller skates which results in the damage of public or private property.
  - (g) It shall be unlawful to operate any motorized device defined as a vehicle in F.S. § 316.003, and any motorized means of transportation, on any street or road that is closed to motor vehicle traffic by the police department for events during high impact periods.
  - (h) All of the prohibitions in this section shall apply to the areas identified notwithstanding any change in the name of the street, right-of-way, or facility.

\* \* \*

### **SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

### **SECTION 4. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

Underline denotes additions.

~~Strikethrough~~ denotes deletions.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

10/21/2024  
\_\_\_\_\_  
Date