

ORDINANCE 2019-25

AN ORDINANCE OF THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS DECLARING, ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE UNINCORPORATED AREAS OF WALTON COUNTY FOR A PERIOD OF 270 DAYS ON THE OFFERING FOR HIRE OF MICROMOBILITY DEVICES, AND ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS OR FRANCHISES PERTAINING TO THE OFFERING FOR HIRE OF MICROMOBILITY DEVICES, IN ORDER TO ALLOW AN OPPORTUNITY FOR THE COUNTY TO DEVELOP REGULATIONS FOR SUCH USES IN THE COUNTY RIGHTS OF WAY; PROVIDING FOR SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the Florida legislature recently enacted House Bill 453, related to motorized scooters and micromobility devices, which amended Chapter 316, State Uniform Traffic Control; and

WHEREAS, Florida Statute 316.003(38) defines a “micromobility device” as “[a]ny motorized transportation 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;” and

WHEREAS, Florida Statute 316.003(45) defines a “motorized scooter” as “[a]ny 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, Florida Statute 316.2128(1) grants micromobility devices and motorized scooters “all of the rights and duties applicable to the rider of a bicycle,” including the right to operate motorized scooters on sidewalks, streets, and trails; and

WHEREAS, Florida Statute 316.2128(1) allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

WHEREAS, the County is aware of other local governments which have experienced negative impacts to the safety and/or welfare of the public by the unregulated use of personal transportation vehicles, such as micromobility devices; and

WHEREAS, the County wants to explore and encourage alternative means of transportation within the County to reduce automobile traffic and alleviate parking issues; and

WHEREAS, the County desires to analyze the situations which have occurred in other counties and cities and evaluate and make recommendations for regulations which will encourage the sharing of micromobility devices and/or other personal transportation vehicles in the public right-of-way in a manner which will better promote the safety and general welfare of the County, its residents, and visitors; and

WHEREAS, the Board of County Commissioners finds and declares a need to temporarily prohibit the offering for hire of motorized scooters and micromobility devices within the County, in order to allow for the development of regulations for such uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:

Section 1. The foregoing whereas clauses are hereby adopted as findings of fact.

Section 2. A temporary moratorium is hereby imposed on the offering for hire of motorized scooters or micromobility devices within the unincorporated areas of Walton County.

Section 3. During the period of this moratorium, the County shall not process or issue any authorizations, permits or franchises, nor shall it process any applications, concerning micromobilityhubs or the offering for hire of motorized scooters or micromobility devices within the County.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of

the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. This Ordinance shall become effective immediately upon adoption, as provided by law.

The temporary moratorium shall terminate two hundred and seventy (270) days from the effective date, unless the Board rescinds or extends the moratorium by subsequent ordinance. This moratorium has been established for the minimum time period anticipated by the County to complete an analysis for the development of regulations of motorized scooters and micromobility devices.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 10th day of December, 2019.

Attest:

Dani Cordeu
Alex Alford, Clerk of Circuit Court
and County Comptroller



BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

W.N. "Bill" Chapman
W.N. "Bill" Chapman, Chair