

PROPOSED ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ADMINISTRATIVE REVIEW AND THE ISSUANCE OF PERMITS RELATED TO BIKE SHARE PROGRAMS FOR A PERIOD OF SIX (6) MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE GEOGRAPHIC AREA COVERED; PROVIDING FOR THE DURATION OF MORATORIUM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bike Share is a service in which bicycles are made available for rental on a short-term basis for a price; and

WHEREAS, the City of Pembroke Pines (the “City”) is currently reviewing possible Bike Share programs and the costs and benefits associated with various types of Bike Share programs around the country; and

WHEREAS, Bike Share programs have shown significant problems in both docked and dockless systems causing a high financial burden and occupation of valuable public space; and

WHEREAS, Broward County is considering an exclusive Bike Share program which the City may wish to join; and

WHEREAS, the City is considering regulations with regards to said Bike Share programs to ensure that various City ordinances comply with applicable federal and state laws; and

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WHEREAS, the City has noted the potential for Bike Share programs and the need for time to review and consider the best processes for implementation of regulations pertaining to Bike Share programs and to evaluate the extent that these regulations could afford the City protection from some of the downfalls associated with the program; and

WHEREAS, it is the recommendation of the City Manager that a moratorium be implemented for six (6) months to allow for the continuance of ongoing research and analysis regarding Bike Share programs; and

WHEREAS, during the moratorium period, the City Commission directs that the City Manager and the City's professional staff and consultants study and develop a comprehensive strategy for Bike Share programs to ensure that the best interests of the City's citizens and residents are protected.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PEMBROKE PINES, FLORIDA THAT:

Section 1. The WHEREAS clauses are incorporated herein, are true and correct, and represent the Commission's legislative findings and intent regarding the necessity of a temporary moratorium on Bike Share programs.

Section 2. The moratorium set forth in this ordinance shall take effect immediately upon the effective date of this ordinance and shall terminate six (6) months after the said effective date. The City will accept no applications of any form nor issue any permits of any form relating to the placement or installation of a Bike Share program

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within the City, in order to allow staff time to undertake a thorough analysis of the pros and cons of the Bike Share program in addition to the City's current regulations, State and Federal laws and to carefully review, consider, and process implementation, reasonable regulations regarding same.

Section 3. The moratorium established in this ordinance shall be effective in the municipal boundaries of the City of Pembroke Pines.

Section 4. That should any section or provision of this ordinance or any portion thereof any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective immediately upon its passage.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE FIRST READING, THIS _____ DAY OF
_____, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING THIS
_____ DAY OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

BY: _____
MAYOR FRANK C. ORTIS

ATTEST:

_____	ORTIS	_____
MARLENE GRAHAM, CITY CLERK	CASTILLO	_____
APPROVED AS TO FORM:	SCHWARTZ	_____
	GOOD	_____
_____	SIPLE	_____
OFFICE OF THE CITY ATTORNEY		

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