



Legislation Text

File #: 2018-11, **Version:** 2

MOTION TO ADOPT PROPOSED ORDINANCE NO. 2018-11 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE NO. 2018-11 IS 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.

SUMMARY EXPLANATION AND BACKGROUND:

1. City Staff have recognized that Bike-Sharing programs are increasing in popularity and being introduced in many cities locally and nationally.
2. Bike share for City purposes could include the sharing of standard bicycles, electric bicycles, and/or scooters.
3. There are currently two types of bike share operation system models today-Docked and Dockless bike-sharing.
 - ☐ Docked bike systems - Bicycles are picked up and dropped off at specific locations called a docking station.
 - ☐ Dockless bike systems - Consist of a bicycle with a lock that is usually integrated onto the frame and does not require a docking station (Bike and location may requested through an application).
4. The City currently has no regulations regarding either Bike Sharing model.
5. On December 18, 2017, two identical bills, SB 1304 / HB 1033, were introduced to the Florida Legislature that attempted to empower the state to regulate dockless bike-sharing. The Bill included a clause that would bar cities from adopting their own regulations and nullify any existing regulations. The Bill died in the Florida Legislature however that does not mean that the item will not be revisited in the future.
6. The North American Bike Share Association (NABSA) in a January 11, 2018 letter opposing SB 1304 / HB 1033 for the following reasons:
 - ☐ It preempts local control over bikeshare implementation
 - ☐ It preempts local control over the public right of way

- ☐ It preempts local control over safety standards
- ☐ It does not outline sufficient safety standards for shared public-use bicycles
- ☐ It preempts local control over bikeshare operational requirements
- ☐ It does not outline sufficient operational requirements
- ☐ It does not address privacy protection of sensitive customer data
- ☐ It negates the investment and success of currently operating bikeshare systems that have a proven track record of success.
- ☐ Cities often incur high costs for dockless bikeshare maintenance and enforcement.

7. Planning and Economic Development Department also provides the following recent articles outlining bike share concerns in Miami-Dade County.

- ☐ *"County Looks at Regulating Bike-Sharing Companies"* which expressed a concern that there was a lack of uniform means that regulate Bike-Sharing companies (LimeBike, Citi Bike, and Ofo) in Miami-Dade County. There are no set guidelines, lack of control, and no regulatory mechanism that assigns responsibility for the product use.
- ☐ *"Why are these stray green bikes all over Kendall? And is anyone using them?"* which discusses the trend for bike share to move into the western areas of Miami-Dade County specifically Kendall by Lime Bike.

8. Staff would like to examine both, regional and local approaches on bike-share systems in order to determine the best course of action.

9. Taking these concerns into consideration, the City Staff would like to impose a moratorium on both, docked and dockless bike-sharing programs and proceed with research during the next six (6) months until a regulatory system that protects Pembroke Pines can be established.

10. Staff recommends adopting proposed Ordinance No. 2018-11 on second reading.

11. The City Commission voted to pass the first reading of proposed Ordinance No. 2018-11 on June 20, 2018.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.