

## **ORDINANCE NO. 9-2019**

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED IN ORDINANCE NO. 20-2018 FOR A PERIOD OF NINETY (90) DAYS FROM APRIL 9, 2019, SAID MORATORIUM TO BE EFFECTIVE THROUGH AND INCLUDING JULY 8, 2019. BASED UPON A FINDING BY THE TOWN COUNCIL THAT THE ISSUE GIVING RISE TO THE NEED FOR THE TEMPORARY MORATORIUM ESTABLISHED THEREIN CONTINUES TO EXIST. IN ORDER TO ALLOW AN OPPORTUNITY FOR THE TOWN TO DEVELOP REGULATIONS FOR THE SUBMITTAL, AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS OR FRANCHISES PERTAINING TO SCOOTER SHARING AND/OR PERSONAL TRANSPORTATION VEHICLES, AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 10, 2018, the Town Council adopted Ordinance No. 20-2018, declaring, establishing and imposing a temporary moratorium within the Town of Palm Beach on the submittal and processing of applications and issuance of any permits or franchises pertaining to bicycle or scooter sharing; and

**WHEREAS**, said moratorium was established for a period of 180 days from the date of adoption of the Ordinance in order to allow an opportunity for the Town to develop regulations for such uses in the Town, County, and Florida Department of Transportation rights-of-way; and

**WHEREAS**, during the period of this moratorium, the Town and Staff have been diligently studying this matter in order to evaluate and make recommendations for the sharing of bicycles, scooters, and/or other personal transportation vehicles in the public rights-of-way in a manner which will better promote the safety and general welfare of the Town, its residents, and visitors; and

**WHEREAS**, said study has not yet been completed and will not be complete prior to the expiration of the moratorium established under Ordinance No. 20-2018; and

**WHEREAS**, the Town Council finds and declares that the issue giving rise to the need for the temporary moratorium established in Ordinance No. 20-2018 continues to exist; and

**WHEREAS**, based upon such finding, the Town Council wishes to extend the temporary moratorium for an additional 90 days beginning April 9, 2019.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1:** Legislative Findings of Fact: The Town Council finds and declares that:

(a) All of the statements set forth in the recitals to this Ordinance are true and correct and are hereby adopted as part of this Ordinance.

(b) For the purposes set forth herein, the Town Council finds that it is in the best interest

of the general public and there exists a need to declare an extension of the moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles in order for the staff to examine and make recommendations to the Town Council as to regulations to be considered by it.

**Section 2:** The Town Council, by adoption of this Ordinance, hereby extends the temporary moratorium now in effect and established by Ordinance No. 20-2018 for an additional ninety (90) days, said moratorium to continue from April 9, 2019 through and including July 8, 2019.

**Section 3. Severability.** If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4. Repeal of Ordinances in Conflict.** All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby suspended during the period of this moratorium.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon adoption on first reading as an emergency ordinance.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 19<sup>th</sup> day of March, 2019.

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Gail L. Coniglio, Mayor

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Town Council President

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Council President Pro Tem

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Town Council Member

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Town Council Member

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Town Council Member

ATTEST:

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Kathleen Dominguez, Town Clerk