



CITY COMMISSION ORDINANCE/RESOLUTION

TITLE: Ordinance 26-02 (Commission)

DATE May 12, 2026

DESCRIPTION: AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 13 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PUBLIC SAFETY;" AMENDING ARTICLE III, ENTITLED "LOST, UNCLAIMED OR SEIZED PERSONAL PROPERTY," BY CREATING SECTIONS 13-44 THROUGH 13-49, TO ESTABLISH AN IMPOUNDMENT PROCEDURE FOR MICROMOBILITY DEVICES OPERATED IN VIOLATION OF SECTION 17-4(B)(1)(d) OR SECTION 17-4(B)(3); PROVIDING FOR DEFINITIONS; PROVIDING FOR NOTICE AND HEARING; PROVIDING FOR A PERIOD OF IMPOUNDMENT; PROVIDING FOR FEES AND RELEASE; PROVIDING FOR DISPOSITION OF UNCLAIMED DEVICES; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. –
Commissioner Shrouder

RECOMMENDATION:

Commissioner Shrouder requests a motion to approve reconsideration of Ordinance No. 26-02; and upon approval of reconsideration, a motion to approve the attached amended ordinance, which creates Sections 13-44 through 13-49 of the City Code to establish impoundment procedures for micromobility devices operated in violation of Section 17-4(B)(1)(d) or Section 17-4(B)(3).

BACKGROUND OF ITEM:

The proposed amendment aims to address ongoing safety concerns about the reckless operation of micromobility devices, including operation by minors with the knowledge or permission of parents, legal guardians, or custodians. The ordinance finds that civil penalties alone may be insufficient to deter repeated reckless operation and to protect pedestrians, motorists, and operators.

The attached ordinance amends Chapter 13 of the City Code by adding Sections 13-44 through 13-49 to establish a formal impoundment procedure for micromobility devices. The proposed ordinance includes the following provisions:

1. Authority to Impound

The ordinance authorizes a City law enforcement officer to seize and impound a micromobility device when the officer has probable cause to believe the device was operated in violation of Section 17-4(B)(1)(d) or Section 17-4(B)(3). The device would be transported to a facility designated by the Police Department, which may include a private storage facility.

2. Definitions

The ordinance defines “micromobility device” to include micromobility devices, electric bicycles, and motorized scooters as defined in Section 17-4. It also defines “owner” to include the person or entity holding legal title and, if the operator is a minor, the minor’s parent, legal guardian, or custodian.

3. Notice and Right to Hearing

The Police Department must provide written notice of impoundment within forty-eight hours, excluding weekends and legal holidays, to the person from whom the device was seized, the parent or guardian if the person is a minor, and the registered or titled owner, if reasonably ascertainable. The notice must include information on the seizure, the device description, the storage location, the alleged violation, accrued fees, the hearing procedure, and the thirty-day impoundment period.

A person entitled to notice may request a hearing before the Special Magistrate by filing a written request with the City Clerk within ten calendar days of the notice. The hearing must be held within fourteen calendar days of the City Clerk’s receipt of the request, or as soon thereafter as the Special Magistrate’s schedule permits.

4. Burden of Proof and Disposition

At the hearing, the City bears the burden of proving, by a preponderance of the evidence, that probable cause existed to believe a violation occurred and that the impounded device was used in the violation. If the Special Magistrate finds that the City has not met its burden or that an affirmative defense applies, the device must be released to the owner without payment of City-imposed fees. If the City meets its burden, the device remains impounded for the remainder of the thirty days.

5. Period of Impoundment

A micromobility device impounded under the ordinance would be held for thirty days from the date of seizure. Early release would be prohibited except by the order of the Special Magistrate, a finding that an affirmative defense applies, or an order of a court of competent jurisdiction.

6. Storage, Towing, Administrative Fees, and Release

The owner would be responsible for the actual and reasonable costs of towing, storage, and administrative processing incurred by the City or its designee. The City Commission would establish the fee schedule by resolution and post it in the City Clerk's Office and on the City's website. The device would not be released to anyone under eighteen years of age.

The ordinance also authorizes the City Manager or designee to reduce or waive City-imposed storage and administrative fees, but not actual towing or third-party storage costs, upon completion of the City-sponsored educational program. This would not reduce the thirty-day impoundment period.

7. Unclaimed Devices

If a device is not claimed and the applicable fees are not paid within 90 days after the 30-day impoundment period expires, the device will be deemed abandoned. It may be disposed of in accordance with existing City Code provisions governing lost, unclaimed, or seized personal property.

8. Affirmative Defenses

The ordinance establishes affirmative defenses to impoundment when the owner proves by a preponderance of the evidence that the device was reported stolen before the alleged violation, or that the device was operated without the owner's knowledge or consent, and that the owner had taken reasonable measures to prevent unauthorized use.

ANALYSIS:

The proposed amended ordinance is designed to strengthen enforcement by providing a structured impoundment process for violations that present a public safety concern. The ordinance includes procedural safeguards, including written notice, the right to request a hearing, review by a Special Magistrate, an evidentiary burden on the City, and affirmative defenses for owners. These provisions are intended to balance public safety enforcement with due process protections.

The proposed ordinance would also provide an additional deterrent where civil citations may not sufficiently address repeated or serious violations. The ability to impound a device for thirty days may encourage compliance by operators and, when minors are involved, by parents, legal guardians, or custodians responsible for the device.

ATTACHMENTS:

1. Ordinance 26-02, amended