

ORDINANCE NO. 2026-02

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.

WHEREAS, the City Commission of the City of Cooper City (the "City") previously adopted Ordinance No. 26-02, establishing comprehensive regulations governing the operation of micromobility devices, motorized scooters, and electric bicycles within the City; and

WHEREAS, Section 316.2128, Florida Statutes, authorizes municipalities to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas within their jurisdiction; and

WHEREAS, Chapter 166, Florida Statutes, vests in municipalities broad home rule authority to enact ordinances necessary for the protection of the public health, safety, and welfare of their residents; and

WHEREAS, the City Commission finds that the reckless operation of micromobility devices, and the operation of such devices by minor children with the knowledge and permission of their parents, legal guardians, or custodians, presents a serious and continuing risk to the safety of pedestrians, motorists, and the operators themselves; and

WHEREAS, the City Commission further finds that the civil penalties presently provided in Section 13-80 of the City Code, standing alone, may be insufficient to deter repeated reckless

operation of micromobility devices and to protect the public from the hazards posed by such conduct; and

WHEREAS, Florida law recognizes the impoundment of vehicles as an appropriate remedy for serious operating offenses, including under Sections 316.191 and 316.193, Florida Statutes; and

WHEREAS, other Florida municipalities, including Miami-Dade County and the City of Hialeah, have adopted ordinances providing for the impoundment of all-terrain vehicles, off-highway vehicles, and similar devices operated in violation of municipal code, and the City Commission finds such measures to be effective tools for the protection of the general welfare; and

WHEREAS, the City Commission finds that establishing an orderly impoundment procedure, with appropriate notice and an opportunity for hearing before a Special Magistrate, is consistent with due process and is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. RECITALS ADOPTED. That each of the above-stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2. CHAPTER 13 OF CITY CODE AMENDED. That Article III, entitled “Lost, Unclaimed or Seized Personal Property” of Chapter 13, entitled “Public Safety” of the City of Cooper City Code of Ordinances, is hereby amended by specifically creating Sections 13-44 through 13-49, to read as follows:

Sec. 13-44. Impoundment of micromobility devices for certain violations.

(a) Authority to impound. In addition to any other remedy or penalty available at law or under this Code, including the civil penalties set forth in Section 13-80, any law enforcement officer of the City who has probable cause to believe that a micromobility device has been operated in violation of either Section 17-4(B)(1)(d) or Section 17-4(B)(3) of this Code is authorized to seize and impound such micromobility device. The seizing officer shall transport the impounded device to a facility designated by the Police Department, which may include a private storage facility engaged pursuant to Section 13-43.

(b) Definitions. For purposes of Sections 13-44 through 13-49:

(1) Micromobility device has the meaning ascribed to it in Section 17-4(A)(3), and shall further include any electric bicycle as defined in Section 17-4(A)(1) and any motorized scooter as defined in Section 17-4(A)(5).

(2) Owner means the person or entity holding legal title to the micromobility device, and, where the operator at the time of seizure was a minor, shall also include the parent, legal guardian, or custodian of such minor.

(3) Special Magistrate means the Special Magistrate appointed by the City pursuant to Chapter 162, Florida Statutes, or such other code enforcement officer as may from time to time be designated by the City Commission to hear matters arising under this article.

Sec. 13-45. Notice; right to hearing.

(a) Notice of impoundment. Within forty-eight (48) hours of the impoundment of a micromobility device under Section 13-44, exclusive of weekends and legal holidays, the Police Department shall provide written notice of the impoundment to the person from whom the device was seized; if the person from whom the device was seized is a minor, the minor's parent, legal guardian, or custodian; and the registered or titled owner of the device, if different from the foregoing and if reasonably ascertainable. Notice shall be provided by hand delivery or by certified mail, return receipt requested, to the last known address of the recipient, and shall include:

(i) the date, time, and location of the seizure;

- (ii) a description of the device, including any make, model, color, and identifying numbers;
- (iii) the location at which the device is being held and the name and address of the custodian thereof;
- (iv) the section or sections of Section 17-4 alleged to have been violated;
- (v) an itemization of the storage, towing, and administrative fees accrued and accruing;
- (vi) a statement of the procedure by which the recipient may request a hearing pursuant to subsection (b) of this Section; and
- (vii) a statement that, absent a successful hearing or a finding in the owner's favor, the device shall remain impounded for thirty (30) days from the date of seizure.

(b) Right to hearing. The person from whom the device was seized, the parent, legal guardian, or custodian of a minor from whom the device was seized, or the registered or titled owner of the device may request a hearing before the Special Magistrate by filing a written request with the City Clerk within ten (10) calendar days of the date of the notice of impoundment. The hearing shall be held within fourteen (14) calendar days of the City Clerk's receipt of the request, or as soon thereafter as the calendar of the Special Magistrate permits.

(c) Conduct of hearing. At the hearing, the City shall bear the burden of proving by a preponderance of the evidence that probable cause existed to believe that a violation of Section 17-4(B)(1)(d) or Section 17-4(B)(3) occurred and that the impounded device was the device used in such violation. The Special Magistrate shall take evidence and may receive testimony from the seizing officer, the operator, the owner, and any other witness. Formal rules of evidence shall not apply, but fundamental due process shall be observed. The Special Magistrate may continue the hearing for good cause shown.

(d) Disposition. If the Special Magistrate finds that the City has not met its burden, or that an affirmative defense set forth in Section 13-49 has been established, the device shall be released forthwith to the owner without payment of fees imposed by the City under Section 13-47. If the Special Magistrate finds that the City has met its burden, the device shall

continue to be impounded for the balance of the thirty (30) day period, and shall be released only in accordance with Section 13-47.

- (e) Failure to request hearing. If no hearing is timely requested, the right to a hearing shall be deemed waived and the device shall be impounded for the full thirty (30) day period.

Sec. 13-46. Period of impoundment.

- (a) Term. A micromobility device impounded pursuant to Section 13-44 shall be held by the Police Department for thirty (30) days from the date of seizure. Each separate violation of Section 17-4(B)(1)(d) or Section 17-4(B)(3) shall be subject to a separate thirty (30) day impoundment, regardless of whether the operator, owner, or device has previously been cited or impounded under this article.

- (b) Early release prohibited. No micromobility device impounded under this article shall be released prior to the expiration of the thirty (30) day period except (i) upon order of the Special Magistrate following a hearing under Section 13-45, (ii) upon a determination that an affirmative defense set forth in Section 13-49 applies, or (iii) by order of a court of competent jurisdiction.

Sec. 13-47. Storage, towing, and release fees.

- (a) Costs to be borne by owner. The owner of a micromobility device impounded pursuant to Section 13-44 shall be responsible for, and shall pay prior to release of the device, the actual and reasonable costs of towing, storage, and administrative processing incurred by the City or its designee. The schedule of such fees shall be established by Resolution of the City Commission and shall be posted in the office of the City Clerk and on the City's website.

- (b) Release. Following the expiration of the impoundment period, or upon earlier order issued under Section 13-45 or Section 13-49, the device shall be released to the owner upon (i) presentation of satisfactory proof of ownership, and (ii) payment in full of all fees set forth in subsection (a) of this Section.

- (c) No release to minor. Under no circumstances shall an impounded device be released to a person under the age of eighteen (18). Where the operator at the time of seizure was a

minor, the device shall be released only to the parent, legal guardian, or custodian of the minor, or to the registered or titled owner upon satisfactory proof of ownership.

(d) Educational diversion. Consistent with the authority granted to the City Manager under Section 17-4(B)(7), the City Manager or his or her designee shall have the authority to reduce or waive the storage and administrative fees imposed by the City under this Section (but not actual towing or third-party storage costs payable to a private vendor) upon a showing that the operator at the time of the violation, or, in the case of a minor, the operator and the parent, legal guardian, or custodian, have attended and successfully completed a City-sponsored educational program related to micromobility devices. The thirty (30) day impoundment period shall not be reduced by reason of participation in such educational program.

Sec. 13-48. Unclaimed devices; final disposition.

If a micromobility device impounded pursuant to Section 13-44 is not claimed, and the fees set forth in Section 13-47 are not paid, within ninety (90) days following the expiration of the thirty (30) day impoundment period, the device shall be deemed abandoned. The City may thereafter dispose of the device in accordance with Sections 13-37, 13-38, 13-39, and 13-40 of this Code, and the proceeds of any sale shall be applied as set forth in Section 13-40.

Sec. 13-49. Affirmative defenses; remedies cumulative.

(a) Affirmative defenses. It shall be an affirmative defense to impoundment under Section 13-44, to be established by the owner by a preponderance of the evidence, that:

- (1) the device was reported stolen to a law enforcement agency prior to the date of the alleged violation, and such report had not been withdrawn at the time of the alleged violation; or
- (2) the device was being operated by a person other than the owner without the owner's knowledge or consent, and the owner had taken reasonable measures to prevent unauthorized use of the device.

(b) Remedies cumulative. The remedies set forth in this article are in addition to, and not in lieu of, any other civil, administrative, or criminal penalties available under this Code or under State law, including the civil penalties set forth in Section 13-80.

(c) No preclusive effect. A determination by the Special Magistrate under Section 13-45 shall not be admissible in, nor have any preclusive effect upon, any criminal proceeding arising out of the same conduct.

Section 3. CODIFICATION. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

Section 4. CONFLICTS. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. SEVERABILITY. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this ____ day of _____, 2026.

PASSED AND FINAL ADOPTION on Second Reading this ____ day of _____, 2026.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL

Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney