

ORDINANCE NO. 26-

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA,
AMENDING CHAPTER 30, "TRAFFIC AND VEHICLES,"
ARTICLE I, "IN GENERAL," TO AMEND SECTION 30-1
PROVIDING DEFINITIONS AND TO CREATE SECTION 30-6
GOVERNING OPERATION OF ELECTRIC BICYCLES,
MOTORIZED SCOOTERS, AND OTHER MICROMOBILITY
DEVICES; PROVIDING FOR SEVERABILITY, CONFLICTS,
CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City has the authority under Section 2(b), Article VIII of the Florida Constitution, Section 166.021(1), Florida Statutes, and the City Charter to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, Section 316.008, Florida Statutes, states that local governments are authorized to implement reasonable regulations relating to streets and highways within their jurisdiction; and

WHEREAS, Section 316.20655, Florida Statutes, states that local governments are authorized to adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under or within the local government's jurisdiction and restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, trail network, beach, or dune; and

WHEREAS, Section 316.2128, Florida Statutes, states that local governments are authorized to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, Section 316.1995, Florida Statutes, prohibits the operation of any vehicle other than by human power, except for certain enumerated exceptions such as electric bicycles and micromobility devices, upon any bicycle path, sidewalk, or sidewalk area; and

WHEREAS, the City Council finds it necessary to clarify the distinction between electric bicycles and electric motorcycles as the latter are prohibited from operation on bicycle paths, sidewalks, and sidewalk areas by Florida law; and

WHEREAS, the City council seeks to adopt an ordinance regulating the operation of electric bicycles, motorized scooters, and other micromobility devices, as those terms are defined herein and in Florida statutes, within the City of Belle Isle; and

WHEREAS, the City Council of the City of Belle Isle finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Chapter 30, Article I of the City Code of Ordinances is hereby amended to amend Section 30-1 and create new Section 30-6, currently reserved, as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

30-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the indicated meanings:

Abandoned vehicle means any vehicle, as defined in this section, which is in a wrecked or junked condition having no value, other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and which has been left unattended, without the permission of the property owner, upon whose property such vehicle is located for more than 72 hours unless such vehicle is designated as not abandoned by the enforcement officer. Evidence of an abandoned vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Bicycle lane means any portion of roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

Bicycle path means any road, path, or way that is open to bicycle travel, which road, path, or way is physical separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

Box truck means a truck with a box-like cargo area that sits on the frame of the vehicle.

Bus means a motor vehicle designed or constructed to carry more than 15 persons plus the driver.

Carport means an open-sided structure which is used primarily for the parking of vehicles which belong to the occupants of the principal building.

City-owned property means:

- (1) Property in which the City has a property interest, such as fee simple ownership or an easement; and

(2) Property the City maintains regardless of ownership, such as rights-of-way maintained by the City.

(3) Property where, regardless of ownership, the City has jurisdiction to enforce speed limits and other traffic regulations.

Commercial vehicle means any vehicle designed, equipped or used for trade meeting any of the following criteria:

- (1) Total signage in or on the vehicle exceeding four square feet in area; signage that shall be included in any measurement of the maximum area allowed shall include bumper stickers, magnetic signs, painted signs and flags. Signage that is affixed to the vehicle by the manufacturer or automotive dealer and which identifies the make, model, or dealer of the automobile shall not be included in the measurement;
- (2) Equipped with external modifications designed to be used in trade including, but not limited to, externally mounted tools, machinery, equipment, tool or equipment racks, and modifications used for the purpose of lifting objects or persons above the height of the vehicles;
- (3) Flatbed trucks, box trucks, and dump trucks;
- (4) Equipped to tow or transport other vehicles for hire;
- (5) Having a length greater than 21 feet;
- (6) Having a height greater than ten feet;
- (7) A vehicle that is marked as and used for the purpose of transporting of passengers for hire such as taxicabs, shuttle vans, and limousines. This definition would also apply to private vehicles for hire such as Uber, Lyft and other similar companies that hire private vehicles for transporting passengers;
- (8) Vehicles that are parked in a commercial parking lot or vehicles that pay a fee to park; or
- (9) Having a gross vehicle weight (GVW) of more than 10,000 pounds.

Construction equipment means heavy construction equipment commonly used in the construction industry for earth moving, highway construction or building construction. By way of example, and not by way of limitation, the term "construction equipment" includes bulldozers, front end loaders, backhoes, graders, power shovels, scrapers, cranes, compactors and trailers designed for the transportation of such equipment.

Crosswalk means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs, or, in the absence of curbs, from the edges of the traversable walkway; and
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Electric bike or *E-Bike* means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- (1) Class 1: an E-Bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the E-Bike reaches the speed of 20 miles per hour.
- (2) Class 2: an E-Bike equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the E-Bike reaches the speed of 20 miles per hour.
- (3) Class 3: an E-Bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the E-Bike reaches the speed of 28 miles per hour.

Electric motorcycle means any motor vehicle powered by an electric motor of 750 watts or more that is capable of a speed greater than 28 miles per hour, having a seat or saddle for use of the rider, and designed to travel on not more than three wheels in contact with the ground. This definition includes all electric dirt bikes, mini-motorcycles, or similar devices regardless of whether such device is designed for off-road use or street operations.

Emergency vehicle means, by way of example and not by way of limitation, fire department vehicles, police and sheriff vehicles, and other state, county, city and public service corporation vehicles when used to protect people or property that is in imminent physical danger.

Enforcement officer means the city manager or any other person appointed by the city to enforce this chapter.

Front yard means the area extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the principal building.

Garage means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Government issued photographic identification means a driver license, passport, military ID, identification card issued under F.S. Ch. 322, or comparable government ID displaying an individual's name, date of birth, and photograph.

Helmet means a bicycle helmet that is properly fitted and is securely fastened upon the rider's head by a strap. Said helmet must meet or exceed the federal safety standards for bicycle helmets established in 16 CFR Part 1203.

Junked vehicle means any vehicle, as defined by this section, which is wrecked, dismantled or partially dismantled, in derelict condition, inoperative, regardless of whether or not the same has lawfully affixed thereto an unexpired license plate or a current motor vehicle safety inspection certificate. Evidence of a junked vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Micromobility device means any motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and nonhuman-powered device such as a bicycle, electric bicycle,

motorized scooter, or any other device that is owned by an individual or part of a shared fleet. This term does not include motorized wheelchairs or other medical mobility devices.

Motor home means a self-propelled vehicle which is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Motor vehicle means any vehicle which is self-propelled and/or designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, mopeds, buggies, trucks, tractors, go-carts, golf carts, utility trailers, campers, all-terrain vehicles and trailers. However, for the purposes of division 2 of article III only, the term "motor vehicle" also means any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Motorized scooter means any vehicle or micromobility device that is powered by a motor, with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. Vehicles used by disabled persons are excluded. The term does not include electric bicycles or E-Bikes.

Official traffic control device means any sign, signal, marking or device, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Operator means any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle. The term shall also apply to any person who is in actual physical control over a bicycle, electric bicycle, motorized scooter, or other micromobility device.

Owner means any person or other entity in whose name the legal title of the vehicle or equipment is registered, or if the vehicle or equipment is the subject of a lease or conditional sales agreement. The lessee or person or other entity with the right of purchase upon performance of the condition stated in the agreement and with the immediate right of possession.

Park or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Parking strip means that portion of the city right-of-way (ROW) located between the curb (or edge of pavement) and sidewalk (or if no sidewalk, then the property line).

Pickup camper or coach means a device which is designed or constructed to be mounted on an automobile to allow for temporary human habitation generally in conjunction with recreational, camping or travel use.

Private property means any real property within the city which is privately owned and which is not public property as defined in this section.

Public property means any street, highway, land and improvements owned by the city and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar publicly owned facility or property.

Public service vehicle means, by way of example and not by way of limitation, garbage trucks used to service the citizens of the city and school buses.

Recreational equipment means and includes, but is not limited to, boats, boat trailers and recreational vehicles.

Recreational vehicle means any vehicle which is designed or constructed primarily for temporary human habitation in conjunction with camping, traveling and other recreational activities. By way of example and not by way of limitation, recreational vehicle includes travel trailer, truck camper, motor home, pickup camper or coach (designed to be mounted on automobile or trucks), private motor coach, and cases or boxes which are designed to be used for transporting recreational equipment. A standard van or SUV that has been commercially converted for use as a camper, also referred to as a Class B motor home or conversion vehicle, shall not be considered a recreational vehicle for the purposes of this chapter, so long as the overall length does not exceed 20 feet and the overall height does not exceed nine feet.

Residential district means any single-family residential, two-family residential or multiple-family residential district as defined and delineated in the zoning ordinance and maps of the city.

Residential parking district means a distinct geographical zone established by the city council in a residential area in accordance with section 30-84 of the city code within which certain regulations apply with respect to parking on public streets.

Right-of-way means land devoted to or required for use as a roadway, sidewalk, or other associated feature and includes, without limitation, all existing or dedicated road rights-of-way and all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to plats.

Road or roadway means any portion of any street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Semitrailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping without motive power designed to be coupled to or drawn by a motor vehicle and designed or constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Severely rusted vehicle means any vehicle which is rusted on at least 50 percent of its body exterior, excluding its windows, windshield, and underside.

Sidewalk means that portion of a street between the curbline, or the lateral line, of a road and the adjacent property lines, intended for use by pedestrians.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this article.

Standard cover means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle in question.

Stop or stopping means any prohibited halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or official traffic control device.

Tractor-trailer means a combination trucking unit consisting of a tractor hooked up to a full trailer or a semitrailer.

Trailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping in excess of 15 feet in length, without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

Travel trailer means a vehicle mounted on wheels which is designed or constructed to be towed and which is designed or constructed primarily for temporary human habitation in conjunction with recreational camping or travel use.

Truck camper means a truck equipped with a device designed or constructed to be loaded onto or affixed to the bed or chassis of the truck and which device is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Utility trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and not a recreational vehicle.

Vehicle means any motor vehicle, recreational vehicle, or watercraft, as defined in this section.

Watercraft means any vessel which is used or capable of being used as a means of transportation on water, including, but not limited to, motorboats (inboard and outboard), personal watercraft (such as jet skis), airboats, sailboats, canoes, and catamarans.

Wrecked vehicle means any vehicle, as defined in this section, which has unrepaired damage over at least ten percent of the vehicle body; has missing or broken body parts which are material parts, such as lights, bumpers, fenders, panels, glass; has parts that are attached to the vehicle or covered with tape; has exposed a primer coat or coat of paint other than a final coat; is severely rusted; or which has been smashed, destroyed, disabled, burned, or seriously damaged such that it is inoperable or incapable of being safely moved under its own power.

Sec. 30-6. –Operation of electric bicycles, motorized scooters, and other micromobility devices.

(a) Operation of electric bicycles, motorized scooters, and other micromobility devices. Parents or guardians of children under 18 years of age who operate electric bicycles, motorized scooters, or other micromobility devices shall not knowingly permit any such child to violate any provision of this section nor shall any person operate a motorized scooter except in conformance with the regulations set forth as follows:

(1) The operator of any electric bicycle, motorized scooter, or other micromobility device shall obey all authorized traffic control devices, markings, and signs and shall comply with all applicable Florida traffic laws and regulations. Electric bicycles shall be operated in accordance with F.S. § 316.2065 and § 316.20655. Motorized scooters or other micromobility devices shall be operated in accordance with F.S. § 316.2065 and § 316.2128, except the duties imposed by F.S. § 316.2065(2), (3)(b), and (3)(c), which by their nature do not apply.

(2) Electric bicycles operated between sunset and sunrise shall be equipped with a lamp on the front exhibiting white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of

600 feet to the rear in compliance with F.S. § 316.2065(7). All safety lights shall remain active and operational when the E-Bike is in use between sunset and sunrise.

(3) Motorized scooters and micromobility devices other than electric bicycles shall only be operated during daylight hours within the City of Belle Isle.

(4) An operator or passenger under 16 years of age on an electric bicycle, motorized scooter, or other micromobility device must wear a properly fitted, securely fastened bicycle helmet upon the operator's or passenger's head that meets the federal safety standard for bicycle helmets established in 16 CFR Part 1203. A parent or legal guardian may not knowingly permit a child under 16 years of age to violate this subsection.

(5) Electric bicycles, motorized scooters, and other micromobility devices shall not be operated on public sidewalks less than eight feet in width within the City of Belle Isle.

(6) Electric bicycles, motorized scooters, and other micromobility devices shall be operated only in a single file formation. Motorized scooters shall not be operated abreast of each other.

(7) No operator of an electric bicycle, motorized scooter, or other micromobility device shall exceed a speed of 10 miles per hour while on any sidewalk or bicycle path that is not immediately adjacent to a roadway. Operators of electric bicycles, motorized scooters, or other micromobility devices shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian.

(8) No person under 15 years of age may operate an electric bicycle on any bicycle lane, bicycle path, right-of-way, road, sidewalk, or other City-owned property. A minor under the minimum age may ride as a passenger on an electric bicycle designed and equipped for a passenger in compliance with F.S. § 316.2065.

(9) Motorized scooters shall only be operated on public streets and roadways having speed limits not exceeding 35 mph within the City of Belle Isle by persons who possess a valid driver's license. Motorized scooters are not permitted to be operated on any public highway, expressway, turnpike, street or roadway where the speed limit exceeds 35 mph.

(10) Motorized scooters shall be operated and used by one person only; passengers are not allowed on motorized scooters, and motorized scooters may not tow any other person, object or vehicle of any kind.

(11) All operators of electric bicycles, motorized scooters, and other micromobility devices shall carry government-issued photographic identification and shall present such identification upon lawful request of a law enforcement officer.

(12) Electric bicycles, motorized scooters, and other micromobility devices shall be operated at all times with both of the operator's hands on the scooter's handlebars, if applicable. This provision shall not prohibit the use of hand signals where such signals would otherwise be authorized for the rider of a bicycle.

(13) It shall be unlawful to operate an electric motorcycle on any sidewalk, sidewalk area, bicycle path, shared-used path, multi-use trail, or park within the City.

(14) Electric bicycles, motorized scooters, and other micromobility devices shall not be operated in public parks within the City of Belle Isle unless such use is specifically allowed by signage posted in that particular park.

(15) No person shall park, stage, abandon, or otherwise leave any electric bicycle, motorized scooter, micromobility device, or electric motorcycle upon any street, right of way, or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians; to obstruct any stopping or parking space; to block access to or from any building entrance, driveway, crosswalk, curb ramp, transit stop, fire hydrant, or emergency access point; or to create a hazard for persons with disabilities or to impair access required by the Americans with Disabilities Act.

(16) Nothing in this section shall constitute a limitation on the operation of motorized wheelchairs or other medical mobility devices.

(b) *Violations.*

(1) Violations of this section shall be classified as a class I violation under section 14-50 of this Code and subject to increased fines for repeat violations. This section shall apply to and be enforced within the City of Belle Isle by the chief of police, with such aid as may be rendered by other members of the police department. The parents and legal guardians of minors in violation are responsible for the payment of fines incurred by minors.

(2) The following vehicles are subject to impoundment under this section, as permitted by law and in conjunction with sections 30-39 through 30-43, with the owner or responsible party bearing the cost of removal and storage in addition to any civil citation or fine:

(i) For a first or subsequent offense, any electric bicycle, electric motorcycle, motorized scooter, or other micromobility device parked, staged, abandoned, or otherwise left upon any street, right-of-way, or sidewalk in violation of section 30-6(a)(15).

(ii) For a second or subsequent offense, any electric bicycle, motorized scooter, or other micromobility device whose operator has committed a violation under this section other than a violation of section 30-6(a)(15) and except for a violation relating to operation of an electric motorcycle.

(iii) For a first or subsequent offense, any electric motorcycle operated on any sidewalk, sidewalk area, bicycle path, shared use-path, or multi-use path in violation of this section.

(3) Citations issued under this section may be contested in accordance with the hearings and appeals provisions of section 30-76.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. Codification. Section 2 of this Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____.

ADOPTED this ____ day of _____, _____, by the City Council of the City of Belle Isle, Florida.

**CITY COUNCIL OF THE CITY OF BELLE
ISLE, FLORIDA**

Mayor Jason Carson

ATTEST:

Yolanda Quiceno, City Clerk