



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 25, "STREETS, SIDEWALKS, BICYCLE/WALKING PATHS, AND RIGHTS-OF-WAY," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW SECTION 25-26, "REGULATIONS GOVERNING SIDEWALKS AND MULTI-USE PATHWAYS;" AMENDING DIVISION 5, "SUPPLEMENTAL CODE COMPLIANCE PROCEDURES," OF ARTICLE V, "BOARDS AND COMMITTEES," OF CHAPTER 2, "ADMINISTRATION," OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR ENFORCEMENT OF SECTION 25-26 THROUGH THE ISSUANCE OF CODE CITATIONS; AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 16, "MOTOR VEHICLES AND TRAFFIC," OF THE TOWN CODE OF ORDINANCES BY REPEALING EXISTING BICYCLE AND WALKING PATH REGULATIONS AND ADDITIONAL REGULATIONS SUPERSEDED BY STATE LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Highland Beach finds that existing sidewalks and multi-use pathways within the Town are primarily for pedestrian use, and the operation of motor vehicles, motorized scooters, and electric bicycles on such sidewalks and multi-use pathways creates safety hazards for pedestrians, particularly along high-traffic corridors such as State Road A1A; and

WHEREAS, Section 316.008, Florida Statutes, authorizes municipalities to regulate traffic within their jurisdiction, including the use of sidewalks and multi-use pathways; and

WHEREAS, Section 316.2065, Florida Statutes, regulates bicycles and electric bicycles but allows local governments to adopt additional regulations not in conflict with state law; and

1 **WHEREAS**, the Town Commission finds that prohibiting motor vehicles, motorized
2 scooters, electric bicycles, and other motorized micromobility devices on sidewalks and multi-use
3 pathways is necessary for the protection of the public health, safety, and welfare; and

4 **WHEREAS**, the Town Commission determines that this prohibition shall be enforced
5 through the issuance of code enforcement citations; and

6 **WHEREAS**, in adopting these regulations, the Town Commission wishes to repeal a
7 conflicting section of Chapter 16 of the Town Code of Ordinances, as well as repeal outdated Code
8 provisions that have been superseded by state law.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
10 **TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

11 **Section 1.** The foregoing facts and recitations contained in the preamble to this
12 Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

13 **Section 2.** The Town Commission hereby amends Chapter 25, “Streets, Sidewalks,
14 Bicycle/Walking Paths, and Right-of-Way, of the Town Code of Ordinances, by adopting new
15 Section 25-15 to read as follows (additional language underlined):

16 **Sec. 25-26. Regulations governing sidewalks and multi-use pathways.**

17 (a) Definitions. For the purposes of this section, the following terms
18 shall have the meanings set forth below consistent with Chapter 316, Florida
19 Statutes:

20 Electric bicycle means a bicycle equipped with fully operational pedals and
21 a motor of less than 750 watts, as defined in Section 316.03, Florida Statutes, and
22 classified as Class 1, Class 3, or Class 3 pursuant to Section 316.2065, Florida
23 Statutes.

24 Micromobility device means any motorized transportation device not
25 otherwise defined as an electric bicycle or motorized scooter.

26 Motor vehicle means any self-propelled vehicle not operated upon rails or a
27 guideway, but not including any bicycle, electric bicycle, motorized scooter or
28 micromobility device as defined herein.

29 Motorized scooter means any vehicle that is powered by a motor with or
30 without a seat or saddle for use of the rider, which is designed to travel on not more
31 than three wheels, as defined in Section 316.003, Florida Statutes.

1 (b) Prohibition. It shall be unlawful for any person to operate or ride a
2 motor vehicle, a motorized scooter, a micromobility device, or an electric bicycle
3 upon any sidewalk or multi-use pathway within the Town of Highland Beach. This
4 prohibition applies to all sidewalks and multi-use pathways within the Town’s
5 municipal boundaries, including the multi-use pathway located along or adjacent to
6 State Road A1A.

7 (c) Exceptions. The provisions of this section shall not apply to:

8 (1) Law enforcement officers, emergency responders, or public safety
9 personnel acting within the scope of their official duties.;

10 (2) Motorized wheelchairs or other mobility devices operated by
11 persons with disabilities;

12 (3) The temporary crossing of a sidewalk or multi-use pathway by a
13 motor vehicle entering or exiting a driveway; or

14 (4) Any prohibited device being walked or carried, rather than operated
15 under power.

16 (c) Enforcement and penalties. Violations of this section shall be
17 enforced through the issuance of code citations in accordance with Division 5,
18 “Supplemental Code Compliance Procedures,” of Chapter 2 of the Town Code of
19 Ordinances.

20 **Section 3.** The Town Commission hereby amends Division 5, “Supplemental Code
21 Compliance Procedures,” of Article V, “Board and Committee,” of Chapter 2, “Administration,” by
22 amending Section 2-174 to read as follows (additional language underlined and deleted language
23 ~~stricken through~~):

24 **Sec. 2-174. - Classification of infractions.**

25 (a) Class I.

26 (1) Violations of the parking code of the town, as adopted in chapter 16 of
27 the Code of Ordinances.

28 (2) Violations involving recreational vehicles or boats.

29 (3) Obstruction of public right-of-way.

30 (4) Violations involving solid waste, refuse, garbage, rubbish or trash.

(5) Violations of sidewalk and multi-use pathway regulations, as adopted in section 25-26 of the Code of Ordinances.

(b) *Class II.*

(1) Violations of the building code of the town, as adopted in section 6-26 of the Code of Ordinances, not specifically enumerated in this division.

(2) Violations of the property maintenance code, as adopted in section 6-29 of the Code of Ordinances, and as amended from time to time, not specifically enumerated in this division.

(3) Violations involving fences, walls or hedges.

(4) Violations of the sign code, as adopted in chapter 23 of the Code of Ordinances, not specifically enumerated in this division.

(5) Abandoned property on private property.

(6) Violations involving landscaping.

(7) Violations involving a required visibility triangle.

(8) Violations of the Code of Ordinances not specifically enumerated in this division.

(9) Repeat parking violations.

(10) Repeat violations of sidewalk and multi-use pathway regulations.

(c) *Class III.*

(1) Performing work without a required permit.

(2) Violations of the construction site code, as adopted in chapter 16 of the Code of Ordinances.

(3) Violations of the zoning ordinance, as adopted in chapter 30 of the Code of Ordinances, not specifically enumerated in this section.

(4) Violations of licenses and license taxes code, as adopted in chapter 15 of the Code of Ordinances.

(5) Prohibited or unsafe signs.

(6) Violations of "cease and desist" or "stop work" orders.

(7) Repeat violations.

1 **Section 4.** The Town Commission hereby amends Article I, “In General,” of Chapter 16,
2 “Motor Vehicles and Traffic,” to read as follows (deleted language ~~stricken through~~):

3 **~~Sec. 16-8. Operation of motor vehicles on bicycle/walking path.~~**

4 It shall be unlawful for any person to drive, operate or cause to be driven or
5 operated any motor vehicle of over twenty (20) horsepower or less than four (4)
6 wheels on any bicycle/walking path.

7 **~~Sec. 16-9. Speed restrictions.~~**

8 It shall be unlawful for any person to operate any motor vehicle, or other
9 vehicle recklessly or carelessly or at a dangerous rate of speed or negligently on any
10 street in the town. No person shall operate any vehicle at a rate of speed greater than
11 thirty-five (35) miles per hour on SR A1A and twenty (20) miles per hour on any road
12 other than SR A1A.

13 **~~Sec. 16-10. Operation of vehicle while intoxicated.~~**

14 It shall be unlawful for any person, while in an intoxicated condition or under
15 the influence of intoxicating liquors or narcotic drugs, to drive, operate or cause to be
16 driven or operated, on or over any of the highways, thoroughfares or streets within the
17 town any automobile, truck or vehicle or motorcycle or any other vehicle propelled
18 by gasoline, gas, vapor, electricity, steam or other power.

19 **~~Sec. 16-11. Consumption of alcoholic beverages, possession of open containers~~**
20 **~~in motor vehicles.~~**

21 (a) — *Definitions.* The following words, terms and phrases, when used in
22 this section, shall have the meanings ascribed to them in this subsection, except where
23 the context clearly indicates a different meaning:

24 *Beverage law* means F.S. chs. 561, 562, 563, 564, 565, 567 and 568.

25 *Container* means any bottle, carton or other vessel of alcoholic beverage.

26 *Motor vehicle* means any vehicle which is not powered by muscular power.

27 *Open container* means any container on which the seal is broken.

28 *Person* means any natural person.

29 *Public or semipublic area open for vehicular travel* means all public and
30 private roads, streets, highways, lanes, alleys, parking lots and parking areas on which
31 the public is expressly or implicitly invited to travel by motor vehicle or which are

1 otherwise open for vehicular travel. It shall not include areas such as private driveways
2 of property serving single or multiple dwelling units or condominium parking lots.

3 ~~(b) — Findings of fact:~~

4 ~~(1) — Consumption of alcoholic beverages or possession of open containers~~
5 ~~of alcoholic beverages while in or on motor vehicles leads to, and~~
6 ~~encourages:~~

7 ~~a. — The operation and control of motor vehicles while impaired;~~

8 ~~and~~

9 ~~b. — Distracting and disorderly conduct of passengers including,~~
10 ~~but not limited to, littering.~~

11 ~~(2) — The uncontrolled consumption of alcoholic beverages in or on motor~~
12 ~~vehicles is detrimental to the health, safety and general welfare of the~~
13 ~~public.~~

14 ~~(c) — Possession or consumption prohibited. It shall be unlawful for any~~
15 ~~person to possess any container of alcoholic beverage, except an original container~~
16 ~~with the seal unbroken, or to consume any alcoholic beverage, in or on a motor vehicle~~
17 ~~being operated or parked on a public or semipublic area open for vehicular travel.~~

18 ~~(d) — Exceptions. This section shall not apply to:~~

19 ~~(1) — Any person engaged in picking up empty beverage containers for the~~
20 ~~purpose of collecting the deposit or value of the bottle or can itself, nor~~
21 ~~to any person taking part in a litter control campaign.~~

22 ~~(2) — The possession of open container by any licensed distributor or~~
23 ~~licensed vendor of alcoholic beverages, provided that such alcoholic~~
24 ~~beverage is being transported solely for commercial purposes.~~

25 ~~(3) — The transportation of any open container of alcoholic beverage in or~~
26 ~~on any motor vehicle provided that such container is in a compartment~~
27 ~~of the vehicle not readily accessible to the driver or passengers.~~

28 ~~(4) — The transportation of any open container or consumption of alcoholic~~
29 ~~beverage in or on any motor vehicle duly licensed and operated for~~
30 ~~hire to transport passengers, such as charter buses, regularly scheduled~~
31 ~~buses, taxicabs and the separate passenger compartments of~~

1 limousines; provided the operator thereof is not in immediate
2 possession of, or engaged in the consumption of, any alcoholic
3 beverage or open container of alcoholic beverage.

4 (5) ~~The operation, for a consideration, of any motor vehicle by an~~
5 ~~individual duly licensed and supplied by a chauffeur service, either~~
6 ~~public or private, limousine service, taxicab company or bus company;~~
7 ~~provided the operator thereof is not in immediate possession of, or~~
8 ~~engaged in the consumption of, any alcoholic beverage or open~~
9 ~~container of alcoholic beverage, and is operating the vehicle while~~
10 ~~under and in the scope of the employment of a chauffeur service, either~~
11 ~~public or private, limousine service, taxicab company or bus company.~~
12 ~~The operator must have in his possession evidence of employment by~~
13 ~~a bona fide chauffeur service, either public or private, limousine~~
14 ~~service, taxicab company or bus company.~~

15 (e) ~~Penalty.~~ Any person found guilty of violating the provisions of this
16 section shall be punished with a fine not to exceed five hundred dollars (\$500.00).

17 (f) ~~Enforcement.~~ It shall be the duty and responsibility of all appropriate
18 law enforcement officers to enforce the provisions of this section.

19 (g) ~~Conformance with county law.~~ Insofar as any provision of this section
20 shall conflict with or duplicate county law, the provisions of this section shall control.

21 **~~Sec. 16-12. Operation by persons under sixteen years.~~**

22 Except as otherwise provided by law, it shall be unlawful for any person to
23 operate any motor vehicle over or upon any of the public streets of the town who is
24 less than sixteen (16) years of age. The parents of such child may also be punished for
25 permitting the child to operate the motor vehicle, and any person who rents any such
26 vehicle to any person under such age shall be guilty of violation of this chapter.

27 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable and
28 if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be
29 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
30 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
31 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2026.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2026.

Natasha Moore, Mayor

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach