



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE 10/20/2026

SUBMITTED BY: Leonard G. Rubin, Town Attorney

SUBJECT: **Discussion** – Ordinance Regulating Sidewalks and Multi-Use Pathways (Prohibition Against Electric Bicycles, Electric Scooters, and Other Micromobility Devices)

SUMMARY:

At its September 1, 2026 meeting, the Town Commission indicated that it wished to move forward with an Ordinance that would ban all motorized vehicles (electric bicycles, electric scooters, and other micromobility devices) from all sidewalks and multi-use pathways within the Town, including the multi-use pathway adjacent to State Road A1A. As the Town Manager reported, the Florida Department of Transportation indicated that it had no concerns with the Town's adoption and enforcement of such an Ordinance within its right-of-way. To that end, this office finalized the draft Ordinance previously presented to the Commission and is seeking direction moving forward.

As drafted, the Ordinance adopts a new Section 25-26 of the Town Code prohibiting a person from operating or riding a motor vehicle, a motorized scooter, a micromobility device, or an electric bicycle on any sidewalk or multi-use pathway within the Town, including the multi-use pathway within the State Road A1A right-of-way. The definitions for the terms electric bicycle and motorized scooter are derived from the Florida Statutes. A micromobility device is defined as a motorized transportation device not otherwise defined as an electric bicycle or motorized scooter. A motor vehicle includes any self-propelled vehicle not operated on rails or a guideway, excluding an electric bicycle, motorized scooter, or micromobility device.

The Ordinance's restrictions would not apply to: (1) law enforcement officers, emergency responders, or public safety personnel acting within the scope of their official duties; (2) motorized wheelchairs or other mobility devices operated by persons with a disability; (3) the temporary crossing of a sidewalk or multi-use pathway by a motor vehicle entering or existing a driveway; and (4) any prohibited device being walked or carried, rather than operating under power. While now authorized by statute, the Town Ordinance does **not** impose minimum age requirements for electric bicycles, nor does it require the operator of an electric bicycle to possess a government-issued photographic identification. The Commission indicated that it wished to delay the effective date of the Ordinance by forty-five (45) days to allow for sufficient public education.

The Ordinance would be enforced through the issuance of code citations pursuant to Division 5 of Chapter 2 of the Town Code. To that end, the Ordinance amends Section 2-173 of the Town Code to add a violation of Section 25-26 to the list of Class II violations. Consequently, the fine would be \$50.00 for a first violation and \$100.00 for repeat violations. A code enforcement officer or law enforcement officer would retain the discretion to issue a warning in lieu of a citation. Any violator may challenge the Town's issuance of a citation before the Town's Special Magistrate; however, if a citation is challenged and the Magistrate upholds the citation, the Magistrate has the discretion to determine the amount of the fine (no more than \$500.00) and impose administrative costs.

Finally, the Ordinance amends Chapter 16 of the Town Code of Ordinance to remove existing regulations governing the operation of motor vehicles which would be superseded by the new regulations or are otherwise governed by Florida Statutes (such as driving while intoxicated or possession of open containers).

As also discussed with the Commission, the County is in the process of adopting its own Micromobility Ordinance that would be enforceable both within unincorporated Palm Beach County and those municipalities that have transferred traffic regulatory authority and related duties to the Sheriff's Office. The County Ordinance provides as follows:

- Prohibits any person from operating a nonhuman-powered micromobility device: (a) in a manner that interferes with the safe movement of pedestrians, cyclists, or vehicles, or causes or creates a risk of harm to persons or property; (b) in a manner that intentionally causes any wheel to lose contact with the ground surface; (c) on a sidewalk, bicycle lane, bicycle path, or any area designated for pedestrian use at a speed greater than 15 miles per hour; (d) on a sidewalk, bicycle lane, bicycle path, or any area designated for pedestrian use at a speed greater than 10 miles per hour if a pedestrian is within fifty feet; (e) upon a roadway outside of a bicycle lane or bicycle path; or (f) on a sidewalk or bicycle path within a prohibited area (an area designated by the County Engineer where the conditions present an elevated risk to pedestrian or operator safety).
- Prohibits any person under the age of fourteen from operating a nonhuman-powered micro-mobility device.
- Requires the operator to possess a government-issued photographic identification.

The County Ordinance will be enforced by the Sheriff's Office (or other law enforcement agencies) as a civil citation in an amount commensurate with the penalty for a pedestrian violation (\$15.00) and shall be processed through the County Court system.

FISCAL IMPACT:

There is no immediate fiscal impact

ATTACHMENTS:

Proposed Town Ordinance
Proposed County Ordinance

RECOMMENDATION:

Staff recommends that the Town Commission consider the attached Ordinance and provide direction as to how it wishes to proceed.