

ORDINANCE
NUMBER 2025-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AMENDING ARTICLE I OF CHAPTER 2-4 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; REGULATING THE OPERATION OF ELECTRIC BICYCLES, MOTORCYCLES, AND PERSONAL ELECTRIC POWERED DEVICES ON STREETS, SIDEWALKS, AND SIDEWALK AREAS IN CHARLOTTE COUNTY; PROVIDING DEFINITIONS FOR THE TERM "ELECTRIC BICYCLE," "MOTORCYCLE," "MICROMOBILITY DEVICE," AND OFF HIGHWAY VEHICLES AND MOTORCYCLES; PROHIBITING THE OPERATION OF ELECTRIC POWERED DEVICES ON TRAILS, GREENWAYS, GREENBELTS, AND EASEMENTS IN CHARLOTTE COUNTY; PROVIDING A PENALTY FOR VIOLATION OF THIS SECTION; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 316.2065, 316.20655, and 316.2068, Florida Statutes, allows the County, through the exercise of its powers under Section 316.008, Florida Statutes, to adopt an ordinance governing the operation of bicycles, electric bicycles, and electric mobility devices on streets, highways, sidewalks, and sidewalk areas and regulating the operation of an electric bicycle on a bicycle path, multiuse path, greenways, or trail networks; and

WHEREAS, Charlotte County has a significant government interest in pedestrian and bicyclist safety, and this ordinance regulates conduct for the purpose of promoting pedestrian and bicyclist safety; and

WHEREAS, there has been a noticeable increase in the operation of electric bicycles, electric motorcycles, and similar personal electric powered machines on public sidewalks and upon public right of ways in Charlotte County, which presents

36 enhanced opportunities for crashes and injuries with other pedestrian and persons
37 with standard and electric mobility devices upon those sidewalks, due in part to the
38 steady accelerated speed with which electric bicycles and motorcycles can maintain
39 as compared to manually operated bicycles; and

40 WHEREAS, the County maintains sufficient jurisdiction and authority pursuant
41 to Sections 316.006 and 316.008, Florida Statutes, other relevant state and federal
42 laws, and the Charlotte County Code of Laws and Ordinances (the “Code”) to
43 regulate the activities subject to this ordinance; and

44 WHEREAS, the Board finds that amending and restating Article I of Chapter 2-4
45 of the Code as provided below is narrowly tailored to impose specific regulations to protect
46 the health, safety, and welfare of Charlotte County’s residents, guests, and visitors by
47 reducing the likelihood of serious bodily injury or death that results from conflicts between
48 vehicular traffic, bicyclists, and pedestrians progressing on the sidewalks, crosswalks,
49 intersections, bicycle paths, multiuse paths, greenways, and trail networks in the
50 unincorporated area of Charlotte County.

51 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
52 of Charlotte County, Florida:

53 Section 1. Article I, Chapter 2-4, of the Code is hereby amended to read as follows
54 (words that are stricken out are deletions; words that are underlined are additions):

55 Section 2.

56 Sec. ~~2-4-4~~, 2-4-5. - Reserved.

57 Sec. 2-4-4. Operation of electric bicycles, electric motorcycles, and other
58 electric-powered devices in Charlotte County.

59 (a) Applicability. This Ordinance applies to lands in unincorporated Charlotte
60 County, Florida.

61 (b) Definitions. For purposes of this section, the following words and phrases
62 shall have the meanings ascribed to them:

63 *Electric Bicycle (all classes)* shall mean the term “electric bicycle” as defined
64 in Section 316.003, Florida Statutes, as amended from time to time.

65 *Electric Personal Assistive Mobility Device* shall have the same meaning as
66 defined in Section 316.003, Florida Statutes, as amended from time to time.

67 *Micromobility Device* shall have the same meaning as defined in Section
68 316.003, Florida Statutes, as amended from time to time.

69 *Motorcycle* shall mean the term “motorcycle” as defined in Section 316.003,
70 Florida Statutes, as amended from time to time, and shall include all motor vehicles,
71 pocket bikes or similar devices, that are manufactured without pedals and have not
72 been modified to have pedals, therein defined notwithstanding the means of propulsion
73 of such vehicle, including but not limited to the use of gasoline, electricity, battery, or
74 other fuels or systems as a means of propulsion.

75 *Motorized Scooter* shall have the same meaning as defined in Section
76 316.003, Florida Statutes, as amended from time to time.

77 *Off-Highway Vehicle or Motorcycle* shall have the same meaning as defined in
78 Section 261.03, Florida Statutes, as amended from time to time.

79 *Bicycle Lane, Bicycle Path, Crosswalk, Intersection, Median, and Sidewalk*
80 shall have the same meaning as defined in Section 316.003, Florida Statutes, as
81 amended from time to time.

82 Multi-Use Path or Shared Path or Shared-Use Path shall mean a physically
83 separated, hard-surfaced or shell or rock trail or path for non-motorized traffic which
84 is wider than a sidewalk and are designed for the use of bicyclists and pedestrians at
85 the same time and may provide access to destinations with limited exposure to motor
86 vehicles

87 Greenway and Trail or Trail Network shall have the same meaning as defined
88 in Section 260.013, Florida Statutes, as amended from time to time.

89
90 (c) Operation on Public Sidewalks, Crosswalks, Intersections, and Multi-Use
91 Pathways.

92 (1.) Authorization: Bicycles, electric bicycles, electric motorcycles,
93 electric personal assistive mobility devices, micromobility devices, motorized
94 scooters, or similar electric devices are allowed pursuant to law upon the public
95 sidewalks, crosswalks, intersections, multi-use pathways, and designated bicycle
96 paths within the unincorporated area of Charlotte County over which the County has
97 traffic control jurisdiction.

98 (2.) Speed: All bicycles, electric bicycles, electric motorcycles,
99 electronic personal assistive mobility devices, micromobility devices, motorized
100 scooters, or similar personal electric devices shall travel no more than 15 miles per
101 hour on any public sidewalk, crosswalk, intersection, multi-use path, and designated
102 bicycle paths.

103 (3.) Safety Equipment: A rider or passenger of any of the above electric
104 vehicles/devices who is under 16 years of age must wear at least a helmet that is

105 properly fitted and is fastened securely upon the passenger’s head by a strap and
106 that meets the federal safety standard for helmets pursuant to law. As used in this
107 subsection, the term “passenger” includes a child who is riding in a trailer or
108 semitrailer attached to an electronic vehicle/device.

109 (4.) Lighting: Any of the above defined electronic vehicles/devices shall,
110 between dusk and dawn, be equipped with a lamp on the front exhibiting a white light
111 visible from a distance of at least 500 feet to the front and a lamp and reflector on the
112 rear each exhibiting a red light visible from a distance of 600 feet to the rear. An
113 electronic vehicle/device or its rider may be equipped with lights or reflectors in
114 addition to those required by this section.

115 (5.) Yielding Right of Way: A person operating an electronic
116 vehicle/device, as defined in this section, upon and along a sidewalk, or across a
117 roadway upon and along a crosswalk or intersection, shall yield the right-of-way to
118 any pedestrian and shall give an audible signal before overtaking and passing such
119 pedestrian.

120 (6.) Applicable Laws: Any person operating an electronic vehicle/device
121 as defined in this section upon and along any public sidewalk, crosswalk, intersection,
122 and designated bicycle path shall abide by all applicable laws with respect to
123 pedestrian and bicycle regulations as defined in Chapter 316, Florida Statutes.

124
125 (d) Operation on Public Roadways and Bicycle Lanes.

126 (1.) Authorization: Bicycles, electric bicycles, electric motorcycles,
127 electric personal assistive mobility devices, micromobility devices, motorized

128 scooters, or similar electric devices are allowed pursuant to law upon the public
129 roadways and bicycle lanes within the unincorporated area of Charlotte County over
130 which the County has traffic control jurisdiction.

131 _____ (2.) Speed: All bicycles, electric bicycles, electric motorcycles not
132 registered under Chapter 320, Florida Statutes, electronic personal assistive mobility
133 devices, micromobility devices, motorized scooters, or similar personal electric
134 devices shall travel no more than the posted speed limit or statutory speed limit on
135 any public roadway or bicycle lane.

136 _____ (3.) Safety Equipment: A rider or passenger of any of the above electric
137 vehicles/devices who is under 16 years of age must wear at least a helmet that is
138 properly fitted and is fastened securely upon the passenger’s head by a strap and
139 that meets the federal safety standard for helmets and otherwise required pursuant
140 to law. As used in this subsection, the term “passenger” includes a child who is riding
141 in a trailer or semitrailer attached to an electronic vehicle/device.

142 _____ (4.) Lighting: Any of the above defined electronic vehicles/devices shall,
143 between dusk and dawn, be equipped with a lamp on the front exhibiting a white light
144 visible from a distance of at least 500 feet to the front and a lamp and reflector on the
145 rear each exhibiting a red light visible from a distance of 600 feet to the rear. An
146 electronic vehicle/device or its rider may be equipped with lights or reflectors in
147 addition to those required by this section.

148
149 (e) Operation on Trails, Greenways, and Greenbelts Prohibited.
150 Motor vehicles, bicycles, electric bicycles, motorcycles or electric motorcycles,

151 off-highway vehicles or motorcycles, electric personal assistive mobility devices,
152 micromobility devices, motorized scooters, or similar electric vehicles/devices are not
153 allowed upon the trails, greenways, and greenbelts within the unincorporated area of
154 Charlotte County over which the County has jurisdiction, unless otherwise posted by
155 the County.

156
157 (f) Official use of motorcycles, electric bicycles, or electric vehicles and devices
158 by duly licensed law enforcement officers performing authorized duties are exempt
159 from prohibitions described in this section. Utility company workers or their
160 authorized contractors are exempt from section (e) when they are performing
161 authorized duties.

162
163 (g) Signage authorized. The County may install such signage as is necessary
164 and appropriate to designate or prohibit operation in areas as described in this
165 section.

166
167 (h) Enforcement. The Sheriff of Charlotte County and any certified Law
168 Enforcement Officer of the State of Florida has the authority to enforce this section.

169
170 (i) Penalties. Any person violating any of the provisions of this section is subject
171 to at least a non-moving penalty as defined in Florida Statute 318. Nothing in this
172 section prohibits law enforcement from effecting an arrest, towing of the violating
173 vehicle, or any other appropriate action as defined in Chapters 316, 318, 320 and

174 322, Florida Statutes, as amended from time to time.

175

176 Section 3. Codification and Scrivener's Errors. It is the intention of the Board,
177 and it is hereby ordained that the provisions of this Ordinance shall become and be made
178 a part of the Code and Laws and Ordinances of Charlotte County, Florida, and the
179 sections of this Ordinance may be renumbered or re-lettered to accomplish such
180 intentions. The Ordinance may be renumbered or re-lettered, and typographical errors
181 and clarification of ambiguous wording that do not affect the intent can be corrected with
182 the authorization of the County Administrator and the County Attorney, or designee. In
183 the event this Ordinance conflicts with any provisions of the Charlotte County Code, the
184 provisions of this Ordinance shall control to the extent of any such conflict.

185

186 Section 4. Conflicts of Law. Whenever the requirements or provisions of this
187 Ordinance are in conflict with the requirements or provisions of any other lawfully adopted
188 ordinance or statute, the most restrictive requirements shall apply.

189

190 Section 5. Severability. If any subsection, sentence, clause, phrase, or portion of
191 this Ordinance is for any reason held invalid or unconstitutional by any court of competent
192 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision,
193 and such holding shall not affect the validity of the remainder of this Ordinance.

194

195 Section 6. Effective Date. A certified copy of this Ordinance shall be filed with the
196 Department of State of the State of Florida within 10 days of enactment and shall become

197 effective pursuant to law.

198

199

200 (BALANCE OF PAGE INTENTIONALLY LEFT BLANK)

201

202

203 PASSED AND DULY ADOPTED this ____ day of _____, 2025.

204

205 BOARD OF COUNTY COMMISSIONERS
206 OF CHARLOTTE COUNTY, FLORIDA

207

208

209

210

By: _____
Jospeh M. Tiseo, Chairman

211

212

213 ATTEST:
214 Roger D. Eaton, Clerk of the Circuit
215 Court and Ex-Officio Clerk of the
216 Board of County Commissioners

217

218

219

220 By: _____
221 Deputy Clerk

222

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

223

224

225

226

227

By: _____
Janette S. Knowlton, County Attorney
LR 2025-1093 _____

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