



# Staff Report

City Commission Regular Meeting

March 12, 2026

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**To:** City Commission  
**From:** Drew Smith, City Attorney  
**Meeting Date:** March 12, 2026  
**Item Name:** Ordinance 2026-05. An Ordinance by the City Commission of the City of Flagler Beach, Florida amending the Code of Ordinances of the City of Flagler Beach related to the use of electric bicycles, E-Bikes, and Off-Road Electric Motor Driven cycles; providing for enforcement and penalties for violation; providing for severability, codification, conflicts, and an effective date (First Reading).

**Background:**

Attorney Smith drafted the ordinance as requested. The draft ordinance has been routed through staff, Acting Chief Blanchette provided suggestions which have been incorporated.

**Fiscal Impact:**

**Staff Recommendation:**

Review on first reading, providing amendments if desired.

**Attachments:**

1. E-Bike Ordinance (Rev 030326)



37 electric motor-driven cycles upon City maintained roads, sidewalks, and other property in certain  
38 incorporated areas of the City of Flagler Beach. Adoption of this section shall not be relied upon  
39 as a determination the operation of bicycles, electric bicycles, motorized scooters, motorized  
40 skateboard, electric powered cycles or any other vehicle or device on roads or public sidewalks is  
41 safe or advisable. All persons operating the devices described herein do so at their own risk, and  
42 must be observant of, and attentive to, the safety of themselves and other motorists, cyclists and  
43 pedestrians.

44           **SECTION 2. AMENDMENTS TO THE CITY OF FLAGLER BEACH CODE OF**  
45 **ORDINANCES**

46 **ARTICLE V. - BICYCLES, ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND**  
47 **MICROMOBILITY DEVICES**

48 **Sec. 19-80. - Definitions.**

49 The following words and phrases, when used in this article, shall, for the purpose of this article,  
50 have the meanings respectively ascribed to them in this section, except when the context otherwise  
51 requires. Whenever any words and phrases used in this chapter are not defined in this section but  
52 are defined in the state laws regulating the operation of vehicles, any such definition in state law  
53 shall be deemed to apply to such words and phrases used in this chapter, except when the context  
54 otherwise requires:

55 *Bicycle* means every vehicle propelled solely by human power having two (2) tandem wheels, and  
56 including any device generally recognized as a bicycle though equipped with two (2) front or two  
57 (2) rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

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

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

63 *City owned* means

64           a. Property in which the City has a property interest, such as fee simple ownership or an  
65 easement, and

66           b. Property in which the City maintains regardless of ownership, such as which are in  
67 incorporated areas but are maintained by the City.

68 *Crosswalk* means:

69 a. Part of a roadway at an intersection included within the connections of the lateral lines  
70 of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of  
71 curbs, from the edges of the traversable roadway.

72 b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for  
73 pedestrian crossing by lines or other markings on the surface.

74 Daytime means the period from a half hour before sunrise to a half hour after sunset. The term  
75 Nighttime means at any other hour.

76 *Electric bicycle* means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle  
77 for use of the rider, and an electric motor of less than seven hundred fifty (750) watts. This  
78 definition includes all classes of electric bicycle under F.S. § 316.003(22).

79 *Micromobility device* means any motorized transportation device made available for private use  
80 by reservation through an online application, website, or software for point-to-point trips and  
81 which is not capable of traveling at a speed greater than 20 miles per hour on level ground as  
82 defined by F.S. § 316.003(38). This term includes motorized scooters and bicycles as defined by  
83 F.S. § 316.003.

84 Off-road electric-driven cycle means any motor vehicle having a seat or saddle for the use of the  
85 rider and designed to travel on not more than three wheels in contact with the ground. This vehicle  
86 has no pedals or has a motor that exceeds 750 watts or is powered by an electric motor which may  
87 exceed speeds of 28 miles per hour. These vehicles are best understood as off-highway  
88 motorcycles (Dirt bikes) as by 317.0003, Fla. Stat. and powered by an electric engine, which was  
89 not designed for and are not authorized to operate on roadways.

90 *Right-of-way* means property owned or controlled by the city or other governmental entity over  
91 which the public has a right-of-passage, including, without limitation, the streets, parkways, paths,  
92 alleys, sidewalks, and driveways constructed thereon.

93 *Road* means a road, street, or highway or designated segment thereof in the incorporated area of  
94 the City, pursuant to ES. ch. 316.

95 *Sidewalk* means that portion of a right-of-way between the curbline, or the lateral line, of a roadway  
96 and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in  
97 areas designated for bicycle use.

98 *Motorized scooter* means any vehicle or micromobility device without pedals that is powered by  
99 a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not  
100 more than three (3) wheels, and which is not capable of propelling the vehicle at a speed greater  
101 than twenty (20) miles per hour on level ground as defined by F.S. § 316.003(45).

102 Motorized skateboard means any self-propelled wheeled device with a deck for standing and  
103 without an upright control handle capable of travelling at speeds greater than twenty (20) miles  
104 per hour on level ground.

105 *Stage or staging* means the parking and/or placing of electric bicycles, micromobility devices or  
106 motorized scooters on a right-of-way, within a public park, or on other public or private property  
107 for the purpose of advertising or displaying such micromobility devices to the general public for  
108 use or rental.

109 **Sec. 19-81. - Electric bicycle, off-road electric driven cycle, motorized skateboard and**  
110 **motorized scooter riding prohibited on sidewalks and the Atlantic beach.**

111 It shall be unlawful for any person to ride an electric bicycle, off-road electric driven cycle,  
112 motorized skateboard, or motorized scooter upon any public sidewalk or the Atlantic beach within  
113 the city limits of the City of Flagler Beach.

114 **Sec. 19-82. - Bicycles, micromobility devices, electric bicycles, off-road electric driven cycle,**  
115 **motorized skateboard, and motorized scooters obstructing streets or sidewalks.**

116 No bicycle, electric bicycle, micromobility device, off-road electric driven cycle, motorized  
117 skateboard, or motorized scooter shall be parked, abandoned or otherwise left upon any street,  
118 right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians,  
119 or to obstruct any stopping or parking space. The city may seize and impound any bicycle, electric  
120 bicycle, off-road electric driven cycle, motorized skateboard, micromobility device or motorized  
121 scooter parked, abandoned or otherwise left in violation of this section. Such property will be  
122 released to the lawful owner after all impoundment and storage fees have been paid. Any bicycle,  
123 electric bicycle, micromobility device, off-road electric driven cycle, motorized skateboard, or  
124 motorized scooter that remains unclaimed within the city for five (5) days is subject to sale  
125 pursuant to the procedures for abandoned or lost property set forth in F.S. § 705.103, or by any  
126 other method allowed by the laws of the State of Florida.

127 **Sec. 19-83. – Bicycle, ~~E~~electric bicycles–, motorized skateboard, and motorized scooter**  
128 **operation.**

129 ~~Electric bicycles and motorized scooters must comply with all regulations under Florida law and~~  
130 ~~this Code applicable to bicycles.~~

131 1. Bicycles

132 a. Bicycles shall be operated consistent with bicycle regulations, except as otherwise  
133 provided in this section. Bicycles may be operated on bicycle lanes, bicycle paths, roadways, and  
134 sidewalks consistent with this ordinance. When operating on roadways, bicycle operators shall  
135 comply with all regulations.

136 b. Every bicycle operated at nighttime shall be equipped with a lamp on the front exhibiting  
137 a white light visible from a distance of at least 500 feet to the front and a lamp and on the rear,  
138 each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights shall be  
139 on and operational when used at nighttime.

140 2. Electric Bicycle, Motorized Scooter, and Motorized Skateboards

141 a. Electric bicycles, motorized scooters, and motorized skateboards shall be operated  
142 consistent with Bicycle regulations and electric bicycle regulations. Electric bicycles, motorized  
143 scooters, and motorized skateboards may be operated on bicycles lanes, bicycles paths, and  
144 roadways consistent with this ordinance. When operating on roadways, operators shall comply  
145 with all traffic regulations. When operating on bicycle paths, operators shall comply with all  
146 pedestrian signs and intersection signalization;

147 b. It is unlawful to operate an electric bicycle, motorized scooter, or motorized skateboard  
148 in an unsafe and reckless manner to include but not limited to failure to yield, failure to slow when  
149 passing pedestrians, failure to give an audible signal when passing, failure to operate with due  
150 care, and excessive speed. The operation of an electric bicycle that produces more than 750 watts  
151 of power is prohibited on the roadways, right-of-ways, bicycles paths, and bicycles lanes within  
152 the jurisdiction of the City of Flagler Beach;

153 c. Removal of pedals from electric bicycle and/or modifications to the propulsion system  
154 either physically or via software shall make such electric bicycle unlawful for use within the  
155 jurisdiction of the City of Flagler Beach. The electric bicycle shall display the class label consistent  
156 with §316.20655 Fla Stat. Tampering that alters class characteristics without relabeling is  
157 prohibited pursuant to §316.20655 Fla Stat;

158 d. Electric bicycles operated at nighttime shall be equipped with a lamp on the front  
159 exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and on  
160 the rear each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights  
161 shall be on and operational when used at nighttime;

162 e. A person operating an Electric bicycle across a roadway upon and along a crosswalk,  
163 shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking  
164 and passing such pedestrian pursuant to §316.206(10) Fla. Stat;

165 f. No person under 11 years of age may operate an electric bicycle on any road, right-of-  
166 way, bicycle lane, bicycle path, sidewalk, or other City-owned property. Nothing herein prohibits  
167 a minor under the minimum age from riding as a passenger on an electric bicycle designed and  
168 equipped for a passenger in compliance with §316.2065 Fla. Stat;

169 g. Passengers are prohibited on electric bicycles unless the bicycle is equipped with a  
170 designated passenger seat and meets all applicable safety standards under Florida Statutes  
171 §316.2065 and §316.20655;

172 h. Any person operating an electric bicycle shall carry a government-issued photographic  
173 I.D. and shall present such identification upon lawful request of a law enforcement;

174 i. Within posted school zones when and within 50 feet of any marked crosswalk or  
175 intersection comer, an electric bicycle operator shall slow to pedestrian speed and yield to  
176 pedestrians. Pedestrian speed is considered a speed not exceeding 5 miles per hour or slow enough  
177 for the operator to yield to pedestrians and stop within a short distance to avoid;

178 3. Helmet Requirements

179 An operator or passenger under 16 years of age on a bicycle, electric bicycle, motorized  
180 scooter, or motorized skateboard must wear a properly securely fastened bicycle helmet upon the  
181 or head that meets the federal safety standard for bicycle helmets, rule, 16 C.F.R. part 1203. A  
182 parent or legal guardian may not knowingly permit a child under 16 years of age to violate this  
183 subsection.

184 4. Off-Road Electric Motor-Driven Cycles

185 It shall be unlawful for any person to operate an Off-Road Electric Motor-Driven Cycle  
186 on:

187 Any Bike Lane within the City;

188 Any Bike Path within the City;

189 Any City owned or controlled property including parks and the Atlantic beach;

190 Any City owned or maintained right of way;

191 Any public space or pathway within the City;

192 Any roads or crosswalk within the City;

193 Any sidewalk or public pathway within the City.

194 Such devices may operate only on private property with owner consent.

195 (c) Penalties The following civil and criminal penalties may be assessed by administrative or  
196 judicial process.

197 Bicycle, electric bicycle, motorized scooter, motorized skateboard. In addition to other  
198 penalties authorized herein or by statute, a person who violates this Section may be  
199 administratively or judicially assessed a civil penalty of up to \$100 for the first violation,  
200 \$250 for the second violation in a rolling twelve month period, and \$500 for each  
201 successive violation in a rolling twelve month period.

202 Off-Road Electric Motor-Driven Cycle. In addition to other penalties authorized herein or  
203 by statute, a person who violates this Section may be administratively or judicially assessed

204 a civil penalty of up to \$100 for each violation, \$250 for the second violation in a rolling  
205 twelve month period, and \$500 for each successive violation in a rolling twelve month  
206 period.

207 Further, Law enforcement are authorized to remove and impound a vehicle found in  
208 violation of this Section. No vehicle impounded as provided in this section shall be released  
209 therefrom until:

210 a. The charges for towing such vehicles to the impound lot, storage, and  
211 administrative fees have been paid;

212 b. Proper proof of ownership has been exhibited; and

213 c. Any hold which has been placed upon the vehicle by law enforcement has been  
214 removed by law enforcement.

215 Enforcement. This Article shall apply to and be enforced within the City of Flagler Beach by law  
216 enforcement personnel. It shall be a violation of this Article for any person to resist, obstruct,  
217 hinder, or interfere in the enforcement of this Article. Any person who willfully refuses to sign  
218 and to accept a warning notice of violation or a written citation issued by a law enforcement shall  
219 be guilty of a misdemeanor of the second degree.

220 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance  
221 are hereby repealed to the extent of such conflict.

222 **Section 4. Codification.** The City Planner shall cause the Code of Ordinances of the City  
223 of Flagler Beach to be amended as provided by this Ordinance and may renumber, re-letter, and  
224 rearrange the codified parts of this Ordinance if necessary to facilitate the finding of the law.

225 **Section 5. Severability.** Should any word, phrase, sentence, subsection, or section be held  
226 by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then  
227 that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance  
228 and all other words, phrases, sentences, subsections, or sections shall remain in full force and  
229 effect.

230 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon its  
231 passage and adoption.

232 PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2026.

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234 PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

235 CITY OF FLAGLER BEACH, FLORIDA

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Patti King, Mayor

ATTEST:

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Penny Overstreet, City Clerk