

**CITY OF DAVENPORT FACT SHEET
CITY COMMISSION**

DATE: April 13, 2026

TO: Vice-Mayor Jeremy Clark, Davenport City Commission

VIA: Kelly Callihan, City Manager

FROM: Steve Parker, Chief of Police

SUBJECT: Public Hearing and Second and Final Reading of Ordinance No. 1447 creating Article V, Chapter 11, of City Code, titled "Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices."

BACKGROUND: The City of Davenport has experienced an increase in reckless operation of e-bicycles and electric scooters in the community, primarily on sidewalks and in city parks. Enforcement of a city ordinance addressing this dangerous trend is necessary for the safety of the public.

The City Commission has previously passed Ordinance 1447 on first reading.

FINANCIAL IMPACT: There is no financial impact to the City.

RECOMMENDATION: Approve on second and final reading City Ordinance No. 1447.

ATTACHMENTS: Ordinance No. 1447, creating Article V, Chapter 11, of City Code, titled "Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices."

ORDINANCE NO: 1447

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA (“CITY”); CREATING NEW ARTICLE V, CHAPTER 11, CODE OF THE CITY OF DAVENPORT, FLORIDA (“CITY CODE”) TO BE TITLED “ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND OTHER MOTORIZED MOBILITY DEVICES:” PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROHIBITING THE OPERATION OF SUCH DEVICES IN CITY PARKS AND ON SIDEWALKS; PROVIDING PENALTIES; AUTHORIZING POLICE DEPARTMENT AND SPECIAL MAGISTRATE TO ENFORCE PENALTIES; AUTHORIZING CITY MANAGER TO ENACT PROCEDURES FOR IMPOUNDMENT; PROVIDING A BUSINESS IMPACT STATEMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA:

SECTION 1. CREATION OF ARTICLE V, CHAPTER 11, CODE OF ORDINANCES. Chapter 11, Motor Vehicles and Traffic, Article V, of the Code of Ordinances of the City of Davenport, Florida (hereafter the “Code”) is hereby created to read as follows:

“Chapter 11. – MOTOR VEHICLES AND TRAFFIC

ARTICLE V. ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND OTHER MOTORIZED MOBILITY DEVICES.

Section 11-78. – Short Title.

This Article shall be known and may be cited as the “Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices Regulatory Ordinance.”

Section 11-79. – Findings.

In adopting this Ordinance, the City Commission of the City of Davenport, Florida (the “City”) hereby makes and expresses the following findings, purposes, and intent:

(1) The City has been conferred broad legislative powers to enact ordinances to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government’s residents by both the Florida Constitution and the Florida Legislature.

(2) The use and operation of electric scooters, electric bicycles, mopeds, and other similar electric transportation devices has increased significantly over the last decade.

(3) The City has a significant government interest in the safety of pedestrians and bicyclists that traverse its public rights of way, as well as insuring the safety of its sidewalks and parks.

(4) The use and operation of electric scooters, electric bicycles, mopeds, and other similar electric transportation devices in city parks and on sidewalks creates a risk of harm to pedestrians and bicyclists.

(5) The City has a right, duty, and obligation to regulate and maintain the safety of its rights of way and other public lands for all the public.

(6) The City Commission finds that this amendment to the City's Code of Ordinances is narrowly tailored to impose specific regulations to protect public health, safety, and welfare by reducing the likelihood of serious bodily injury or death that results from accidents and/or crashes involving bicyclists, pedestrians, and electric scooters, electric bicycles, mopeds, and other similar electric transportation devices.

(7) The purpose of this article is to promote public safety by regulating and restricting the operation and use of electric bicycles, motorized scooters, and motorized mobility devices within the city.

(8) The City Commission finds these regulations to be in the best interest of the City.

Sec. 11-80. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever any words or phrases used in this article are not defined herein, but are defined in the Florida Statutes and any amendments thereto, such definitions shall apply.

City Park. A land, water or building site that is publicly owned, operated or controlled and is used for public recreational purposes. The term "city park" shall also include land which has been deeded or dedicated for public use and/or public access across private or public property. Such examples of city parks include, but are not limited to, lakefront property, boat ramps, indoor facilities, playgrounds, athletic fields and courts, parkways, picnic areas, monuments, walkways, gazebos, marinas, boat slips, and community centers.

Bicycle path (bike path). As defined in Section 316.003(6), Florida Statutes, as amended, any road, path, or way that is open to bicycle travel, which road, path, or way is physically 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.

Bike lane. As defined in Section 316.003(6), Florida Statutes, as amended, any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

Electric Bicycle. 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 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(2) *Class 2 Electric Bicycle* means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(3) *Class 3 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

This term does not include motorized scooters.

Electric Personal Assistive Mobility Device. Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

Micromobility Device. A 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 a 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.

Moped. Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

Motorized Scooter. 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. The term does not include an electric bicycle.

Reckless operation. Operation in willful or wanton disregard for the safety of persons or

property, including conduct that creates an unreasonable risk of harm.

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term “roadway” refers to any such roadway separately, but not to all such roadways collectively.

Sidewalk. Any designated portion of the public right-of-way intended for the use of pedestrians and separated from the street by a curb, buffer, or landscaping.

Sec. 11-81. - Prohibited Use.

- (a) The operation and use of electric bicycles, electric personal assistive mobility devices, micromobility devices, mopeds, and motorized scooters is prohibited in city parks and on sidewalks.
- (b) The reckless operation and use of electric bicycles, electric personal assistive mobility devices, micromobility devices, mopeds, and motorized scooters in any location within the city is prohibited.
- (c) The provisions of this Article shall not apply to:
 - (1) Governmental personnel on official business, emergency vehicles, or the use of special mobile equipment for repair or maintenance of public property.
 - (2) A person with a disability who uses a motorized wheelchair or similar mobility device for mobility purposes.

Sec. 11-82. - Enforcement.

- (a) The City Police Department shall be responsible for enforcing this Article and may issue citations in the following amounts for violations of this Article.

<u>Offense</u>	<u>Penalty</u>
<u>Initial Offenses</u>	<u>\$250.00</u>
<u>Second Offenses</u>	<u>\$500.00</u>
<u>Third and Subsequent Offenses</u>	<u>\$500.00</u> <u>Impoundment, pursuant to Section 11-81(e).</u>

- (b) Failure to resolve citations within 30 days from the date of issuance will result in the issuance of a Uniform Traffic Citation for a traffic infraction.

- (c) Any disputes regarding violations of this Article shall be heard by the Special Magistrate at either a regular code enforcement hearing or a specially called hearing using the hearing procedures set forth in Sec. 2-184.
- (d) Any person found guilty of a violation of this Article by the Special Magistrate shall be responsible for the cost of the hearings and notices sent, in addition to the penalty set forth in subsection (a) of this Section.
- (e) The City Manager may adopt an administrative regulation for procedure and penalties for impoundment of vehicles for violations of this Article. Any proposed regulation shall be adopted by the City Commission after proper notice and public comment.
- (f) In addition to the penalties described above, the City may institute any appropriate action or proceeding to enjoin, prevent, restrain, correct, or abate a violation of this Article.

SECTION 2. BUSINESS IMPACT ESTIMATE. Pursuant to Section 166.041(4), Florida Statutes, the City of Davenport is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance creates regulations to control the operation of small, motorized vehicles within the public right of way. Such traffic regulations (1) serve a public purpose by serving the public health, safety, morals, and welfare of the City, (2) have no direct negative economic impact on private, for-profit businesses in the city in that all those similarly situated properties that receive the benefit of safely regulated public rights of way adjacent to the said businesses, (3) will benefit all City residents by helping to insure that all those travelling within the public rights of way can do so safely, (4) will not result in direct compliance costs by businesses, (5) does not impose any new charge or fee on businesses for which businesses will be financially responsible but rather modifies the method of collection, and (6) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges beyond those costs necessary to so regulate the public rights of way within the City, nor are any direct compliance costs expected. In fact, another source of authority for this ordinance is the program established pursuant to chapter 316, Florida Statutes, that sets guidelines for safety of these vehicles and that contemplates enforcement via local government ordinance. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

SECTION 3. CONFLICTS. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls to the extent of the conflict.

SECTION 4. CODIFICATION. It is the intent of the Davenport City Commission that Section 1 of this Ordinance shall be codified in the City of Davenport Code of Ordinances.

SECTION 5. SEVERABILITY. If any provision or portion of this ordinance is

declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption at its second reading.

INTRODUCED, PASSED, AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Davenport, Florida, meeting in Regular Session on this 6TH day of April, 2026.

CITY OF DAVENPORT, FLORIDA

By: _____
Donna Fellows-Coffey, Mayor

ATTEST:

By: _____
Raquel Castillo, City Clerk

INTRODUCED, PASSED, AND DULY ADOPTED ON SECOND READING by the City Commission of the City of Davenport, Florida, meeting in Regular Session on this 20th day of April, 2026.

CITY OF DAVENPORT, FLORIDA

By: _____
Donna Fellows-Coffey, Mayor

ATTEST:

By: _____
Raquel Castillo, City Clerk

APPROVED AS TO FORM:

By: _____
Thomas A. Cloud, City Attorney



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Davenport's website by the time notice of the proposed ordinance is published.

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Davenport is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Davenport is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.