

ORDINANCE 2026-_____

AN ORDINANCE AMENDING SECTION 36-1, DEFINITIONS, AND ADDING NEW SECTIONS 36-5, GENERAL PROVISIONS FOR MICROMOBILITY DEVICES, 36-6, MICROMOBILITY LICENSE AGREEMENTS, 36-7, MICROMOBILITY TOUR COMPANIES, AND 36-8, CITY COUNCIL REVIEW OF MICROMOBILITY LICENSE AGREEMENTS AND MICROMOBILITY TOUR COMPANIES OF ARTICLE I, IN GENERAL, OF CHAPTER 36, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF PROVIDING DEFINITIONS; GENERAL PROVISIONS FOR MICROMOBILITY DEVICES; MICROMOBILITY FRANCHISE AGREEMENTS; MICROMOBILITY TOUR COMPANIES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of Naples, Florida wishes to establish regulations for micromobility users and providers operating within the City to protect the general welfare, health, and safety of the public; and

WHEREAS, the Code of Ordinances Chapter 36 – Traffic and Vehicles does not currently include any specific regulations related to micromobility; and

WHEREAS, Section 316.2128, Florida Statutes, provides motorized scooters and micromobility devices all the rights and duties applicable to the rider of a bicycle; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to “permit, control, or regulate” vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, Section 316.2128, Florida Statutes, authorizes municipalities to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas within their jurisdiction; and

WHEREAS, Chapter 166, Florida Statutes, vests in municipalities broad home rule authority to enact ordinances necessary for the protection of the public health, safety, and welfare of their residents; and

WHEREAS, City Council recommends changes to the Code of Ordinances regarding the use of bicycles as well as newer mobility options; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within a Business District due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, the City of Naples, Florida wishes to amend Chapter 36 – Traffic and Vehicles to improve the safety for micromobility users, protect pedestrians and cyclists, ensure vehicle access, regulate micromobility providers, and reduce the risk of micromobility vehicles becoming a nuisance within Naples, Florida; and

WHEREAS, there has been a noticeable increase in the operation of micromobility devices on public sidewalks in the City of Naples and Collier County, which presents enhanced opportunities for crashes and injuries with other pedestrian travelers upon those sidewalks, due in part to the steady accelerated speed which micromobility devices can maintain as compared to manually operated mobility devices; and

WHEREAS, the City Council finds that this amendment is narrowly tailored to impose specific regulations to protect the public, health, safety, and welfare by reducing the likelihood of serious bodily injury or death that results from conflicts between vehicular traffic, bicyclists, and pedestrians progressing on the sidewalks, crosswalks, and intersections in the incorporated area of the City of Naples, and the City Council seeks to prevent further pedestrian fatalities or injuries within the City; and

WHEREAS, approval of this Ordinance amending the City of Naples Code of Ordinances is in the best interests of the health, safety, and welfare of the residents of the City of Naples.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the City Council of the City of Naples hereby adopts and incorporates into this Ordinance the above “Whereas” clauses as legislative findings of the City Council, as if fully set forth in this Section.

Section 2. That Section 36-1, Definitions, of Chapter 36, Traffic and Vehicles, of Article 1, In General, of the City of Naples Code of Ordinances, is hereby amended to read as follows:

Sec. 36-1. Definitions.

* * *

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Electric Personal Assistive Mobility Device means 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) or less, 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.

* * *

Micromobility Device means any motorized transportation device which cannot travel at a speed greater than 28 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices required by handicapped people are exempt.

Micromobility Parking Station means a specific location on public right-of-way or approved private property designated and marked by the City for the upright staging and parking of micromobility devices.

Micromobility Provider means any person or entity which makes available to the public any number of micromobility devices for use on the streets and sidewalks of the City by reservation. This definition includes Tour Operators that utilize micromobility devices.

* * *

Park means all the land surface, the air space above and all subsequent subjacent materials situated in the city, acquired by or under the jurisdiction of the city and administered by the city's parks and recreation department, and all property upon which is located the current or future city hall, and/or any other city municipal building. Wherever in this article the terms "park" or "parks" may be used, reference is made to such city land areas as described herein.

Park trails or paths means a way or route designated for pedestrian use.

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

Tour Operator means any person or entity offering guided or organized tours utilizing micromobility devices.

* * *

Vehicle means any wheeled device by which any person may be transported or drawn upon any public road.

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Section 3. That the Code of Ordinances, City of Naples, Florida, is hereby amended by adding Sections 36-5, 36-6, 36-7 and 36-8, which said sections read as follows:

Sec. 36-5. General provisions for micromobility devices.

- (a) All micromobility devices are subject to all the rules and regulations below:
- (1) The riding of such devices shall be prohibited upon any sidewalk, park path or on the beach within the City or any area as designated by the City where notice is posted. Operation of such devices whether privately owned or not is prohibited on sidewalks except for the purposes of parking the device in an acceptable location.
 - (2) Micromobility devices shall be allowed to operate on streets within designated bike lanes or upon streets with a posted speed limit of 25 mph or less.
 - (3) The City Manager, or designee, has the authority to further restrict the use of micromobility devices in cases where a roadway may be closed due to an event or to maintain public health, safety, or general welfare of the community.
 - (4) Micromobility Device shall not be operated within any public parking garage.
 - (5) Every operator of a micro-mobility device or motorized scooter shall wear a properly fitted and fastened bicycle helmet meeting federal safety standards, consistent with F.S. § 316.2065.
 - (6) Every operator of a micro-mobility device or motorized scooter shall use the following safety equipment:
 - a. A lamp exhibiting a white light visible from at least 500 feet to the front, and a lamp and reflector exhibiting a red light visible from at least 600 feet to the rear, when operating from sunset to sunrise.
 - b. Functioning brakes capable of stopping the device safely.
- (b) In addition to City Code, micromobility devices are subject to any and all state laws pertaining to micromobility devices, motorized scooters, or electric bicycles, as applicable, and as may be amended.
- (c) Any person operating a micromobility device within the City shall possess a valid government-issued photographic identification while operating such motorized scooter or micromobility device.

- (d) Ridership of more than one person on any micromobility device shall be prohibited. The ridership of more than one person on any electric bicycle shall be prohibited unless the electric bicycle is specifically designed to carry more than one person.
- (e) All micromobility devices within the City shall be limited to a maximum speed of 15 mph, except electric bicycles shall be limited to a maximum speed of 28 mph.
- (f) All micromobility devices regardless of ownership, shall not be parked in a manner that obstructs any ingress or egress from any building or parking area, or in a manner that prevents any sidewalk or walkway from maintaining at least five (5) feet of walkway clearance.

Sec. 36-6. Micromobility License Agreements.

- (a) Any micromobility provider who wants to rent, provide at no cost, or otherwise make available to the public micromobility devices shall have a current micromobility license agreement with the City to operate its devices. The issuance of a permit under this section shall constitute a privilege and not a right, and nothing herein shall be construed to require the City to approve every application submitted. The City retains sole discretion to approve, deny, suspend, or revoke permits in furtherance of the public health, safety, and welfare.
- (b) Completed applications for a right of way (ROW) permit and license agreement shall be submitted to the City through the City's right of way permitting process. The micromobility providers shall provide an application, operations plan of the business, insurance coverage meeting the City's requirements, and hours of operation. The plan shall ensure safe and efficient use of the rights-of-way within the City with minimal impact on vehicle and pedestrian traffic flow and any other public health, safety, or welfare concerns. Once a completed application is received the Public Works Department will present the application to City Council for their consideration.
- (c) The City Council reserves the right to limit the number of license agreements issued to maintain public health, safety, or general welfare of the community.
- (d) The City Manager reserves the right to cancel any license or operating agreement immediately for a violation of the article, violations involving public health, safety or general welfare, failure to maintain the required insurance or otherwise comply with this article, or for other good and sufficient cause as determined by the City Manager, or designee, at his or her sole discretion.
- (e) Any micromobility provider, prior to beginning operations, must provide proof of a commercial lease for a storage/repair facility and provide proof of a valid commercial solid waste account for the disposal of industrial materials and batteries.

- (f) Micromobility providers shall provide proof of insurance to the City of Naples, Florida at the following minimum limits:
- (1) Commercial General Liability Insurance coverage with a limit of at least \$5,000,000 per occurrence and with a \$5,000,000 aggregate limit.
 - (2) Commercial Automobile Liability insurance coverage with a combined single limit of \$1,000,000 covering all owned, hired, and non-owned vehicles.
 - (3) Workers' Compensation insurance as required by Florida law and Employers' Liability Insurance in an amount of at least \$100,000 each accident, \$100,000 per employee, and \$500,000 for all diseases.
 - (4) All insurance policies, except Workers' Compensation, shall name the City of Naples, Florida as an additional insured. All insurance required shall be on a primary and noncontributory basis and shall waive subrogation rights of its insurance carriers in favor of the City of Naples.
 - (5) Upon the cancellation or lapse of any policy of insurance as required by this section, the license issued pursuant to this section shall be immediately revoked unless, before the expiration date of the policy of insurance, another policy of insurance containing all the requirements of the original policy of insurance is obtained.
- (g) Prior to the issuance of a right-of-way permit and License Agreement, the micromobility provider shall submit a non-refundable administrative fee of \$1,000 to offset the City's costs related to the administration, infrastructure wear, and code enforcement of this Article.
- (h) Micromobility providers must provide the City of Naples, Florida with an accurate list of their micromobility devices fleet with the following including:
- (1) The number of micromobility devices that are currently in their fleet located in the City of Naples, Florida.
 - (2) Type of micromobility device; and
- (i) Micromobility devices that are inoperable/damaged or do not comply with other subsections of this Code must be removed within two (2) hours upon receipt of the complaint between the hours of 7:00 a.m. and 8:00 p.m., seven days per week and within twelve (12) hours upon receipt of the complaint on holidays by the micromobility provider. An inoperable or damaged micromobility device is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle and/or device. Any inoperable/damaged device found within the City limits shall be found in violation of City Code and is subject to fines and/or immediate impoundment

- (j) The owner of the shared mobility device or micromobility device or the provider/operator shall pay a \$50 fee to the City of Naples Police Department to retrieve the device, in order to offset the administrative expense of impounding and storing the device. This fee is in addition to any other fee or penalty that may be applied for any underlying violation of this article.
- (k) Micromobility devices must not leave permanent tire tracks on sidewalks, driveways, and share-use paths. City may invoice a micromobility provider for pressure-washing or replacement of such traversable surfaces for restoration. Should fleets be found to have tires that create permanent marks, micromobility providers must demobilize fleets. If demobilization is not completed within three (3) calendar days of notice, City may impound devices or fleet for retrieval by the micromobility provider
- (l) If a micromobility provider makes changes to their micromobility device fleet, they are required to provide an updated list of the changes to the City.
- (m) The City of Naples, Florida holds the right to restrict the number of micromobility devices for the protection of the health, safety, and welfare of people within the city.
- (n) It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.
- (o) The City Manager may request micromobility providers to provide the City with monthly data, which may consist of but not limited to:
 - (1) Number of daily, weekly, and monthly riders.
 - (2) Total number of miles traveled by users (daily, monthly, quarterly, annually) broke down by device type.
 - (3) Number of rides per user per day.
 - (4) Number of rides per device type.
 - (5) Duration of rides per rider per day; and
- (p) The permit and the license agreement is non-transferable and shall be used only by the applicant whose name it is issued. Any transfer other than provided in this section shall render the permit and the license agreement void and ineffective. Any business sale, assignment, whether voluntary or involuntary, or transfer of over 50 percent of the shares of any corporate permit holder shall be construed as a transfer and shall render the permit and the license agreement void and ineffective unless specifically approved by the City Council.

- (q) Indemnification. As a condition of the license agreement pursuant to this article, the micromobility provider agrees to indemnify, hold harmless, and defend the City of Naples, Florida , its representatives, employees, officials, and agents, from and against any and all liability and all manner of actions, causes of action, suits, class-action suits, claims, demands, damages, losses, judgments, and expenses of any kind, including reasonable attorney's fees and costs, in law or in equity, associated with or arising out of the use of the right-of-way or city-owned property for program operations, or associated with or arising from any act, omission, or error of the operator, its owners, agents, contractors, or employees, or associated with or arising from any use, misuse, placement, or misplacement of any micromobility devices, motorized scooters, , including but not limited to damage to property or bodily injury, including death, or from the failure of the operator, its owners, agents, contractors, or employees, to comply with applicable federal, state, or local traffic laws, including but not limited to any use, misuse, placement, or misplacement of any micromobility devices, motorized scooters, resulting in alleged violations of the American With Disabilities Act (ADA).
- (r) Any person or entity conducting business within the City, who rents or makes available to the public any number of micromobility devices for use within the city and does not meet the definition of a micromobility provider shall be required to enter into a micromobility renter agreement, acknowledging that they will notify and inform their users of the general provision of Chapter 36, comply with safety requirements of Chapter 36 and indemnify the City pursuant Sec. 36-6(r).

Sec. 36-7. Micromobility Tour Companies.

- (a) No person or entity shall operate a micromobility device tour business within the City without first obtaining a permit and license agreement from the City. The issuance of a permit under this section shall constitute a privilege and not a right, and nothing herein shall be construed to require the City to approve every application submitted. Similar to the granting of a license, the City retains sole discretion to approve, deny, suspend, or revoke permits in furtherance of the public health, safety, and welfare.
- (b) Tour operators shall comply with all applicable permitting and operational requirements set forth in Section 36-6 governing Micromobility Franchise Agreements companies within the City.
- (c) Tour operators shall only operate within areas approved by the City.
- (d) Tour operators shall not obstruct sidewalks, crosswalks, ADA access routes, driveways, or public rights-of-way.
- (e) Tours shall comply with all applicable traffic laws and regulations.
- (f) No tour shall exceed 8 participants without prior written approval from the City.
- (g) Tour operators shall maintain all micromobility devices in safe operating condition.

- (h) Tours shall not operate between sunset and sunrise and during peak travel times of 7:00AM EST to 9:00AM EST and 3:30PM EST to 5:30PM EST without approval from the City.
- (i) The City may establish no-ride zones, speed-restricted areas, staging restrictions, or prohibited operating areas as deemed necessary for the protection of the public health, safety, and welfare.
- (j) Owners and operators of such tour companies shall disclose to their customers the rules and regulations of the City to customers upon registration.
- (k) The City may suspend or revoke a permit issued pursuant to this section for violations of this Code or applicable law.

Sec. 36-8. City Council review of micromobility license agreements and micromobility tour companies

- (a) In determining whether to authorize, permit, regulate, or approve the operation of micromobility devices or micromobility operations within the City, the City Council may consider factors including, but not limited to:
 - (1) Public safety;
 - (2) Compatibility with the City's transportation infrastructure and public rights-of-way;
 - (3) Impacts on pedestrians, bicyclists, motorists, and persons with disabilities;
 - (4) The availability and suitability of bike lanes, sidewalks, and streets for the safe operation of micromobility devices;
 - (5) Micromobility device characteristics, such as:
 - (6) Maximum operating speed:
 - a. Size;
 - b. Weight;
 - c. Lighting;
 - d. Braking capability; and
 - e. Other safety features.
 - 1. Protection of ADA accessible routes, sidewalks, curb ramps, transit stops, crosswalks, and other public access areas.
 - 2. The Micromobility Provider's ability to properly maintain, monitor, and manage micromobility device.
 - 3. Other factors reasonably related to the protection of the public health, safety, and welfare and the safe and orderly operation of micromobility devices within the City.

Sec. 36-59. Exemptions.

Sec. 36-610. Posting and removal of traffic signs.

Sec. 36-711. Fishing or casting from bridges.

Section 3. This Ordinance shall be codified in the Code of Ordinances of the City of Naples, Florida.

Section 4. All ordinances and parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

Section 6. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 7. This Ordinance is to be liberally construed to accomplish its objectives.

Section 8. This Ordinance shall be published in accordance with the requirements of law.

Section 9. This Ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS ___ DAY OF JUNE 2026.

ADFOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS ____ DAY OF _____, 2026.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Approved as to form and legal sufficiency:

Matthew McConnell, City Attorney

Date filed with City Clerk: _____