

Date: 11/16/2021		AGENDA ITEM				Item: 11	
☒ Ordinance		☐ Resolution		☐ Budget Resolution		☐ Other	
County Goals							
☒	Thriving Communities	☐	Economic & Financial Vitality	☐	Excellence In Government	☐	NA
Department: Legal Department							
Division: Legal							
Subject: Ordinance 2021-36 - E-bikes, E-scooters, and other Electric Motorized Devices.							
Michael Dyer County Attorney  Department Approval		Legal Paolo Soria Senior Assistant County Attorney  Approved as to Form and Legality		County Manager's Office Ryan Ossowski Chief Financial Officer 			
Division Approval							
Council Action:							
Modification:							
Account Number(s): NA							
Total Item Budget: NA							
Staff Contact(s):				Phone:		Ext.	
Paolo Soria				386 736 5950		12940	
Michael Dyer				386 736 5950		13238	
Summary/Highlights: This ordinance implements Council direction to allow electric bicycles, electric scooters, and other electric motorized devices on portions of the County beaches, that are not designated a Natural Beach Management Area or Conservation Zone by the Volusia County Habitat Conservation Plan. The ordinance provides the following changes: 1. Revises definitions for motor vehicles to exclude e-bikes, e-scooters, and other electric motor devices. 2. Allows e-bikes, e-scooters, and other electric motor devices in the urban and transitional areas of the beach and prohibits them in the natural beach management areas and the conservation zone. 3. Allows e-bikes, e-scooters, and other electric motor devices inside and outside of the driving lanes. 4. Permits e-bikes, e-scooters, and other electric motor devices to operate year round, but subject to the hours of access in the HCP. 5. Provides a careless standard of operation for these vehicles as a means to address public							

safety concerns.

Staff recommends approval.

Recommended Motion: Approval

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WHEREAS, according to statistics released by the Daytona Beach Area Convention & Visitors Bureau and Visit Florida, Volusia County, roughly 10,200,000 tourists came to Volusia County in the year 2018; and

WHEREAS, the number of electronic bicycles (“e-bikes”), e-scooters and other electric motorized devices and their use in Volusia County continues to rise; and

WHEREAS, there were 6,664 bicycles and e-bikes involved in reported traffic accidents in the State of Florida in 2019, including 156 fatalities, according to the Florida Highway Safety and Motor Vehicle Traffic Crash Statistics Report; and

WHEREAS, Volusia County’s beaches are home to a sensitive and diverse ecosystem of endangered and protected flora and fauna, uniquely vulnerable to traffic from all vehicles; and

WHEREAS, the Incidental Take Permit (ITP) for Beach Driving and Related Activities, Permit Number TE811813-12, regulates the operation of motorized vehicles on Volusia County beaches, including locations and times of allowable operation; and

WHEREAS, the ITP specifically prohibits the use of public motorized vehicles in Natural Beach Management Areas (NBMA) and the marked conservation zones designated in the implementing Habitat Conservation Plan (HCP); and

1 **WHEREAS**, the HCP defines vehicles as “any vehicle which is self-propelled by either
2 gasoline or battery power, including but not limited to golf cars, segways, and any rented
3 concession vehicles, but not including human-powered vehicles; and

4 **WHEREAS**, the United States Fish and Wildlife Service (“Service”) considers e-bikes, e-
5 scooters, and other electric motorized devices as subject to all the restrictions for motorized
6 vehicles in the ITP; and

7 **WHEREAS**, the use of the beach by a high volume of tourists and citizens of Volusia
8 County provides a compelling reason to draft sensible safety regulations to preserve life, limb,
9 and property; and

10 **WHEREAS**, Florida Statutes Section 316.20655(1) provides authority for a county
11 having jurisdiction over a beach or dune to restrict or prohibit the operation of an electric bicycle
12 on such beach or dune; and

13 **WHEREAS**, Volusia County hereby wishes to allow the operation of e-bikes, e-scooters,
14 and other electric motor devices in areas not designated as Natural Beach Management Areas
15 per the HCP and subject to the provisions of the ITP and HCP to increase public access to the
16 beach; and

17 **WHEREAS**, Volusia County hereby wishes to allow the operation of e-bikes, e-scooters,
18 and other electric motor devices inside and outside the designated driving lanes, but subject to
19 a careless standard of care; and

20 **WHEREAS**, the Volusia County Council hereby wishes to regulate the use of e-bikes in
21 areas of the beach within County control and jurisdiction.

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
23 FLORIDA AS FOLLOWS:

24
25 **(Words in ~~strike through~~ type are deletions; words in underscore type are additions.)**
26

27 **SECTION I. AMENDMENT** – Addition of definition of electric bicycle, electric scooter,
28 motor vehicle, and other electric motorized device; amendment of definition of motor vehicle.
29 Chapter 20, Article I, Section 20-1 of the Code of Ordinances of Volusia County is amended to
30 read as follows:

31 **Sec. 20-1. - Definitions.**

32 The following words, terms and phrases, when used in this chapter, shall have the meanings
33 ascribed to them in this section, except where the context clearly indicates a different meaning.
34 Webster's New Collegiate Dictionary (G & C Merriam Co., eleventh edition, 2016) shall be used
35 for the definition of any words not defined in this chapter.

36 * * * *

37 Electric bicycle, E-bicycle, or E-bike means a bicycle or tricycle equipped with fully operable
38 pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts,
39 meeting the specifications of any of the three classes enumerated in section 316.003(23), F.S.

Electric scooter or E-scooter has the same meaning as section 316.003(46), F.S., and means 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.

* * * *

Motor vehicle has the same meaning as section 316.003(44), F.S., and means any vehicle which is self-propelled, including golf carts and any rented concession vehicle, but not including bicycles, e-bikes, e-scooters, or other electric motorized devices.

* * * *

Other electric motorized devices means any vehicle or electric motorized device including 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 four 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 electric bicycle, electric scooter, or golf cart.

* * * *

SECTION II. AMENDMENT – Vehicles authorized on beach; traffic-free zones. Chapter 20, Article VI, Section 20-173, Sub-section (a) of the Code of Ordinances of Volusia County is amended to read as follows:

(a) Subject to the provisions of this chapter, vehicular traffic shall be authorized on the beach; provided that, motor vehicular traffic, e-bikes, e-scooters, and other electric motorized devices shall be authorized only between 8:00 a.m. and 7:00 p.m. or sundown whichever is earlier from May 1 through October 31, and between sunrise to sunset from November 1 to April 30, tides permitting. Notwithstanding any provision of this section, governmental and emergency transport vehicles of all types necessary for public safety, when in the course of official duty, shall be authorized at all times and at all places on the beach.

SECTION III. AMENDMENT – Prohibited acts addition of new sub-sections 20-174(18), (19), and (20); amendment of sub-section 20-174(3), (4), and (5). Chapter 20, Article VI, Section 20-174 of the Code of Ordinances of Volusia County is amended to read as follows:

Sec. 20-174. - Prohibited acts.

It shall be unlawful for any person to:

* * * *

(3) Operate any vehicle, e-bike, e-scooter, other electric motorized devices, or moped on the beach at a speed of more than ten miles per hour.

(4) Park or operate a motor vehicle, e-bike, e-scooter, or other electric motorized device on the beach at any time other than the hours established in this article.

(5) Operate any motor vehicle, e-bike, e-scooter, other electric motorized devices, or moped on the beach so as to pass any other motor vehicle, except under circumstances indicating that such other vehicle is in a temporarily disabled condition.

1 * * * *

2 (18) Operate any e-bike, e-scooter, or other electric motorized devices in a careless manner.
3 Careless operation of an e-bike, e-scooter, or other electric motorized devices shall include, but
4 is not limited to:

5 a. Operation of an e-bike, e-scooter, or other electric motorized devices with another
6 person on the handlebars or in any position in front of the operator;

7 b. Operation of an e-bike, e-scooter, or other electric motorized devices at a speed
8 greater than is reasonable and prudent under the conditions, having regard to the actual
9 and potential hazards then existing, including, but not limited to, the safety of the
10 operator and any other person or property;

11 c. Failing to yield to pedestrians;

12 d. Weaving in and out of pedestrian traffic or stationary beachgoers;

13 e. Operation of an e-bike with more riders, operators, or passengers than for which it
14 was designed; or

15 f. Any occurrence where inadvertence to the safe and normal operational procedures of
16 the e-bike, e-scooter, or other electric motorized devices causes or is likely to cause
17 damage to any person or property.

18 All operators shall at all times yield the right-of-way to pedestrians and shall take such
19 precautions as may be necessary before parking, or before moving a vehicle previously parked,
20 to avoid accident or collision with or injury to any persons or property.

21 (19) Operate any e-bike, e-scooter, or other electric motorized devices in a Natural Beach
22 Management Area designated in the Volusia County Habitat Conservation Plan. Natural Beach
23 Management Areas are those regions described below:

24 a. HCP Region 2 – Southern boundary of North Peninsula State Recreation Area
25 (NPRSA) to 200 feet north of Granada Blvd. in Ormond Beach.

26 b. HCP Region 6 – Emilia Ave. to Beach Street in Ponce Inlet.

27 c. HCP Region 9 – 27th Street in New Smyrna Beach to the north boundary of Canaveral
28 National Seashore (CNS).

29 Violation of this subsection constitutes a non-criminal violation.

30 (20) Operate any e-bike, e-scooter, or other electric motorized device in a conservation zone as
31 designated in the Volusia County Habitat Conservation Plan.

32 **SECTION IV. AMENDMENT – Chapter 20, Article VII, Section 20-237 of the Code of**
33 **Ordinances of Volusia County is amended to read as follows:**

34
35 **Sec. 20-237. - Rental of motorized vehicles, e-bikes, e-scooters, and other electric**
36 **motorized devices.**

1 A motorized vehicle rental concession shall be operated in accordance with the following
2 regulations:

3 (1) Motorized vehicles shall have a four-wheeled base, except dune buggies, rail cars, go-carts,
4 and full size passenger vehicles may not be rented from a beach concession.

5 (2) Each motorized vehicle, e-bike, e-scooter, other electric motorized devices, or moped shall
6 be equipped as provided in subsection 20-174(12), and shall have permanently affixed to the
7 front of the vehicle, in a visible location approved by the beach director, the spot number of the
8 concession renting the vehicle and the uniform traffic regulations pertaining to the operation of
9 the motorized vehicle.

10 (3) A motorized vehicle or moped rental concessionaire shall be prohibited from renting a
11 motorized vehicle to any person who does not possess a valid operator's license.

12 (4) Each motorized vehicle or moped shall be provided with the following minimum equipment:

13 a. Operating headlights, taillights and brake lights.

14 b. An operating horn capable of being heard within 20 feet of vehicle under normal
15 operating conditions.

16 c. Clearly visible labeling on vehicle stating "For Beach Use Only".

17 d. Additional safety equipment as may be reasonably required by the beach director.

18 (5) Motorized vehicles, e-bikes, e-scooters, other electric motorized devices, or moped shall be
19 inspected at least annually by the division of beach safety and shall prominently display
20 inspection decals issued by the beach director. No motorized vehicle, e-bike, e-scooter, or other
21 electric motorized devices shall operate on the beach without an inspection decal. Inspection
22 decals will be removed only for serious safety violations, including, but not limited to, defective
23 or impaired speed governors, brakes, tires and transmissions.

24 (6) Motorized vehicle, e-bike, e-scooters, other electric motorized devices and golf cart
25 concessionaires must provide written vehicle operation instructions to all rental operators. Such
26 written instructions shall include information regarding the speed limit and traffic lane restrictions
27 and the prohibition against entering the conservation zone and vehicular free areas. The
28 operator shall acknowledge receipt of the instructions in writing and the concessionaire shall
29 retain the receipt.

30 **SECTION V. – CODIFICATION.** The provisions of this ordinance shall be included and
31 incorporated into the Code of Ordinances of the County of Volusia and shall be appropriately
32 numbered to conform to the uniform numbering system of the Code.

33 **SECTION VI. – SEVERABILITY.** If any provision of this ordinance is for any reason
34 finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall
35 be deemed a separate, distinct, and independent provision, and such holding shall not affect the
36 validity of the remaining provisions.

37 **SECTION VII. – EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed in
38 the Office of the Secretary of State by the County Manager within ten (10) days after enactment

1 and this Ordinance will take effect upon receipt of official acknowledgment from that office that
2 said Ordinance has been filed.

3
4 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
5 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
6 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA THIS
7 ____ DAY OF _____, 2021.

8
9 COUNTY COUNCIL
10 ATTEST: VOLUSIA COUNTY, FLORIDA

11
12
13 _____
14 George Recktenwald
15 County Manager

Jeffrey S. Brower
County Chair



