

## **ORDINANCE NO. 26-01-01**

### **AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA; CREATING CHAPTER 21, TITLED “ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND MICROMOBILITY DEVICES”; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATIONS, AND AN EFFECTIVE DATE.**

**SECTION 1: AUTHORITY.** The authority for enactment of this Ordinance is Section 166.021, Florida Statutes, and the City Charter.

#### **SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the public has a growing interest in using personal micromobility devices, including electric bicycles and motorized scooters for transportation and recreational purposes; and

**WHEREAS**, the City of Niceville City Council supports the safe use of low-cost, energy-efficient micromobility devices on City roads and rights-of-way; and

**WHEREAS**, Florida Statute 316.2128(1) grants micromobility device and motorized scooter operators, "all of the rights and duties applicable to the rider of a bicycle," including the right to operate motorized scooters on sidewalks, streets, and trails; and

**WHEREAS**, Sections 316.2128 and 316.20655, Florida Statutes, regulate micromobility devices and authorize the City, under certain circumstances, to adopt an ordinance governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the City's jurisdiction; and

**WHEREAS**, Florida Statute 316.2128(1), further allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

**WHEREAS**, The City Council of the City of Niceville on January 13, 2026, held an advertised public hearing for the first reading of this proposed Ordinance, which provided for comments and public participation in process in accordance with the requirements of state law; and

**WHEREAS**, The City Council has considered the creation of Chapter 21 of the Code of Ordinances of the City of Niceville Florida and received public comment at an advertised public hearing for the final reading of the proposed Ordinance on February 10, 2026 and the Council is now ready to create Chapter 21.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Niceville, Florida as follows:

**SECTION 3. RECITALS.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 4. CODE OF ORDINANCES.** Chapter 21, of The Code of Ordinances of the City of Niceville is hereby created to read as follows:

**Sec. 21-1. – Definitions.**

The following definitions shall apply throughout this chapter:

*Bicycle:* Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device. (F.S. § 316.003 (4))

*Bicycle Lane:* shall mean a portion of a roadway designated for the preferential or exclusive use of bicycles and designated by a bicycle symbol pavement marking and signage in accordance with Florida Department of Transportation and standards and the Manual of Uniform Traffic Control Devices. (F.S. § 316.003 (5))

*Bicycle Path:* shall mean 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 a public or publicly accessible right-of-way or within an independent right-of-way. (F.S. § 316.003(6))

*Electric Bicycle or E-Bike:* means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor. This term includes devices defined as electric bicycles pursuant to section 316.003(23), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

*Micromobility Device:* means motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than twenty (20) miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.

*Motorized Scooter or E-Scooters:* means any vehicle or micromobility device, other than an electric bicycle, 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 twenty (20) miles per hour on level ground. This term includes those devices defined as motorized scooters pursuant to section 316.003(48), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

*Operator:* Any person riding, driving, or otherwise in actual physical control of a micromobility device.

*Pedestrian:* Any person afoot. (F.S. § 316.003(57))

*Right-Of-Way:* means land devoted to or required for use as a roadway, sidewalk, or other associated feature, and includes, without limitation,

- (i) all existing or dedicated road rights-of-way and
- (ii) all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to tentative plats.

*Sidewalk:* means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians. (F.S. § 316.003(82))

## **Sec. 21-2. – Operations.**

(a) Operators of micromobility devices shall comply with all applicable State, County, and City laws, rules, and regulations as may be applicable to such devices.

(b) Operators of an E-Bike, E-Scooter, or other micromobility device, who are 16 years of age or younger, must wear, at a minimum, a bicycle helmet that is properly fitted and is fastened securely upon the operator's head by a strap and that meets the federal safety standards for bicycle helmets, final rule, 16 C.F.R. part 1203.

(c) It shall be unlawful for any person to operate any E-Bike, E-Scooter, or other micromobility device in a careless manner. Careless operations of an E-Bike, E-Scooter, or other micromobility device shall include, but is not limited to:

(i) Operation of an E-Bike, E-Scooter, or other micromobility device with more than one person on the micromobility device, unless such micromobility device is specifically designed to carry more than one person; or

(ii) Operation of an E-Bike, E-Scooter, or other micromobility device while simultaneously using a cellphone, wearing earbuds or similar devices not used to aid in hearing; or

(ii) Operation of an E-Bike, E-Scooter, or other micromobility device at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing including, but not limited to; or

(i) the safety of the operator or any other person or property; or

(ii) Failing to yield to pedestrians; or

(iii) Weaving in and out of pedestrian or vehicular traffic; or

(iv) Any occurrence where inadvertence to the safe and normal operational procedures of the E-Bike, E-Scooter, or other micromobility device causes or is likely to cause damage to any person or property;

(d) An operator of an E-Bike, E-Scooter, or other micromobility device shall yield the right-of-way to pedestrians and shall deliver an audible signal before overtaking and passing a pedestrian.

(e) An operator of an E-Bike, E-Scooter, or other micromobility device shall take such precautions as may be necessary to avoid an accident or collision with a person or property.

(f) E-Bikes, E-Scooters, and other micromobility devices are permitted to operate on public sidewalks, walkways, paths, or trails. The maximum speed of a micromobility device on a public sidewalk, walkway, path, or trail shall not exceed a speed that is reasonably prudent for the current conditions or environment.

(g) Micromobility devices may be operated within designated bike lanes of a roadway, if available; or if no bike lane is available, on the roadway, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.

(h) When operating an E-bike, E-scooters, or other micromobility device on a roadway or on a sidewalk, when sidewalks are on both sides of the road, operators shall travel in the same direction as the flow of vehicular traffic. E-bikes, E-Scooters, or other micromobility devices operated on roadways shall not be operated against the flow of vehicular traffic.

(i) An operator of an E-bike, E-Scooter, or other micromobility device must adhere to the same right-of-way laws and regulations as bicycles.

(j) At a signalized intersection, an operator of an E-bike, E-scooter, or other micromobility device on a sidewalk, walkway, path, or trail must obey the instructions of any applicable pedestrian control signal. If no pedestrian signal is provided, the operator may proceed in accordance with the signal indications for the parallel roadway traffic flow.

(k) All E-Bike, E-Scooter, or other micromobility devices shall comply with the lighting standards set forth in Section 316.2065(7), Florida Statutes as may be amended, which requires a reflective front white light visible from a distance of at least 500 feet, and a reflective rear red light visible from a distance of at least 600 feet.

(l) E-Bike motors shall not be modified to allow for higher speed than the E-Bike is designed to attain. (F.S. § 316.20655(4))

(m) E-Bikes, E-Scooters, or other micromobility devices may not be operated on private property without the express permission of the property owner.

### **Sec. 21-3. - Parking.**

(a) E-Bike, E-Scooter, or other micromobility devices shall be equipped with a kickstand and always parked upright.

(b) A person shall not park an E-Bike, E-Scooter, or other micromobility device:

(i) in a manner that obstructs any ingress or egress from any building or parking area, or in a manner that prevents any sidewalk, walkway, path, or trail from maintaining at least three (3) feet of walkway clearance; or

(ii) in a manner that obstructs or interferes with pedestrian or vehicular traffic; or on an accessibility ramp for persons with disabilities, or any part thereof, or in any manner that would restrict the movement for persons with disabilities; or

(iii) within a motor vehicle parking space not designated for micromobility device use; or

(iv) within fifteen (15) feet of any fire hydrant or in a manner that blocks any other emergency facility; or

(v) on any public property, except in areas designated for micromobility device parking; or

(vi) on any private property without the permission of the property owner.

(c) A person may not attach, secure, store, or park an E-Bike, E-Scooter, or other micromobility device to or upon public property in a manner that may cause injury or damage to any person or thing or in a manner that renders the public property unusable or impassable. E-Bikes, E-Scooters, or other micromobility devices may only be secured to facilities designed to secure and store these devices.

(d) Except as expressly allowed by the City Manager or his or her designee, any E-Bike, E-Scooter, or other micromobility device left unattended on public property, including in parks or rights-of-way, for one (1) week or more shall be deemed abandoned and subject to the provisions of Chapter 705, Florida Statutes.

### **Sec. 21-4. - Penalties.**

A violation of any Section of this Chapter shall be deemed a non-criminal infraction, subject to a maximum civil penalty of \$500.00.

(1) Upon a first offense, the violator shall be issued a written warning advising of the violation; provided, however, no civil penalty shall be assessed for a first offense.

(2) Upon a second offense, a civil penalty of \$150.00

(3) Upon a third offense, a civil penalty of \$350.00

(4) Upon a fourth or subsequent offense, a civil penalty of \$500.00

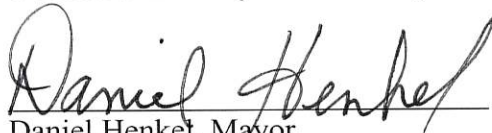
### **SECTION 5. SEVERABILITY.**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared severable.

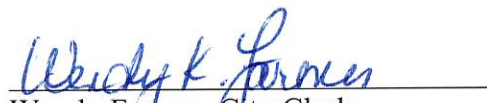
**SECTION 6. CODIFICATION.** It is the intention of the Niceville City Council that the provisions of this Ordinance shall become a part of the City's Code of Ordinances; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of the same with the City Clerk.

**SECTION 7. EFFECTIVE DATE.** The provisions of this Ordinance shall take effect as provided by law.

**PASSED AND ENACTED** in regular session upon the second and final reading by the City Council of the City of Niceville, Florida this 10th day of February, 2026.

  
Daniel Henkel, Mayor

ATTEST

  
Wendy Farmer, City Clerk

Approved as to legal form and sufficiency  
for the City of Niceville, only.

  
Steve Hall, City Attorney