

ORDINANCE NO. 2026 - 08

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 28-9 "DEFINITION" AND SECTION 28-10 "OPERATION OF BICYCLES OR OTHER WHEELED DEVICES ON STREETS AND SIDEWALKS; PENALTIES" OF THE CODE OF ORDINANCES OF THE CITY OF DELAND TO INCLUDE THE TERM "MICROMOBILITY DEVICE" IN SECTIONS 28-9 AND 28-10 AND TO REVISE PENALTIES IN SECTION 28-10(b); AND ADDING AN NEW SECTION 28-10.1 REQUIRING THE USE OF HELMETS BY PERSONS AGE 16 – 17; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the use of electrified "micromobility devices" such as e-scooters, hoverboards and similar forms of electrified conveyances have become prevalent in the community in recent years; and

WHEREAS, the Code of Ordinances of the City of DeLand (the "Code") currently prohibits the use of bicycles, skateboards and other similar non-motorized devices on sidewalks in certain areas, to include the sidewalks in the core-downtown area, where their use is inconsistent with the width of the sidewalks and volume of pedestrian traffic; and

WHEREAS, the City Commission desires to update the Code to add a definition for the term "micromobility devices" and to include micromobility devices, along with the bicycles, skateboards, etc., in the list of devices that cannot be ridden on sidewalks in certain locations within the City; and

WHEREAS, the penalty for violating the prohibition against riding bikes, skateboards, etc. on downtown sidewalks is currently a criminal violation, and the City Commission finds it appropriate to revise the penalty for such violations so that the first violation of the ordinance is a civil violation with a fine of \$250.00 and subsequent violations are criminal offenses; and

WHEREAS, persons under the age of 16 are required by Florida Statute to wear helmets on bicycles, e-bikes and micromobility devices but the City Commission has determined that it is in the best interests of the health, safety and welfare of the members of this community that riders of such devices who are aged 16 and 17 should also be legally required to wear helmets for their own protection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent. The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative findings and intent of the City Commission.

Section 2. Amendment to Chapter 28, Article III, Bicycles and Other Wheeled Devices. Section 28-9 of Chapter 28, Article III, "Definition" of the Code of Ordinances of the City of DeLand is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language, as follows:

Sec. 28-9. - Definitions.

~~For purposes of this article, the term "Bicycle"~~ shall mean a light vehicle having two wheels, usually tandem, but also including light vehicles having one or three wheels, with tires inflated, having a steering wheel or handle bars, and which is propelled by the feet acting on treadles connected with cranks or levers.

E-bike shall have the same meaning as "ELECTRIC BICYCLE" contained in Section 316.003(23), Fla. Stat. (2025).

Micromobility Device shall mean a small, lightweight, nonhuman-powered conveyance designed for personal transportation, such as e-scooters, hoverboards and other similar devices. For purposes of Chapter 28 of this Code, the term "micromobility device" does not include the human powered conveyances listed in the definition of "MICROMOBILITY DEVICE" in Section 316.003(41), Fla. Stat. (2025) or the term "ELECTRIC BICYCLE" in Section 316.003(23), Fla. Stat. (2025).

Section 3. Amendment to Chapter 28, Article III, Bicycles and Other Wheeled Devices. Section 28-10 of Chapter 28, Article III, "Operation of bicycles or other wheeled devices on streets and sidewalks; penalties" of the Code of Ordinances of the City of DeLand is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language, as follows:

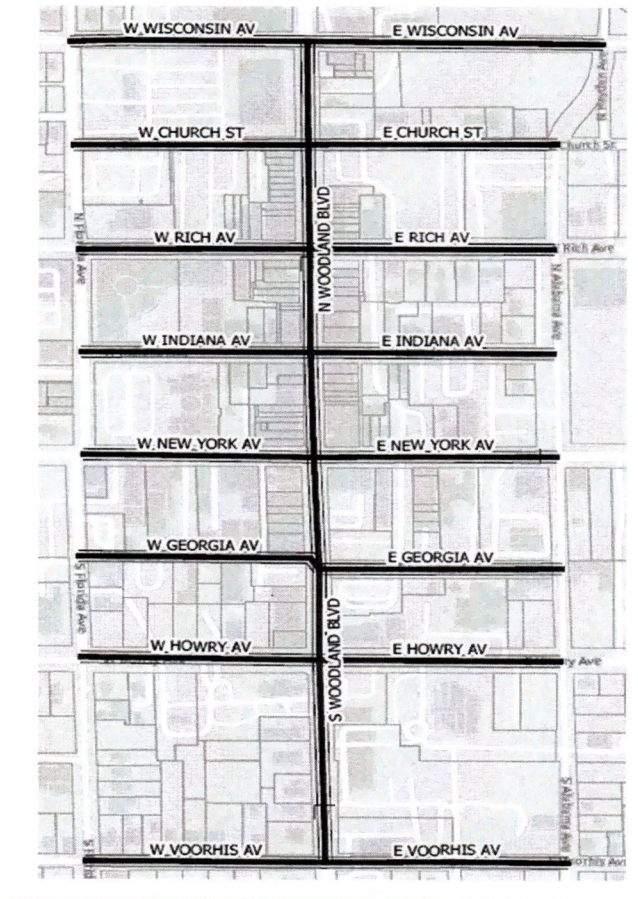
Sec. 28-10. - Operation of bicycles or other wheeled devices on streets and sidewalks; penalties.

- (a) It shall be unlawful at any time for any person upon roller skates, inline skates, a micromobility device, an e-bike, a scooter, a skateboard, or riding in or by means of any coaster, toy vehicle or similar device, or riding a bicycle, tricycle, or unicycle, to ride or otherwise operate such vehicle or device upon the sidewalks of the area bearing the downtown commercial land use designation, as defined and set forth in the land development regulations, chapter 33 of this Code. adjacent to the following roadway segments:

- Woodland Boulevard between Wisconsin Avenue and Voorhis Avenue
- Wisconsin Avenue between Alabama Avenue and Florida Avenue
- Church Street between Alabama Avenue and Florida Avenue
- Rich Avenue between Alabama Avenue and Florida Avenue

- Indiana Avenue between Alabama Avenue and Florida Avenue
- New York Avenue between Alabama Avenue and Florida Avenue
- Georgia Avenue between Alabama Avenue and Florida Avenue
- Howry Avenue between Alabama Avenue and Florida Avenue
- Voorhis Avenue between Alabama Avenue and Florida Avenue

A map of the above listed roadway segments is shown below:



This section shall not prohibit the use and operation of a wheelchair or walker upon the sidewalks in said area.

- (b) ~~Any person found guilty of violating the provisions of this section~~ The first violation of the provisions of this section shall be a non-criminal, civil infraction punishable by a fine of \$250.00 plus any applicable court costs. The second and any subsequent violation shall be punished in accordance with section 1-6 of this Code.

Section 4. Amendment to Chapter 28, Article III, Bicycles and Other Wheeled Devices. Chapter 28, Article III, of the Code of Ordinances of the City of DeLand is hereby amended by adding a new Section 28-10.1 requiring the use of helmets by minors, to read, in full, as follows (text of new section is shown in underline format):

Sec. 28-10.1. – Use of helmet required; penalties.

- (a) A person operating or riding on a bicycle, e-bike or micromobility device who is over 15 years of age and under 18 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. [Note that persons under 16 years of age are required to wear helmets on bicycles pursuant to Section 316.2065(3)(d), Fla. Stat. (2025); on e-bikes pursuant to Section 316.20655(1), Fla. Stat. (2025); and on micromobility devices pursuant to Section 316.2128(1), Fla. Stat. (2025)]
- (b) A violation of the provisions of this section shall be a non-criminal, civil infraction punishable by a fine in the same amount as provided for in Section 318.18(1), Fla. Stat., as the same may be amended from time to time, plus any applicable court costs.

Section 5. Implementing Administrative Actions; Adoption of Administrative Rules.

- (a) The City Manager is hereby authorized and directed to implement the provisions of this Ordinance as may be deemed necessary or appropriate by the City Manager.
- (b). The City Manager may delegate responsibilities arising under this Ordinance to such City employees as deemed appropriate and necessary.

Section 6. Conflicts; Repealer. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 7. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 8. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

- (a). The provisions of Section 2 through 4 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 5 through 9 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk-Auditor in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

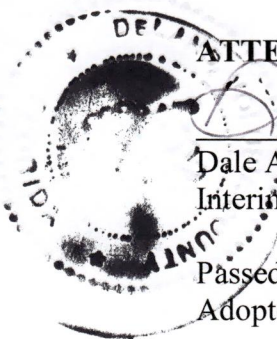
Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of April 2026.



Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

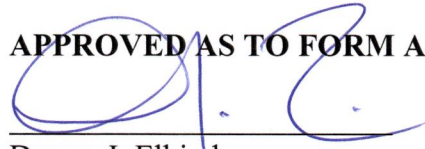


Dale Arrington
Interim City Clerk

Passed on first reading: March 16, 2026

Adopted on second reading. April 20, 2026

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

**NOTICE OF PUBLIC
HEARING
CITY COMMISSION
CITY OF DELAND,
FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following Ordinance on Monday, April 20, 2026 at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 120 South Florida Avenue, City Hall. All interested parties are invited to attend and be heard on the matter.

Any person who wishes to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus, may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which an appeal may be based.

The original of the ordinance is on file in the office of the City Clerk and may be inspected Monday through Friday from 8:00 A.M. to 5:00 P.M.

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