

**ORDINANCE NO. 10-20**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 46. MOTOR VEHICLES AND TRAFFIC. ARTICLE I. IN GENERAL. TO CREATE AN ENTIRELY NEW SECTION 46-4 ENTITLED “ELECTRIC BICYCLES ON SIDEWALKS PROHIBITED” PROVIDING DEFINITION, PROHIBITION, ENFORCEMENT, AND PENALTIES FOR THE OPERATION OF ELECTRIC BICYCLES, OR E-BIKES, ON SIDEWALKS WITHIN THE VILLAGE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 46. MOTOR VEHICLES AND TRAFFIC. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, House Bill 971, titled ‘Electric Bicycles,’ was approved by Governor DeSantis following Florida’s 2019-2020 legislative session and subsequently became effective on July 1, 2020; and

**WHEREAS**, House Bill 971 provides regulations for the operation of electric bicycles (“e-bikes”), as located primarily in the newly-created Section 316.20655, *Florida Statutes*, titled “Electric bicycle regulations”; and

**WHEREAS**, Section 316.20655, *Florida Statutes* provides that an e-bike and its operator are afforded all the rights, privileges, and duties of a traditional non-motorized bicycle and its operator, but that this provision “may not be construed to prevent a local government, through the exercise of its powers under [Section 316.008, *Florida Statutes*], from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction”; and

**WHEREAS**, Section 316.008(7)(a), *Florida Statutes* expressly authorizes Florida local governments, through exercise of their police power, to control or regulate the operation of electric bicycles on sidewalks or sidewalk areas; and

**WHEREAS**, the Village Council of the Village of Tequesta finds that the use and operation of electric bicycles on sidewalks within the Village of Tequesta’s jurisdiction may pose a potential safety hazard due to the concentrated use of the Village’s sidewalks by pedestrians,

traditional bicycles, inline skaters, pet owners who are walking dogs, and other members of the public; and

**WHEREAS**, the Village Council finds that the best way to preserve the safety for all users of the Village's sidewalks and sidewalk areas is to prohibit of the operation of e-bikes on sidewalks throughout the Village's jurisdiction; and

**WHEREAS**, the Village Council finds that the adoption of these regulations is in the best interests of the Village of Tequesta, and will generally promote the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:**

**Section 1:** Chapter 46. Motor Vehicles and Traffic. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article I. In General. to create an entirely new section 46-4 entitled "Electric bicycles on sidewalks prohibited" providing definition, prohibition, enforcement, and penalties for the operation of electric bicycles, or e-bikes, on sidewalks within the Village; providing that Sec. 46-4 shall hereafter read as follows:

**Sec. 46-4. – Electric bicycles on sidewalks prohibited.**

- (a) Definition. For the purpose of this section, the term 'electric bicycle' shall mean any bicycle or tricycle equipped with fully operable pedals, a seat or saddle, an electric motor of less than 750 watts, and which fits within one of the three classifications of "electric bicycle" as provided in Section 316.003(22), *Florida Statutes*.
- (b) Prohibition. It is unlawful for any person operate an electric bicycle upon any sidewalk within the jurisdictional limits of the Village of Tequesta.
- (c) Enforcement and penalties. Any person found to have violated the prohibition contained in this section shall be subject to the following penalties:
  - (1) First violation: A fine of \$25.00, to be paid within 15 days.
  - (2) Second violation: A fine of \$50.00, to be paid within 15 days.
  - (3) Third and subsequent violations: A fine of \$100.00, to be paid within 15 days.

(4) Other remedies: In addition to the civil sanctions contained herein, the village may pursue any other penalty or relief available through law or equity.

**Secs. ~~46-5~~ 46-4 — 46-30. - Reserved.**

**Section 2:** Each and every other section and subsection of Chapter 46. Motor Vehicles and Traffic. shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon adoption.