

City of Palm Coast, Florida

Agenda Item

Agenda Date: September 16, 2025

Department CITY ATTORNEY Division	Amount Account #
Subject: ORDINANCE 2025-XX AMENDING CHAPTER 42, CREATING SECTION 42-7 OF THE CODE OF ORDINANCES PROVIDING FOR THE USE AND OPERATION OF BICYCLES AND ELECTRIC POWERED CYCLES	
Presenter: Marcus Duffy, City Attorney	
Attachments: 1. Ordinance (Redline and Clean Copy)	
Background: <u>UPDATED BACKGROUND FROM THE SEPTEMBER 9, 2025, WORKSHOP MEETING:</u> City Council received a presentation on the item at their September 9, 2025, Workshop Meeting. The Ordinance has been updated, per Council direction, and is attached to the item. <u>ORIGINAL BACKGROUND FROM THE SEPTEMBER 9, 2025, WORKSHOP MEETING:</u> The City Council has expressed a desire to adopt an Ordinance regulating the operation of bicycles and electric bicycles. Attached to this item is a presentation and Ordinance for Council consideration.	
Recommended Action: ADOPT ORDINANCE 2025-XX AMENDING CHAPTER 42, CREATING SECTION 42-7 OF THE CODE OF ORDINANCES PROVIDING FOR THE USE AND OPERATION OF BICYCLES AND ELECTRIC POWERED CYCLES	

ORDINANCE 2025-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM, COAST, FLORIDA, AMENDING CHAPTER 42, STREETS, ROADS, BRIDGES, AND OTHER PUBLIC PLACES, ARTICLE I, IN GENERAL, CREATING SECTION 42-7 OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST; TO PROVIDE FOR THE USE AND OPERATION OF BICYCLES, ELECTRIC BICYCLES, ELECTRIC OFFROAD POWERED CYCLES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast is granted authority, under §2(b) Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council desires to adopt an ordinance controlling and regulating the operation of Bicycles, Electric Bicycles, Electric Offroad Powered Cycles, as those terms are defined herein, within the City of Palm Coast; and

WHEREAS, Section 316.008, Florida Statutes, Powers of local authorities, permits local authorities to regulate and exercise police powers with respect to streets and highways within their jurisdictions; and

WHEREAS, Section 316.20655, Florida Statutes, Electric bicycle regulations, permits a local government to adopt an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, sidewalk areas, including bike paths, multiuse paths, and trail networks under the local government's jurisdiction, and to establish minimum age requirements and require government-issued photographic identification for electric bike operators; and

WHEREAS, the City Council finds adopting an Ordinance will aid in establishing an efficient and safe environment for the public use of city pathways, streets, sidewalks paths and trails; and

WHEREAS, the City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST THAT:

SECTION 1. LEGISLATIVE AND ADMINSTRATIVE FINDINGS.

The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council . Further, it is the intent of this section to, under certain circumstances, authorize municipal regulation of the operation of electric bicycles, electronic offroad powered cycles upon City maintained roads and sidewalks in certain incorporated areas of the County. Adoption of this section shall not be relied upon as a determination the operation of electric bicycles, electric powered cycles and/or any other vehicle or device on roads or public sidewalks is safe or advisable. All persons operating the devices described herein do so at their own risk, and must be observant of, and attentive to, the safety of themselves and other motorists, cyclists and pedestrians.

SECTION 2. AMENDMENT TO CHAPTER 42 OF THE CITY OF PLAM COAST ORDINANCES

SECTION 42-7

(a) Definitions. In this section:

1. BICYCLE means a 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.
2. BICYCLE LANE means any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.
3. BICYCLE PATH means any road, path, or way 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 the highway right-of-way or within an independent right-of-way.
4. CITY OWNED means
 - a. Property in which the City has a property interest, such as fee simple ownership or an easement, and
 - b. Property the City maintains regardless of ownership, such as rights-of-way which are in incorporated areas but are maintained by the City.
5. CROSSWALK means:
 - a. Part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured

from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

- b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
6. DAYTIME means the period from a half hour before sunrise to a half hour after sunset. The term NIGHTTIME means at any other hour.
7. ELECTRONIC BIKE 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 of less than 750 watts. This term includes devices defined as electric bicycles pursuant to §316.003(23), Florida Statutes, as may be amended. E-BIKES are divided into three general classes:
- a. Class 1: E-bikes are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
 - b. Class 2: E-bikes having a maximum speed of 20 mph, but are throttle-assisted.
 - c. Class 3: E-bikes which are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph.
8. ELECTRIC OFFROAD POWERED CYCLE means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. This vehicle has no pedals and is powered by an electric motor which may exceed speeds of 28 miles an hour. These vehicles are best understood as off-highway motorcycles (Dirt bikes) as defined by F.S. 317.0003(5) and powered by an electric engine, which was not designed for and are not authorized to operate on roadways.
9. RIDER OR OPERATOR means a person riding, driving, or otherwise operating a Bike, E-Bike, or Electric Cycle.
10. 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 plats.
11. ROAD means a road, street, or highway or designated segment thereof in the incorporated area of the City, pursuant to F.S. ch. 316.

12. SIDEWALK means the 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. Road means a road, street, or highway or designated segment thereof in the unincorporated area of the county, pursuant to F.S. ch. 316.
13. GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION means a driver license, passport, military ID, identification card issued under ch. 322, Fla. Stat. or comparable government ID displaying an individual's name, date of birth, and photograph.

(b) Proper usage and Prohibitions

1. Bicycles

- a. Bicycles shall be operated consistent with §316.2065, Bicycle regulations, except as otherwise provided in this section. Bicycles may be operated on bicycle lanes, bicycles paths, roadways, and sidewalks consistent with this ordinance. Further when When operating on roadways, bicycle operators shall comply with all traffic regulations.
- b. Every bicycle operated at nighttime shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights shall be on and operational when used at nighttime.

2. Electric Bike or E-Bike

- a. E-Bikes shall be operated consistent with §316.2065, Bicycle regulations, and §316.20655, Electric Bicycle regulations. E-Bikes may be operated on bicycles lanes, bicycles paths, roadways, and sidewalks consistent with this ordinance. Further when When operating on roadways, E-Bike operators shall comply with all traffic regulations.
- b. It is unlawful to operate an E-Bike in a bicycle lane, bicycles path, right-of-way, roadways, and sidewalks in an unsafe and reckless manner to include but not limited to excessive speed. The operation of an E-Bike that produces more than 750 watts of power is prohibited on the roadways, sidewalks, right-of ways, bicycles paths, and bicycles lanes within the jurisdiction of the City of Palm Coast.
- a.c. Removal of pedals from E-Bikes and/or modification to the propulsion system either physically or via software prohibits the use of an E-bike within the jurisdiction of the City of Palm Coast.

~~b.d.~~ E-Bikes operated at nighttime shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights shall be on and operational when used at nighttime.

~~e.c. On any sidewalk or bicycle path that is not immediately adjacent to a roadway, E-Bike operators shall not exceed a speed of 10 mph.~~ All riders operating an E-Bike along a bike path or sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

~~d.f.~~ No person under ~~15-13~~ years of age may operate an E-Bike on any road, right-of-way, bicycle lane, bicycle path, sidewalk, or other City-owned property. Nothing herein prohibits a minor under the minimum age from riding as a passenger on an Electric Bicycle designed and equipped for a passenger in compliance with §316.2065, Fla. Stat.

~~e.g.~~ Any person operating an E-Bike shall carry a government-issued photographic identification and shall present such identification upon lawful request of a law enforcement officer.

3. Helmet Requirements

- a. An operator or passenger under 16 years of age on a Bicycle or Electric Bicycle must wear a properly fitted, securely fastened bicycle helmet upon the operator's or passenger's head that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. A parent or legal guardian may not knowingly permit a child under 16 years of age to violate this subsection.

4. Electric Offroad Powered Cycles

~~a. —These vehicles are best understood as off-highway motorcycles (Dirt bikes) as defined by F.S. 317.0003(5) and powered by an electric engine, which was not designed for and are not authorized to operate on roadways.~~

~~b.~~ It shall be unlawful for any person to operate an Electric Offroad Powered Cycle on:

- a. On any Bike Lane within the City;
- b. On any Bike Path within the City;
- c. On any City owned or controlled property including parks;
- d. On any City owned or maintained right of way;
- e. In any public space or pathway within the City;
- f. On any roads or crosswalk within the City;

g. On any sidewalk or public pathway within the City.

(c) **Penalties** The following civil and criminal penalties may be assessed by administrative or judicial process.

1. Bicycle and E-Bike. In addition to other penalties authorized herein or by statute, a person who violates this Section may be administratively or judicially assessed a civil penalty of up to \$100 for each violation.
2. Electric **Offroad** Powered Cycle. In addition to other penalties authorized herein or by statute, a person who violates this Section may be administratively or judicially assessed a civil penalty of up to \$100 for each violation. Further, Law enforcement officers are authorized to remove and impound a vehicle found in violation of this Section. No vehicle impounded as provided in this section shall be released therefrom until:
 - a. The charges for towing such vehicles to the impound lot, storage, and administrative fees have been paid;
 - b. Proper proof of ownership has been exhibited; and
 - c. Any hold which has been placed upon the vehicle by law enforcement has been removed by law enforcement.

(d) **Enforcement.** This Article shall apply to and be enforced within the City of Palm Coast. The Sheriff shall be responsible for enforcement of the provisions of this Article. It is a violation of this Article for any person to resist, obstruct, hinder, or interfere with the Sheriff or his/her designee in the enforcement of this Article. Any person who willfully refuses to sign and to accept a warning notice of violation or a written citation issued by a law enforcement officer shall be guilty of a misdemeanor of the second degree.

SECTION 4. SEVERIABILITY.

It is hereby declared to be the intention of the City Council the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 5 CODIFICATION.

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; the Sections of this Ordinance may be renumbered or re-lettered to

accomplish such intention; and the word “Ordinance” may be changed to “Section,” “Article” or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6 CONFLICTS.

All prior ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED upon first reading on the ____ day of _____ 2025.

Adopted on the second reading after due public notice and hearing on this ____ day of ____ 2025.

ATTEST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY:

MARCUS DUFFY, ESQ.
CITY ATTORNEY

* * *

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WHEREAS, Section 316.008, Florida Statutes, Powers of local authorities, permits local authorities to regulate and exercise police powers with respect to streets and highways within their jurisdictions; and

WHEREAS, Section 316.20655, Florida Statutes, Electric bicycle regulations, permits a local government to adopt an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, sidewalk areas, including bike paths, multiuse paths, and trail networks under the local government's jurisdiction, and to establish minimum age requirements and require government-issued photographic identification for electric bike operators; and

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 - 9. RIDER OR OPERATOR means a person riding, driving, or otherwise operating a Bike, E-Bike, or Electric Cycle.
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(b) Proper usage and Prohibitions

1. Bicycles

- a. Bicycles shall be operated consistent with §316.2065, Bicycle regulations, except as otherwise provided in this section. Bicycles may be operated on bicycle lanes, bicycles paths, roadways, and sidewalks consistent with this ordinance. When operating on roadways, bicycle operators shall comply with all traffic regulations.
- b. Every bicycle operated at nighttime shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights shall be on and operational when used at nighttime.

2. Electric Bike or E-Bike

- a. E-Bikes shall be operated consistent with §316.2065, Bicycle regulations, and §316.20655, Electric Bicycle regulations. E-Bikes may be operated on bicycles lanes, bicycles paths, roadways, and sidewalks consistent with this ordinance. When operating on roadways, E-Bike operators shall comply with all traffic regulations.
- b. It is unlawful to operate an E-Bike in a bicycle lane, bicycles path, right-of-way, roadways, and sidewalks in an unsafe and reckless manner to include but not limited to excessive speed. The operation of an E-Bike that produces more than 750 watts of power is prohibited on the roadways, sidewalks, right-of ways, bicycles paths, and bicycles lanes within the jurisdiction of the City of Palm Coast.
- c. Removal of pedals from E-Bikes and/or modification to the propulsion system either physically or via software prohibits the use of an E-bike within the jurisdiction of the City of Palm Coast.

- d. E-Bikes operated at nighttime shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. All safety lights shall be on and operational when used at nighttime.
- e. . All riders operating an E-Bike along a bike path or sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- f. No person under 13 years of age may operate an E-Bike on any road, right-of-way, bicycle lane, bicycle path, sidewalk, or other City-owned property. Nothing herein prohibits a minor under the minimum age from riding as a passenger on an Electric Bicycle designed and equipped for a passenger in compliance with §316.2065, Fla. Stat.
- g. Any person operating an E-Bike shall carry a government-issued photographic identification and shall present such identification upon lawful request of a law enforcement officer.

3. Helmet Requirements

- a. An operator or passenger under 16 years of age on a Bicycle or Electric Bicycle must wear a properly fitted, securely fastened bicycle helmet upon the operator's or passenger's head that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. A parent or legal guardian may not knowingly permit a child under 16 years of age to violate this subsection.

4. Electric Offroad Powered Cycles

It shall be unlawful for any person to operate an Electric Offroad Powered Cycle on:

- a. On any Bike Lane within the City;
- b. On any Bike Path within the City;
- c. On any City owned or controlled property including parks;
- d. On any City owned or maintained right of way;
- e. In any public space or pathway within the City;
- f. On any roads or crosswalk within the City;
- g. On any sidewalk or public pathway within the City.

- (c) **Penalties** The following civil and criminal penalties may be assessed by administrative or judicial process.

1. Bicycle and E-Bike. In addition to other penalties authorized herein or by statute, a person who violates this Section may be administratively or judicially assessed a civil penalty of up to \$100 for each violation.
 2. Electric Offroad Powered Cycle. In addition to other penalties authorized herein or by statute, a person who violates this Section may be administratively or judicially assessed a civil penalty of up to \$100 for each violation. Further, Law enforcement officers are authorized to remove and impound a vehicle found in violation of this Section. No vehicle impounded as provided in this section shall be released therefrom until:
 - a. The charges for towing such vehicles to the impound lot, storage, and administrative fees have been paid;
 - b. Proper proof of ownership has been exhibited; and
 - c. Any hold which has been placed upon the vehicle by law enforcement has been removed by law enforcement.
- (d) **Enforcement.** This Article shall apply to and be enforced within the City of Palm Coast. The Sheriff shall be responsible for enforcement of the provisions of this Article. It is a violation of this Article for any person to resist, obstruct, hinder, or interfere with the Sheriff or his/her designee in the enforcement of this Article. Any person who willfully refuses to sign and to accept a warning notice of violation or a written citation issued by a law enforcement officer shall be guilty of a misdemeanor of the second degree.

SECTION 4. SEVERABILITY.

It is hereby declared to be the intention of the City Council the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 5 CODIFICATION.

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "Ordinance" may be changed to "Section," "Article" or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6 CONFLICTS.

All prior ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED upon first reading on the 16th day of September 2025.

Adopted on the second reading after due public notice and hearing on this 7th day of October 2025.

ATTEST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY:

MARCUS DUFFY, ESQ.
CITY ATTORNEY

* * *



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

Meeting Date: September 16, 2025

Ordinance Number: 2025-XX

Posted To Webpage: 9/11/2025

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM, COAST, FLORIDA, AMENDING CHAPTER 42, STREETS, ROADS, BRIDGES, AND OTHER PUBLIC PLACES, ARTICLE I, IN GENERAL, CREATING SECTION 42-7 OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST; TO PROVIDE FOR THE USE AND OPERATION OF BICYCLES, ELECTRIC BICYCLES, ELECTRIC OFFROAD POWERED CYCLES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- ☐ 1. Ordinances required for compliance with federal or state law or regulation;
- ☐ 2. Ordinances relating to the issuance or refinancing of debt;
- ☐ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- ☐ 5. Emergency ordinances;
- ☐ 6. Ordinances relating to procurement; or
- ☐ 7. Ordinances enacted to implement the following:
 - ☐ a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;

___ b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the county;

___ c. Sections 190.005 and 190.046;

___ d. Section 553.73, relating to the Florida Building Code; or

___ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.) The proposed Ordinance amends Chapter 42 to provide for the use and operation of bicycles, electric bicycles, and electric offroad powered cycles.

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast:

(fill out subsections a-c as applicable, if not applicable write “not applicable”)

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: N/A

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: N/A

(c) An estimate of the City of Palm Coast’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A

(d) Does this proposed ordinance have a direct impact on affordable housing? If so, explain.

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance. There are no known business impacts.

Part IV. Additional Information (if any): N/A