

**ORDINANCE NO. 25-03**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE III “BEACH BICYCLE AND VEHICLE SAFETY” OF CHAPTER 28 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO ALLOW THE OPERATION OF ELECTRIC BICYCLES ON SIDEWALKS; ESTABLISHING SAFETY REGULATIONS; ESTABLISHING A MAXIMUM SPEED AND PASSING PROCEDURES; REQUIRING OPERATION WITH THE FLOW OF TRAFFIC; ESTABLISHING RESPONSIBLE PARTIES AND PENALTIES; ESTABLISHING ADDITIONAL REGULATIONS FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 316.008, Florida Statutes, authorizes municipalities to enact an ordinance to “to permit, control, or regulate the operation of electric bicycles on sidewalks or sidewalk areas when such use is permissible under federal law”; and

**WHEREAS**, Section 316.20655, Florida Statutes, regulates electric bicycles but does not limit a local government’s authority under Section 316.008, Florida Statutes, to enact ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

**WHEREAS**, Section 316.008(h), Florida Statutes, authorizes municipalities to regulate the operation of bicycles with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power; and

**WHEREAS**, Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, regulates the operation of bicycles and other vehicles on sidewalks and public rights-of-way; and

**WHEREAS**, Section 28-84 of the Code of Ordinances of Fort Myers Beach, Florida, prohibits the operation of bicycles “having any type of helper motor and having two or more wheels” on public sidewalks; and

**WHEREAS**, the Town Council recognizes the increasing use of electric bikes as a mode of transportation within the Town; and

**WHEREAS**, some bicyclists and electric bike operators have expressed safety concerns with riding on busy roadways, prompting some to use sidewalks instead; and

**WHEREAS**, some electric bike operators have been observed riding on sidewalks at excessive speeds and against the flow of pedestrian traffic, creating hazards; and

**WHEREAS**, the sidewalks adjacent to Estero Boulevard between Old San Carlos Boulevard and Crescent Street are particularly congested with pedestrian traffic; and

**WHEREAS**, the Town Council desires to amend Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, to allow the operation of electric bikes on sidewalks under regulated conditions, to prohibit the operation of bicycles and electric bicycles on sidewalks in certain congested high-traffic areas, and to protect the safety of cyclists, electric bike operators, and pedestrians; and

**WHEREAS**, on the 3<sup>rd</sup> day of March, 2025, the Town Council held a first reading of the Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend the Town’s Code of Ordinances, the recommendation of staff, the documents in the record, comments from the Public Safety Committee and the testimony of interested persons; and

**WHEREAS**, a Business Impact Estimate was prepared and posted on the City’s website on the 27th day of March, 2025, as required by Section 166.041(4), Florida Statutes; and

**WHEREAS**, an advertisement of the public hearing for adoption of the Ordinance was published in The News-Press on the 11<sup>th</sup> day of March 2025, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041, Florida Statutes; and

**WHEREAS**, on the 2nd day of June, 2025, the Town Council held a second reading of the Ordinance; and

**WHEREAS**, the Town Council determined that adoption of the Ordinance as provided herein is in the best interest of the health, safety and welfare of the public.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:**

**Section 1.** That the above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the town council.

**Section 2.** That Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, is hereby amended to read as follows:

**ARTICLE III. – BEACH BICYCLE AND VEHICLE SAFETY**

**Sec. 28-81. Equipment Requirements.**

All bicycles, as defined in F.S. § 316.003(4), and all electric bicycles, as defined in F.S. § 316.003(22), operated within the public rights-of-way or sidewalks must meet the following requirements:

- (1) No bicycle shall be used to carry more persons than the number for which it is designed and equipped.
- (2) A bicycle carrying any passenger who is a child under four years of age, or who weighs 40 pounds or less, must be provided with a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.
- (3) A bicycle rider or passenger who is under 16 years of age must be provided with and must wear a bicycle helmet that is properly fitted and is fastened securely upon the rider's or passenger's head by a strap and that meets the federal safety standard for bicycle helmet, final rule 16 C.F.R. part 1203. As used in this section the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.
- (4) Every bicycle shall be equipped with a functioning lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a functioning lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear. Said front and rear lamps shall be illuminated at all times the bicycle is being ridden, used or operated by any person.
- (5) Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.
- (6) Every bicycle shall be equipped with a horn or audible device when operated within a public right-of-way in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 50 feet. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

**Sec. 28-82. Headsets.**

No person shall operate a bicycle or electric bicycle while wearing a headset, headphone, or other listening device other than a hearing aid or instrument for the improvement of defective human hearing.

**Sec. 28-83. Public sidewalks and paths, generally. ~~Vehicles prohibited.~~**

(a) *Vehicles prohibited.* No person shall drive any vehicle, including one-wheeled vehicles hoverboards, or any type of electronic skateboards, other than by human power upon any public sidewalk or path except for authorized government personnel, emergency vehicles, and special mobile equipment for repair or maintenance of the sidewalk areas. This section does not apply to motorized wheelchairs having three or more wheels. Motorized micro-mobility devices, including but not limited to, electric scooters, electric skateboards, one-wheeled devices, and hoverboards are prohibited.

(b) *Bicycles upon public sidewalks and paths.*

- (1) Except as otherwise provided in this article, any person may ride a bicycle upon a sidewalk instead of public streets where available, provided that such use does not endanger the safety of pedestrians.
- (2) Notwithstanding the foregoing, it shall be unlawful for any person to ride a bicycle or electric bicycle upon any sidewalk adjacent to Estero Boulevard between Old San Carlos Boulevard and Avenue C.
- (3) It shall be unlawful for any person to disobey any sign erected on or adjacent to a public sidewalk or path prohibiting bicycle riding.
- (4) It shall be unlawful for any person to disobey any sign erected on a public sidewalk or path requiring bicycles to travel with the flow of traffic.
- (5) When signage adjacent to and/or markings upon a sidewalk designate an area for bicycle travel, bicyclists riding on the sidewalk shall only ride within the area designated for bicycle travel and shall yield the remaining sidewalk space to pedestrians.
- (6) Bicycles shall not be used on a sidewalk in a manner that endangers the safety of pedestrians.
- (7) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- (8) Bicyclists must exercise due care to avoid collisions with pedestrians, including reducing speed and giving an audible warning when necessary, especially when approaching children, pets, or individuals who appear confused or incapacitated.

**Sec. 28-84. Assisted bicycles and electric bicycles. ~~prohibited.~~**

- (a) “Electric bicycle” means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts, which meets the requirements of one of the three classifications of electric bicycle under F.S. § 316.003(22).
- (b) No bicycle having any type of helper motor and having two or more wheels shall be driven upon any public sidewalk, path, or beach. This section does not apply to motorized wheelchairs having three or more wheels. Motorized micro-mobility devices, including but not limited to electric scooters, electric skateboards, one-wheeled devices, and hoverboards are prohibited.
- (c) Notwithstanding the prohibitions in subsection (b), electric bicycles may be operated on sidewalks under the following conditions:
  - (1) Electric bicycles shall not be operated on a sidewalk in a manner that endangers the safety of pedestrians; and
  - (2) A person operating an electric bicycle shall comply with all regulations under Florida law and this Code applicable to bicycles and bicycle operators; and
  - (3) Electric bicycles shall be restricted to a maximum speed of 15 miles per hour when operating on a public sidewalk; and
  - (4) Operators of electric bicycles shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian; and

- (5) When passing a pedestrian, the operator of an electric bicycle shall reduce the speed of the electric bicycle to idle speed, meaning the lowest speed at which the electric bicycle can operate and maintain steering control. Generally, this will be between one and three miles per hour. When passing a pedestrian on a throttle-powered electric bicycle, operators shall also disengage the throttle and proceed using pedal power only; and
- (6) Operators of electric bicycles must exercise due care to avoid collisions with pedestrians or human-powered vehicles, including reducing speed and giving an audible warning when necessary, especially when approaching children, pets, or individuals who appear confused or incapacitated; and
- (7) If sidewalks are present on both sides of a roadway, a person operating an electric bicycle on a sidewalk shall only use the sidewalk on the right side of the roadway and shall travel in the same direction as the adjacent vehicular traffic.

#### **Sec. 28-85. Responsible parties.**

All owners, riders, and operators of bicycles and electric bicycles, ~~bicycle owners or riders/operators of the bicycle,~~ including entities that rent or loan bicycles or electric bicycles to others for use on the public rights-of-way, are responsible for compliance with these regulations. Rental contract language shall not redirect or assign responsibility for compliance of section 28-81 or 28-84 of this article.

#### **Sec. 28-86. Operation with flow of traffic.**

Bicycles and electric bicycles shall travel in the same direction as traffic while being operated in a public right-of-way, and must be operated on the right as other vehicles which results in traveling with and not against the flow of traffic unless directed otherwise by town officials

#### **Sec. 28-87. ~~Penalty~~Penalties.**

- (1) An enforcement officer who discovers the operation of a bicycle or an electric bicycle on a sidewalk in a manner that violates this article may issue a citation, as used by the town, to the operator of the bicycle or electric bicycle. Any person operating a bicycle or an electric bicycle on a sidewalk in violation of Section 28-83(b)(2), (3), (4), (5), (6), or (8), or Section 28-84(c)(1), (5), (6) or (7) will be subject to a \$100.00 fine issued in accordance with the citation procedures for parking violations set forth in Sections 28-25 through 28-27.
- (2) ~~Violations of any provision~~ All first-time violations of this Article, except as provided in (1) above, ~~of this article or failure to comply with any of the requirements herein for first-time offender(s)~~ shall result in the issuance of a written warning by enforcement officers. Except as otherwise provided by state law, all ~~At~~ subsequent violations of any provision or requirement of this article incurred by any person or company having previously received a written warning shall result in a fine not to exceed \$50.00, in addition to any penalty that may be imposed under state law.

#### **Secs. 28-88—28-110. Reserved.**

**Section 3.** The Town Council will review the regulations adopted in this Ordinance within twelve (12) months after the effective date. As part of this review, the Town Council will

consider the impact of these regulations on public safety and any infrastructure changes within the Town and may amend these regulations as necessary based on its findings.

**Section 4.** That the town council intends that the provisions of this ordinance be made a part of the Fort Myers Beach, Florida, Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the town manager without further process.

**Section 5.** Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

**Section 6.** If any section, subsection, sentence, clause, word, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

**Section 7.** This Ordinance shall become effective upon adoption by the town council.

The forgoing Ordinance was adopted by the town council upon a motion by Council Member Woodson and seconded by Council Member King and upon being put on a roll call vote, the results were as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Karen Woodson, Council Member	Aye
Scott Stafford, Council Member	Aye

**ADOPTED** this 2<sup>nd</sup> day of June, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

*Dan Allers*

[Dan Allers \(Jul 23, 2025 15:55:09 EDT\)](#)

Dan Allers, Mayor

**ATTEST:**

*Amy Baker*

[Amy Baker \(Jul 24, 2025 09:36:49 EDT\)](#)

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

*Nancy Stuparich*

Nancy Stuparich (Jul 23, 2025 6:42:34 EDT)

---

Vose Law Firm, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 24 day of July, 2025.