

ORDINANCE 25-06

AN ORDINANCE OF THE CITY OF MARCO ISLAND, AMENDING CHAPTER 50, "TRAFFIC AND VEHICLES," ARTICLE, II, "STOPPING, STANDING AND PARKING," SECTION 50-34, "DEFINITIONS," AND CHAPTER 34, "PARKS, RECREATION AND PUBLIC FACILITIES," ARTICLE I, "IN GENERAL," SECTION 34-3, "ESTABLISHMENT OF RULES AND REGULATIONS," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO PROVIDE FOR ADDITIONAL DEFINITIONS, RULES, AND REGULATIONS RELATED TO THE OPERATOIN OF BICYCLES AND ELECTRIC BICYCLES WITHIN THE CITY OF MARCO ISLAND MUNICIPAL BOUNDARIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Collier County, Florida, recently implemented an electric bicycle ordinance that does not include the incorporated areas, such as the City of Marco Island; and

WHEREAS, the City of Marco Island ("City") has a significant government interest in pedestrian and bicyclist safety and this ordinance regulates conduct for the purpose of promoting pedestrian and bicyclist safety; and

WHEREAS, the Florida Statutes expressly authorize local authorities such as the City of Marco Island to regulate the operation of bicycles and electric bicycles within their jurisdiction, and within the reasonable exercise of their police power under the State Uniform Traffic Control Statute at §§ 316.008(h) and 316.2068(5); and

WHEREAS, there has been a noticeable increase in the operation of electric bicycles on public sidewalks in Marco Island, which presents enhanced opportunities for crashes and injuries with other pedestrian travelers upon those sidewalks, due in part to the steady accelerated speed which electric bicycles can maintain as compared to manually operated bicycles; and

WHEREAS, the Marco Island City Council finds that this Amendment to the City's Code of Ordinances is narrowly tailored to impose specific regulations to protect the public health, safety, and welfare by reducing the likelihood of serious bodily injury or death that results from conflicts between vehicular traffic, bicyclists, and pedestrians progressing on the sidewalks, crosswalks, and intersections within the municipal boundaries of Marco Island; and

37 **WHEREAS**, the Marco Island City Council seeks to reduce the likelihood of
38 crashes between pedestrians and bicycles, and finds these regulations to be in the best
39 interest of the City.

40 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE CITY COUNCIL OF THE**
41 **CITY OF MARCO ISLAND, FLORIDA**, that:

42 **SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are
43 hereby incorporated into this Ordinance as if specifically set forth herein.
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45 **SECTION 2. Amendment and Adoption.** That Chapter 50, "Traffic and Vehicles,"
46 Article II, "Stopping, Standing and Parking," Section 50-34, "Definitions," of the City of Marco
47 Island Code of Ordinances, be, and the same is hereby amended to read as follows:
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49 Sec. 50-34. Definitions.
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51 The following words, terms and phrases, when used in this article, shall have the
52 meanings ascribed to them in this section, except where the context clearly indicates a
53 different meaning. These definitions are supplemental to the definitions in section 1-2 of this
54 code. The definitions in this section shall prevail in case of conflict.
55

56 ~~Bicycle means any device propelled by human power, or any moped~~
57 ~~propelled by a pedal activated helper motor with a manufacturer's certified~~
58 ~~maximum rating of one and one-half brake horsepower, upon which any~~
59 ~~person may ride, having two tandem wheels, either of which is 20 inches or~~
60 ~~more in diameter, and including any device generally recognized as a~~
61 ~~bicycle though equipped with two front or two rear wheels.~~

62 Bicycle, as defined in Section 316.003(4), Florida Statutes, means every
63 vehicle propelled solely by human power, having two tandem wheels, and
64 including any device generally recognized as a bicycle though equipped
65 with two front or two rear wheels. The term does not include motorized
66 scooters, micromobility devices, or such similar devices as defined in
67 Section 316.003(41), Florida Statutes.

68 Bicycle lane, as defined in Section 316.003(5), Florida Statutes, means any
69 portion of a roadway or highway which is designated by pavement markings
70 and signs for preferential or exclusive use by bicycles.

71 Bicycle path means any road, path, or way that is open to bicycle travel,
72 which road, path, or way is physically separated from motorized vehicular
73 traffic by an open space or by a barrier and is located either within the right-
74 of-way or within an independent right-of-way.

Electric bicycle 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 which meets the requirements of one of the following three classifications:

- (a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- (b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- (c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

Median means the portion of the roadway separating the opposing traffic flows. Medians can be depressed, raised, or flush.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

Motorized scooter means any vehicle or micromobility device 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 20 miles per hour on level ground. The term does not include an electric bicycle.

Pedestrian means any person a foot.

SECTION 3. Amendment and Adoption. That Chapter 34, "Parks, Recreation and Public Facilities," Article I, "In General," Section 34-3, "Establishment of Rules and

Regulations,” of the City of Marco Island Code of Ordinances, be, and the same is hereby amended to read as follows:

Sec. 34-3. Establishment of rules and regulations.

The following rules and regulations are established for the public’s use of parks, other public facilities and where indicated, other traditional public forums:

* * * *

(m) Certain toys prohibited.

(1) Motorized models that are fuel or electric powered including: planes, cars, rockets, or boats are not permitted within a park with the following exceptions:

- a. Electric powered, radio-controlled toy vehicles;
- b. Electric powered planes at Winterberry Park except during athletic events;
- c. Electronically controlled, wind powered sail boats at the Mackle Park Lake;

(2) Motorized scooters, motorized skateboards, and motorized bicycles are not permitted on park roads, walks, trails, or athletic courts. Electric Bicycles are permitted on park roads, walks, and trails, so long as they are manually powered.

(3) Self-propelled scooters or skateboards are permitted in city parks, so long as they are manually powered. Skateboards and rollerblades are not permitted on park athletic courts.

* * * *

(q) Traffic regulations.

(1) Motor vehicles.

- a. Only licensed motor vehicles, including automobiles, motorcycles, trail bikes, mini-bikes, motor scooters, or mopeds may be operated and only on those roadways provided for the use of motor vehicles.
- b. Operators of said motor vehicles shall obey all applicable city, and

state laws, codes, ordinances, rules, or regulations governing the use of such vehicles.

- c. No person shall operate a motor vehicle on walks or paths established as footpaths, exercise trails, nature trails, or bicycle paths, unless permitted by the director through the facility use policy.
- d. All-terrain vehicles (ATV), unlicensed trail bikes, and recreation vehicles (as defined in Section 320.001(1)(b), Florida Statutes) shall be prohibited in parks.
- e. No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The director shall have authority to order roads or drives closed.
- f. No person shall drive at a speed in excess of that posted for the area as established by the city.
- g. No person shall operate a vehicle along or over any road or drive within a park in a reckless manner or without due regard for the safety and the rights of pedestrians, drivers, or occupants of another vehicle.

(2) Parking.

- a. No person shall park any motor vehicle upon any roadway in the park or at any location where posted signs or symbols painted on the pavement prohibit parking.
- b. No person shall park any motor vehicle upon any lawn or grassy area unless specifically authorized by the director through the facility use policy.

(3) Operation of Bicycles on Public Sidewalks, Crosswalks, and in Intersections.

- a. Authorization: Bicycle riding is allowed upon the public sidewalks within the City of Marco Island over which the City has traffic control jurisdiction.
- b. Operators of said bicycles and electric bicycles shall obey all applicable city and state laws, codes, ordinances, rules, or regulations governing the use of such vehicles.

- c. The following applies to bicycles, electric bicycles, motorized scooters, and micromobility devices unless otherwise specified:
1. Compliance with all applicable Florida Statutes, as such may be amended from time to time.
 2. Compliance with all applicable traffic laws in bike lanes, including traffic signals, yielding, signaling and maintaining a safe speed.
 3. Operators shall not weave through traffic (lane-splitting) and shall not leave the roadway to avoid traffic signals.
 4. Electric bicycle motors shall not be modified to allow for higher speed than the bicycle is designed to attain.
 5. Electric bicycles may be used in City parks as long as the Operator is manually powering the bicycle.
 6. Any person operating a bicycle or electric bicycle shall only have the authorized number of passengers on the electric bicycle or bicycle based upon the design of the bicycle or electric bicycle.
 7. When operating on sidewalks and shared-use paths, devices shall not suddenly leave a curb or other place of safety and operate it into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
 8. With respect to shared pathways that are not located adjacent to roadways, including those that are located in parks and recreational areas, all bicycles and electric bicycles must yield the right of way to pedestrians on these types of pathways, and when passing a pedestrian must deliver a warning by some type of audible signal sound device.
 9. The operation of all devices allowed under this ordinance on sidewalks and shared-use paths shall not exceed 15 miles per hour at designated areas. (Collier Blvd; San Marco Road; Bald Eagle Drive; Winterberry Road; and Barfield Drive)

SECTION 4. Severability/Interpretation.

- (a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall

not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (****) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____ day of _____, 2025.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Eric Brechnitz, Chair

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney