

Sponsored By: Still
City Council Public Hearing Date: April 11, 2023
May 9, 2023
Enactment Date: May 9, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-05**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, ADDING TO THE CITY CODE OF ORDINANCES ARTICLE IV OF CHAPTER 32 TO BE TITLED “ELECTRIC BICYCLES AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES”; CREATING SECTIONS 4-1 THROUGH 4-8 OF ARTICLE IV OF CHAPTER 32 OF THE CITY CODE OF ORDINANCES; CREATING PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, Chapter 316.008, *Florida Statutes*, grants the City the ability to reasonably exercise police power with respect to the streets and highways under their jurisdiction, including the enactment of an ordinance to permit, control, or regulate the operation of electric bicycles and electric personal assistive mobility devices on sidewalks or sidewalk areas; and

WHEREAS, the Marathon City Council has identified significant problems with the manner and number of persons operating electric bicycles or electric personal assistive mobility devices upon the public streets and paths within the jurisdiction; and

WHEREAS, as a result of the increase in individuals and manner of operation of persons operating electric bicycles or electric personal assistive mobility devices, there is a public safety concern; and

WHEREAS, in order to combat this safety issue, the City wishes to include a clear and specific enforcement procedure to prevent the above situation from occurring; and

WHEREAS, the City Council has determined that the implementation of such procedures is in the best interests of the public health and safety of the citizens of Marathon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

ELECTRIC BICYCLE AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. “Electric Bicycle and Electric Personal Assistive Mobility Device” is hereby to be read as follows:

SECTION 3. – Definitions.

- (a) *Bicycle Path*: Any road, path, or way that is marked as or open to bicycle travel, which road, path, or way is physically separated from motorized vehicle traffic by an open space or by a barrier. Sidewalks are not included as a bicycle path.
- (b) *Electric Bicycle*: 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:
 - (1) “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,
 - (2) “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.
 - (3) “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.
- (c) *Electric Personal Assistive Mobility Device*: Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

SECTION 4. – Applicability.

The provisions of this section shall apply whenever an electric bicycle or electric personal assistive mobility device is operated upon any street or upon any public path within the city limits of Marathon, Florida, subject to those exceptions stated herein.

SECTION 5. – Use of bicycle or multi-use paths.

Whenever a usable bicycle or multi-use path has been provided, electric bicycle or electric personal assistive mobility device riders shall use such path and shall not use the roadway or sidewalk. The City Manager may restrict the operation and use of electric bicycles or electric personal assistive mobility devices on certain bicycle paths where use may be considered a hazard to pedestrians.

SECTION 6. – Right-of-way of pedestrians.

A person using an electric bicycle or electric personal assistive mobility device upon and along a bicycle path, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

SECTION 7. – Compliance with traffic control statutes.

A person using an electric bicycle or electric personal assistive mobility device shall comply with Florida Statutes, Chapter 316, State Uniform Traffic Control.

SECTION 8. – Maximum speed limit.

An electric bicycle or electric personal assistive mobility device shall not exceed fifteen (15) miles per hour, as set forth in Florida Statute 316.008(7)(a), as may be amended.

SECTION 9. – Obedience to traffic-control devices.

All persons operating an electric bicycle or electric personal assistive mobility device shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

SECTION 10. – Lamps and reflectors.

Every electric bicycle or electric personal assistive mobility device in use between thirty (30) minutes prior to sunset to thirty (30) minutes after sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of six hundred (600) feet to the rear. An electric bicycle or electric personal assistive mobility device or its rider may be equipped with lights or reflectors in addition to those required by this section.

SECTION 11. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 12. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 13. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

SECTION 14. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS XX DAY OF XXXX, 2023.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

Steven Williams, City Attorney