

ORDINANCE NO. 2026-0670

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF ELECTRIC BICYCLES, MOTORIZED SCOOTERS AND OTHER MOTORIZED MOBILITY DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, pedestrians frequently travel within Bal Harbour Village (the "Village") along the beach vehicle access road on the Public Beach (the hardpack), and the beach access paths at the jetty and south of the Oceana (the "Beach Paths") and the jogging path; and

WHEREAS, the operation of motorized vehicles and devices such as electric bicycles and motorized scooters and other motorized mobility devices within the Village along the Beach Paths has increased tremendously over the last couple of years; and

WHEREAS, this increase in the operation of these motorized vehicles and devices on the Beach Paths has resulted in vehicular-pedestrian incidents and many near misses within the Village, and has created an unsafe environment for pedestrians; and

WHEREAS, the risk of incidents between pedestrians and individuals operating these motorized vehicles and devices is particularly pronounced within this densely populated barrier island community, where residents and tourists can and do walk to all of the Village's destinations and to meet most of their daily needs and religious observances; and

WHEREAS, due to this heavy pedestrian traffic, the operation of these motorized vehicles and devices on the Beach Paths is incompatible with the normal and safe movement of traffic within the Village; and

WHEREAS, Section 316.007, Florida Statutes, provides that municipalities may only adopt ordinances on matters relating to traffic control that are expressly authorized by Chapter 316, Florida Statutes (also known as, the Florida Uniform Traffic Control Law); and

WHEREAS, Section 316.008(n), Florida Statutes, provides, among other things, that local authorities are not prevented from "...prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic..." "...with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power..."; and

WHEREAS, Section 316.20655, Florida Statutes, provides that a municipality is not prevented, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance "restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network"; and

WHEREAS, Section 316.2128, Florida Statutes, further provides that a local government is not prevented, through the exercise of its powers under Section 316.008, Florida Statutes, from adopting an ordinance governing the operation of motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the Village Council finds it necessary to adopt an Ordinance, pursuant to its authority under Article VIII of the Florida Constitution, the Village Charter, and Section 316.20655 of the Florida Statutes, to prohibit the operation of electric bicycles, motorized scooters, and other motorized mobility devices on the Beach Paths; and

WHEREAS, the Village Council hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Chapter 19 of the Village Code. That Section 19-27, "Operation on Sidewalks, jogging path," of Chapter 19, "Traffic and Motor Vehicles," of the Village Code is hereby amended to read as follows: ¹

CHAPTER 19 - TRAFFIC AND MOTOR VEHICLES

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ARTICLE II. - OPERATION OF VEHICLES

* * *

Section 19-27. - Operation of Motorized Vehicles on Sidewalks, and Other Paths jogging path.

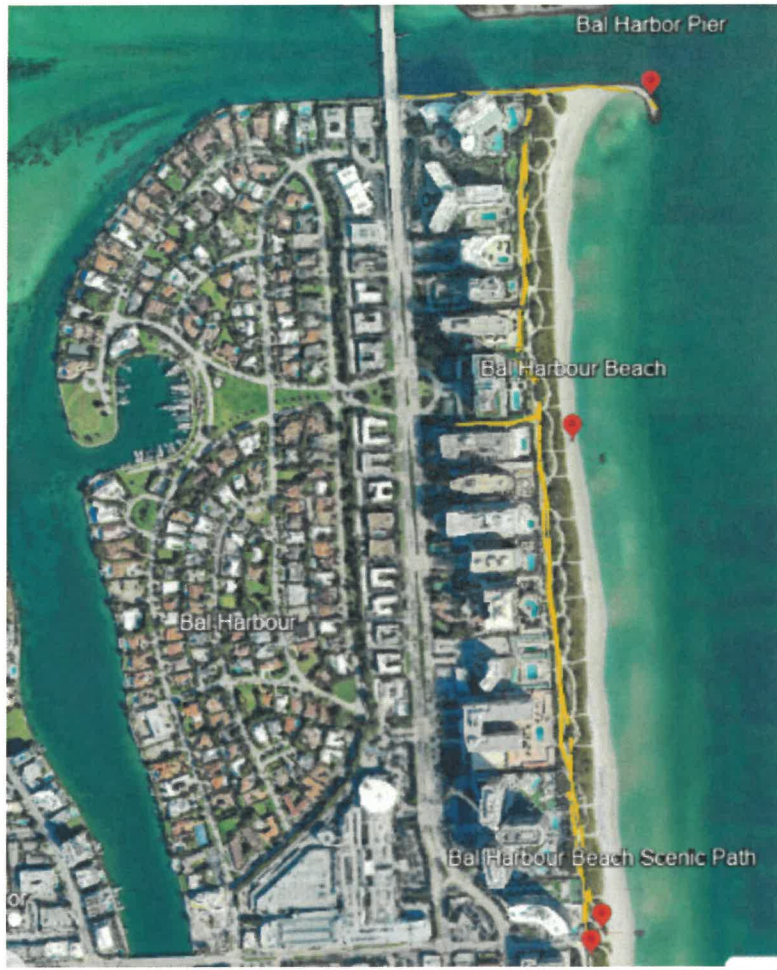
(a) It shall be unlawful to operate motorized vehicles on the Village jogging path or any Sidewalk within the Village. Non-motorized vehicles are permitted on Sidewalks, but not on the Village jogging path located just east of the beach vehicle access road.

(b) It is the intent of this Section to prohibit the use of Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices within the Designated Areas of the Village.

(1) Definitions. As used in this Section, the following words, terms and phrases, shall have the meanings ascribed to them unless the context otherwise indicates:

a. Designated Area shall mean the beach vehicle access road (hard pack), the beach access path along the Jetty cutwalk, and the beach access path south of Oceana (together, the "Beach Paths"), as shown in the map below.

¹ Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double strikethrough~~ font.



- b. Electric Bicycle shall mean an electric bicycle as defined by Section 316.003(23), Florida Statutes.
- c. Motorized Scooter shall mean a motorized scooter as defined by Section 316.003(48), Florida Statutes.
- d. Other Motorized Mobility Devices shall mean any personal 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 one or more wheels including, but not limited to, powered boards, powered skateboards, powered skates, powered hoverboards, or other similar powered personal motorized mobility devices. This definition does not include Electric Bicycles, Motorized Scooters, or motorized wheelchairs or similar mobility devices

having three or more wheels being operated by a person who is disabled for mobility purposes.

(2) Unless otherwise authorized under this Section, the operation of an Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device is prohibited within the Designated Areas of the Village. Notwithstanding the foregoing, nothing in this Section shall prohibit the operation of:

- a. An Electric Bicycle, Motorized Scooter, or Other Motorized Mobility Device within Designated Areas by government personnel acting within their official capacity, including on-duty police or emergency personnel;
- b. Motorized wheelchairs or similar mobility devices having three or more wheels being operated by a disabled person for mobility purposes.

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Section 3. Amending Chapter 10 of the Village Code. That Section 10-31 of Article II, "Use of Public Beaches," of Chapter 10 of the Village Code is hereby amended to read as follows:

CHAPTER 10 - MARINE STRUCTURES, ACTIVITIES AND WAYS

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ARTICLE II - USE OF PUBLIC BEACHES

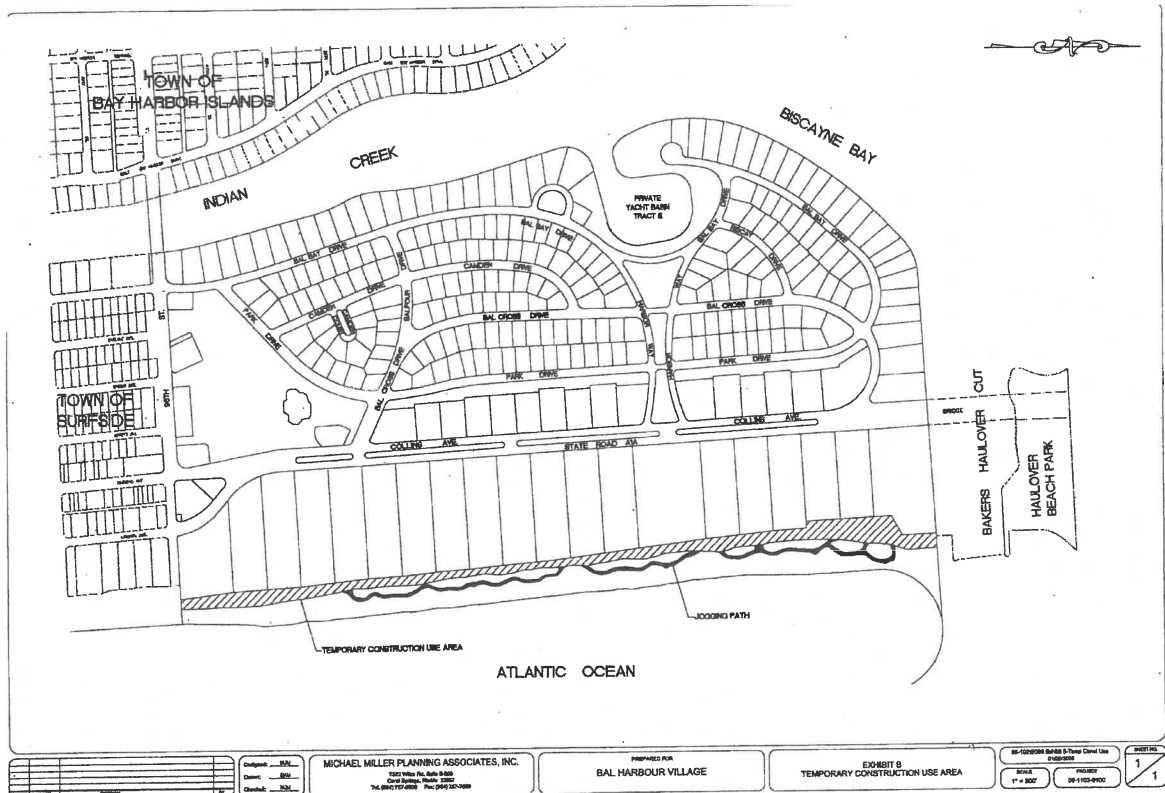
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Section 10-31. - Prohibited acts.

It shall be unlawful for any Person to:

(1) Drive, operate, propel, or place any vehicle (whether or not such vehicle is motorized, propelled by human power or otherwise propelled) on the Public Beach or upon any public land, easement or right-of-way within the Public Beach, except that the operation of Electric Bicycles, Motorized Scooters, and Other Motorized Mobility Devices shall be governed by Section 19-27 of the Village Code. This prohibition does not apply to on-duty police or emergency vehicles or to the use of human powered, non-motorized bicycles pursuant to paragraph (1)a. below:

- a. The vehicle prohibition which is set forth in paragraph (1) above, is hereby modified so that human powered, non-motorized bicycles may be operated on a



Section 4. Amending Chapter 2 of the Village Code. That Section 2-191, "Schedule of Civil Penalties," of Chapter 2, "Administration," of the Village Code is hereby amended to read as follows:

CHAPTER 2 - ADMINISTRATION

ARTICLE V. - CODE ENFORCEMENT

Section 2-191. - Schedule of civil penalties.

(a) The following table shows the sections of this Code, as they may be amended from time to time, and the dollar amount of civil penalty for the violation of these sections as they may be amended. Each "Description of Violations" below is for informational purposes only and is not meant to limit or define the nature of the violations or the subject matter of the listed Code sections. To determine the exact nature of the activity proscribed or required by this Code, the relevant Code section must be examined.

(b) The following is the schedule of civil penalties:

	Code section	Description of violation	Civil penalty

(47)	19-27	<u>Operation of an Electric Bicycle or Motorized Scooter or Other Motorized Mobility Device in a Designated Area.</u>	50.00
(47) (48)	20-1	Tampering with public utilities	250.00
(48) (49)	21-362	Using property in residential districts for unpermitted purposes	250.00
(49) (50)	21-362(b)	Conducting open houses and garage sales in residential districts	100.00

* * *

Section 5. Severability. That 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 and 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 6. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Conflict. That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. Effective Date. That this Ordinance shall become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 17th day of February, 2026.

PASSED AND ADOPTED on second reading this 17th day of March, 2026.





Mayor Seth E. Salver

ATTEST:



Dwight S. Danie, Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.