

ORDINANCE NO. 26-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 74, "TRAFFIC AND VEHICLES," ARTICLE I, "IN GENERAL," TO REVISE SECTION 74-2 GOVERNING THE OPERATION OF BICYCLES AND OTHER WHEELED DEVICES, CREATING A NEW SECTION 74-5 REGULATING THE OPERATION OF ELECTRIC BICYCLES, AND RECODIFYING AND AMENDING SECTION 50-154 GOVERNING MOTORIZED SCOOTERS TO SECTION 74-6; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, Section 316.008, Florida Statutes, states that local governments are authorized to implement reasonable regulations relating to streets and highways within their jurisdiction under the exercise of the police power; and

WHEREAS, Section 316.20655, Florida Statutes states that local governments are authorized to adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under or within the local government's jurisdiction and restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, trail network, beach, or dune; and

WHEREAS, Section 50-154, Winter Garden City Code, regulates the operation of motorized scooters within the jurisdiction of the City of Winter Garden; and

WHEREAS, the City Commission deems it appropriate to recodify and amend Section 50-154, Winter Garden City Code, to consolidate vehicle regulations under Chapter 74 of the Winter Garden City Code; and

WHEREAS, the City Commission seeks to adopt an ordinance regulating the operation of bicycles, electric bicycles, and motorized scooters, as those terms are defined herein and in the Winter Garden City Code, within the City of Winter Garden; and

WHEREAS, the City Commission of the City of Winter Garden finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Garden, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Chapter 74 of the City Code of Ordinances is hereby amended to amend Section 74-2, create a new Section 74-5, currently reserved, and recodify and amend former Section 50-154 as Section 74-6 as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

Sec. 74-2. – Bicycle and other wheeled toy device operation.

- (a) No person while upon a bicycle, electric bicycle, motorized scooter, skateboard, roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall conduct himself in such a manner as to be a nuisance, safety hazard or endangerment to himself, pedestrians, other forms of traffic, the operation of businesses or to the quiet enjoyment of the residents of the city.
- (b) No person shall ride, use or operate any bicycle, electric bicycle, motorized scooter, skateboard, rollers skates, coaster, toy vehicle or similar device upon a sidewalk less than eight feet in width in the commercial areas of the city. The commercial areas are defined as Plant Street, east from ~~Highland~~ South Park Avenue to Dillard Street, and South Dillard Street to Highway 50, or any other areas of the city, such as shopping centers, of any size, where the predominance of buildings or structures in the area are commercial or business in nature. This prohibition does not apply to the paved path designated as part of the West Orange Trail.
- (c) Bicycles shall be operated in accordance with F.S. § 316.2065, Bicycle regulations. When operating on roadways, bicycle operators shall comply with all traffic regulations.
- (ed) Violation of subsection (a), ~~or (b),~~ or (c) of this section shall be punishable by a fine of ~~\$5.00~~\$100.00 as a class II violation under division 3, article II, chapter 2 of this Code and subject to increased fines for repeat violations. The parents and legal guardians of minors in violation are responsible for the payment of fines incurred by minors.

Sec. 74-5. –Electric bicycle operation.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the following meanings except where the context clearly indicates a different meaning:

Bicycle lane means any portion of roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

Bicycle path means any road, path, or way that is open to bicycle travel, which road, path, or way is physical 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.

City-owned property means:

- (1) Property in which the City has a property interest, such as fee simple ownership or an easement; and
- (2) Property the City maintains regardless of ownership, such as rights-of-way maintained by the City.
- (3) Property where, regardless of ownership, the City has jurisdiction to enforce speed limits and other traffic regulations.

Crosswalk means:

- (1) That 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 walkway; and
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

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

Government issued photographic identification means a driver license, passport, military ID, identification card issued under F.S. Ch. 322, or comparable government ID displaying an individual's name, date of birth, and photograph.

Operator means any person who is in actual physical control of an E-Bike.

Right-of-way means land devoted to or required for use as a roadway, sidewalk, or other associated feature and includes, without limitation, all existing or dedicated road rights-of-way and all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to plats.

Road or roadway means any portion of any street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Sidewalk means that portion of a street between the curblines, or the lateral line, of a road and the adjacent property lines, intended for use by pedestrians.

(b) Proper usage and prohibitions.

1. E-Bikes shall be operated in accordance with F.S. § 316.2065, Bicycle regulations, and § 316.20655, Electric bicycle regulations. When operating on roadways, E-Bike operators shall comply with all traffic regulations.

2. E-Bikes operated between sunset and sunrise shall be equipped with a lamp on the front exhibiting 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 in compliance with F.S. § 316.2065(7). All safety lights shall remain active and operational when the E-Bike is in use between sunset and sunrise.

3. An operator or passenger under 16 years of age on an E-Bike 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 established in 16 CFR Part 1203. A parent or legal guardian may not knowingly permit a child under 16 years of age to violate this subsection.

4. E-Bikes operators shall not exceed a speed of 10 miles per hour while on any sidewalk or bicycle path that is not immediately adjacent to a roadway. E-Bike operators shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian.

5. Class 3 E-Bikes are prohibited from the paved path designated as part of the West Orange Trail.

6. No person under 15 years of age may operate an E-Bike on any bicycle lane, bicycle path, right-of-way, road, sidewalk, or other City-owned property. A minor under the minimum age may ride as a passenger on an E-Bike designed and equipped for a passenger in compliance with F.S. § 316.2065.

7. All E-Bike operators shall carry government-issued photographic identification and shall present such identification upon lawful request of a law enforcement officer.

(c) Penalties. 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 \$100 as a class II violation under division 3, article II, chapter 2 of this Code and subject to increased fines for repeat violations. The parents and legal guardians of minors in violation are responsible for the payment of fines incurred by minors.

(d) Enforcement. This section shall apply to and be enforced within the City of Winter Garden by the chief of police, with such aid as may be rendered by other members of the police department, pursuant to Section 74-3 of the Winter Garden City Code.

Sec. 50-154Sec. 74-6. – Motorized scooters.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them as set forth below, except where the context clearly indicates a different meaning:

“*Helmet*” means a bicycle helmet that is properly fitted and is securely fastened upon the rider's head by a strap. Said helmet must meet or exceed the federal safety standards for bicycle helmets established in 16 CFR Part 1203.of the American National Standards Institute (ANSI Z

90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standards for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the United States Department of Transportation.

“Motorized scooter” means any motorized or motor propelled 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 speeds a speed greater than 3020 miles per hour on level ground. Vehicles used by disabled persons are excluded. The term does not include electric bicycles or E-Bikes.

“Operator” means any person who is in actual physical control of a motorized scooter.

“Road” or “roadway” means any portion of any street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

“Sidewalk” means that portion of a street between the curblin, or the lateral line, of a road and the adjacent property lines, intended for use by pedestrians.

(b) *Regulations.* Parents or guardians of children under 18 years of age who operate motorized scooters shall not knowingly permit any such child to violate any provision of this section nor shall any person operate a motorized scooter except in conformance with the regulations set forth as follows:

- (1) Motorized scooters shall only be operated on public streets and roadways having speed limits not exceeding 35 mph within the City of Winter Garden by persons who possess a valid driver's license. Motorized scooters are not permitted to be operated on any public highway, expressway, turnpike, street or roadway where the speed limit exceeds 35 mph. When operating on public streets and roadways, motorized scooter operators shall comply with all traffic regulations.
- (2) Motorized scooters shall not be operated on public sidewalks less than eight feet in width within the City of Winter Garden. Motorized scooter operators shall not exceed a speed of 10 miles per hour while on any sidewalk. Motorized scooter operators shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian.
- (3) Motorized scooters shall not be operated in public parks within the City of Winter Garden unless such use is specifically allowed by signage posted in that particular park.
- (4) Motorized scooters shall be operated and used by one person only; passengers are not allowed on motorized scooters, and motorized scooters may not tow any other person, object or vehicle of any kind.
- (5) Motorized scooters shall only be operated during daylight hours within the City of Winter Garden.
- (6) Motorized scooters shall be operated as close as practicable to the right hand curb or edge of the roadway, except when preparing to make a left-turn at an intersection or into a private road or driveway, at which time the motorized scooter operator shall obey all authorized traffic control devices, markings, and signs.
- (7) Motorized scooters shall be operated only in a single file formation.

- (8) Motorized scooters shall not be operated abreast of each other.
 - (9) Motorized scooters shall be operated at all times with both of the operator's hands on the scooter's handlebars.
 - (10) Persons under 16 years of age may operate a motorized scooter if wearing a properly fitted, securely fastened helmet upon the operator's head and carrying a government-issued photographic identification. A parent or legal guardian may not knowingly permit a child under 16 years of age to violate this subsection. Motorized scooters shall not be operated unless the operator, at all times, is wearing a helmet; and
 - (11) Motorized scooters shall be operated at all times in accordance with all authorized traffic control devices.
 - (12) The operator of a motorized scooter has all of the duties applicable to the rider of a bicycle under F.S. § 316.2065, except the duties imposed by F.S. § 316.2065(2), (3)(b), and (3)(c), which by their nature do not apply.
- (c) *Violations.* Violations of this section shall be classified as a class 4 II violation under division 3, article II, chapter 2 of this Code and subject to increased fines for repeat violations. This section shall apply to and be enforced within the City of Winter Garden by the chief of police, with such aid as may be rendered by other members of the police department, pursuant to Section 74-3 of the Winter Garden City Code. The parents and legal guardians of minors in violation are responsible for the payment of fines incurred by minors.

Secs. ~~74.574-7~~ – 74-30 – Reserved.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. Codification. Section 2 of this Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon

FIRST READING: December 11, 2025.

SECOND READING: January 8, 2026.

ADOPTED this 8th day of January, 2026, by the City Commission of the City of Winter Garden, Florida.

**CITY COMMISSION OF THE CITY OF
WINTER GARDEN, FLORIDA**



John Rees, Mayor/Commissioner

ATTEST:



Ronisha Martin, Interim City Clerk

