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WHEREAS, the Wellington Council is authorized and empowered to adopt and amend legislation to govern the affairs of its citizens and promote the public health, safety, and welfare of the community; and

WHEREAS, in 2021, in response to the increased presence of golf carts in and around Wellington, the Wellington Council adopted Ordinance No. 2021-10, authorizing the operation of golf carts on designated Wellington roads and designated multi-modal pathways subject to specific restrictions (the “Golf Cart Ordinance”) to promote the safe operation of golf carts in Wellington consistent with sections 316.008 and 316.212, Florida Statutes; and

WHEREAS, in 2022, the Golf Cart Ordinance was amended and re-codified as Article V of Chapter 22 of the Code of Ordinances as part of Wellington’s amendment to the Code of Ordinances in its entirety; and

WHEREAS, section 22-34 of the Code of Ordinances, titled Enforcement; Penalties, presently provides for a graduated civil penalty for violations of the Golf Cart Ordinance; and

WHEREAS, the Wellington Council now seeks to amend the civil penalty for violations of the Golf Cart Ordinance, consistent with state law, to provide clarity both to golf cart operators and to law enforcement officers who are tasked with enforcing violations of the Golf Cart Ordinance; and

WHEREAS, in addition to golf carts, Wellington has seen an increase in the use of non-human powered micromobility devices, namely, electric bicycles and motorized scooters, in and around Wellington; and

WHEREAS, there has also been an increase in the number of accidents involving non-human powered micromobility devices in Wellington and throughout the state of Florida; and

1 **WHEREAS**, sections 316.008, 316.20655, and 316.2128, Florida Statutes, permit
2 local governments to adopt ordinances governing the operation of electric bicycles,
3 motorized scooters, and other micromobility devices, consistent with Florida law; and
4

5 **WHEREAS**, given the prevalence of non-human powered micromobility devices
6 as a means of transportation in and around Wellington and increased concerns relating
7 to the safety of the operator, pedestrians, equestrian trail riders, and motorists, the
8 Wellington Council believes it is in the best interest of the community to adopt regulations
9 governing the operation of non-human powered micromobility devices in Wellington
10 consistent with state law, including identification requirements, age restrictions, speed
11 limits, and location restrictions.
12

13 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
14 **FLORIDA THAT:**
15

16 **SECTION 1:** Chapter 22, Article V, Section 22-34 of the Code of Ordinances
17 Wellington, Florida is hereby amended to read as follows:
18

19 **Sec. 22-34: Enforcement; Penalties**
20

- 21 A. Violations of this article may be enforced by Law Enforcement Officers. A violation
22 of this article is a ~~civil~~ noncriminal traffic infraction punishable as a moving or
23 nonmoving violation, as applicable, pursuant to F.S. § 316.212 and F.S. ch 318. ~~by~~
24 ~~civil penalty in the amounts set forth below:~~

25
26 ~~First violation: Warning.~~

27
28 ~~Second violation: \$50.00.~~

29
30 ~~Third violation (and every violation thereafter): \$100.00.~~

- 31
32 B. When applicable, violations of this article may be enforced by Law Enforcement
33 Officers through the issuance of a Uniform Traffic Citation pursuant to Florida law.
34
35 C. The enforcement provisions of this section are supplemental in nature and are not
36 intended to prohibit Wellington from seeking any other remedy available at law or
37 in equity.
38

39 **SECTION 2:** Chapter 22 of the Code of Ordinances of Wellington, Florida is hereby
40 amended by adding Article VII, to be numbered Sections 22-46 through 22-50, which
41 Article reads as follows:
42

43 **Article VII – MICROMOBILITY DEVICES**
44

45 **Sec. 22-46: Purpose, Intent, and Applicability**
46

1 A. Purpose and Intent: The provisions of this article are intended to supplement
2 the applicable provisions of the Florida Uniform Traffic Control Law, Chapter
3 316, Florida Statutes, to promote the safe operation of Micromobility Devices,
4 particularly Electric Bicycles and Motorized Scooters, in areas where the
5 Village of Wellington has jurisdiction to regulate traffic consistent with the
6 authority granted in sections 316.008, 316.20655, and 316.2128, Florida
7 Statutes. Nothing contained in this article shall be construed to prevent Law
8 Enforcement Officers from enforcing the provisions of Chapter 316, Florida
9 Statutes, within Wellington.

10
11 B. Applicability: The provisions of this article do not apply to the operation of
12 Micromobility Devices within gated communities or on private or semi-private
13 property, including retail parking lots and private roads, within Wellington. The
14 operation of Micromobility Devices in these areas is governed by the applicable
15 association or property owner.

16 17 **Sec. 22-47: Definitions**

18
19 In addition to the definitions in section 22-3 and 22-30, the following definitions apply to
20 this article:

21
22 **Bicycle:** Every vehicle propelled solely by human power, having two tandem wheels,
23 and including any device generally recognized as a Bicycle though equipped with two
24 front or two rear wheels. The term does not include a scooter or similar device.

25
26 **Electric Bicycle:** A Bicycle or tricycle equipped with fully operable pedals, a seat or
27 saddle for the use of the rider, and an electric motor of less than 750 watts which meets
28 the requirements of one of the following three classifications:

29
30 A. "Class 1 electric bicycle" means an Electric Bicycle equipped with a motor that
31 provides assistance only when the rider is pedaling and that ceases to provide
32 assistance when the Electric Bicycle reaches the speed of 20 miles per hour.

33
34 B. "Class 2 electric bicycle" means an Electric Bicycle equipped with a motor that
35 may be used exclusively to propel the Electric Bicycle and that ceases to
36 provide assistance when the Electric Bicycle reaches the speed of 20 miles per
37 hour.

38
39 C. "Class 3 electric bicycle" means an Electric Bicycle equipped with a motor that
40 provides assistance only when the rider is pedaling and that ceases to provide
41 assistance when the Electric Bicycle reaches the speed of 28 miles per hour.

42
43 **Micromobility Device:** A motorized transportation device designed for individual use
44 which is typically 20 to 36 inches in width and 50 pounds or less in weight and which
45 operates at a speed of typically less than 15 miles per hour but no more than 28 miles
46 per hour. This term includes both a human-powered and a non-human-powered device

1 such as a Bicycle, Electric Bicycle, Motorized Scooter, or any other device that is owned
2 by an individual or part of a shared fleet.

3
4 **Motorized Scooter:** Any vehicle or Micromobility Device that is powered by a motor with
5 or without a seat or saddle for the use of the rider, which is designed to travel on not more
6 than three wheels, and which is not capable of propelling the vehicle at a speed greater
7 than 20 miles per hour on level ground. The term does not include an Electric Bicycle.

8
9 **Non-Human Powered Micromobility Device:** A Micromobility Device equipped with a
10 motor, regardless of whether the motor is in use by the operator. The term includes, but
11 is not limited to, an Electric Bicycle and a Motorized Scooter. It does not include a Bicycle.

12 13 **Sec. 22-48: Age, Identification, and Speed Restrictions**

14
15 A. Age: A person operating a Non-Human Powered Micromobility Device must be at
16 least 15 years old.

17
18 B. Identification: A person operating a Non-Human Powered Micromobility Device
19 must possess a government-issued photographic identification while operating the
20 device. A minor may comply with the requirements of this subsection by
21 presenting a school-issued photographic identification badge.

22
23 C. Speed: The maximum speed for the operation of a Non-human Powered
24 Micromobility Device on a sidewalk or canal-right-of way, including designated
25 multi-modal pathways, as defined in section 22-20 of this chapter, is 15 miles per
26 hour, except as otherwise provided by applicable law.

27
28 D. A person operating a Micromobility Device must abide by all applicable state,
29 county, and Wellington traffic regulations.

30 31 **Sec. 22-49: Prohibited Locations for Operation**

32
33 A. Public Bridle Trails: A person may not operate a Non-Human Powered
34 Micromobility Device on public bridle trails.

35
36 B. Wellington Facilities: Prohibitions on the operation of Micromobility Devices at
37 Wellington facilities are addressed in chapter 14 of this Code and shall be enforced
38 as set forth therein.

39 40 **Sec. 22-50: Enforcement**

41
42 A. This article may be enforced by Law Enforcement Officers.

43
44 B. A person who violates this article commits a noncriminal traffic infraction,
45 punishable as a pedestrian violation as provided in chapter 318, Florida Statutes.
46

1 C. The enforcement provisions of this section are supplemental in nature and are not
2 intended to prohibit Wellington from seeking any other remedy available at law or
3 in equity.
4

5 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
6 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
7 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
8 this Ordinance shall prevail to the extent of such conflict.
9

10 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
11 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
12 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
13 other than the part so declared to be invalid.
14

15 **SECTION 4:** This Ordinance shall become effective immediately upon adoption of
16 the Wellington Council following second reading.
17

18 **PASSED** this _____ day of _____, 20__ upon first reading.
19

20 **PASSED AND ADOPTED** this _____ day of _____, 20 on second and
21 final reading.
22

23 **WELLINGTON**

24 **FOR**

24 **AGAINST**

25
26 BY: _____

27 Michael J. Napoleone, Mayor

28
29 _____

30 Maria Antuña, Vice Mayor

31
32 _____

33 Amanda Silvestri, Councilwoman

34
35 _____

36 Stephan A. Levin, Councilman

37
38 _____

39 Johnny Meier, Councilman
40

41 **ATTEST:**

42
43 BY: _____

44 Chevelle D. Hall, MMC, Village Clerk
45
46

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney