

ORDINANCE NO. 2025-O-09

**AN ORDINANCE OF THE CITY OF EDGEWATER
AMENDING SEC. 12.5-1 (ACTIVITIES PROHIBITED IN
PARKS; ENFORCEMENT) OF THE CODE OF
ORDINANCES, CITY OF EDGEWATER, FLORIDA;
PROVIDING FOR CONFLICTING PROVISIONS,
SEVERABILITY AND APPLICABILITY AND AN
EFFECTIVE DATE.**

WHEREAS, the City of Edgewater has received increased public concern regarding the unsafe and reckless use of electric bicycles in city parks and green spaces; and

WHEREAS, Florida Statutes §316.20655 permits local governments to regulate the operation of electric bicycles in areas under their jurisdiction; and

WHEREAS, the City Council desires to amend the Code of Ordinances to enhance safety, preserve the recreational integrity of public parks, and protect pedestrians and park infrastructure.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

SECTION 1: Section 12.5-1 (Activities Prohibited in Parks; Enforcement) is amended to add regulations for electric bicycles as set forth in Exhibit “A”, which is attached hereto and incorporated herein.

SECTION 2: Conflicting Provisions. In the event that the provisions of this Ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

SECTION 3: Severability and Applicability. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or

circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 4: Codification. Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2 through 5 shall not be codified.

SECTION 5: Effective Date. This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2025

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT A

Sec. 12.5-1. Activities prohibited in parks; enforcement.

- (a) It shall be unlawful for any person in a city park in the incorporated areas of the city to:
- (1) Bring any animal, including cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of a city park or recreation area unless such park or beach is designated and posted by the city as an animal-permitted park. An approved park, beach and/or lake shall be so designated and posted with the appropriate signage by the city as an animal-permitted park with the permitted animal and/or animals listed.
 - (2) Bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a city park or recreation area. Alcoholic beverage sales and/or consumption associated with special event activities, as permitted pursuant to Chapter 21 (Land Development Code) is subject to approval from city manager.
 - (3) Bring any glass container into a city park or recreation area.
 - (4) Expose or offer for sale any article in any city park or recreation area without a license as a concessionaire or to display any advertising signs or other advertising matter without a permit.
 - (5) Camp or stay overnight in a city park or recreation area.
 - (6) Build, kindle, maintain or use an open fire nor throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material until it is extinguished.
 - (7) Perform the cleaning or scaling of fish or other aquatic creatures in a city park or recreation area.
 - (8) Smoking cigarettes (except for unfiltered cigars) or the use of electronic smoking devices (commonly referred to as e-cigs or vape devices) within any city park. As used in this section, "unfiltered cigar" means a cigar consisting of a roll of tobacco wrapped in leaf tobacco, without a filter and containing only tobacco and no other substance.
 - (9) Block benches or public walkways as to impede free and uninterrupted use and passage by others.
 - (10) Littering
 - (11) Eating or drinking or animals in skatepark, playground or splash pad at Whistle Stop Park.
 - (12) Metal detecting or treasure hunting or digging holes.
 - (13) Removal or damaging plants and landscaping, feeding or disturbing wildlife.
 - (14) Operate Bbicycles, skateboards, rollerblades, scooters or motorized vehicles other than in designated areas only. Electric bicycles (as defined by § 316.003(23)), Florida Statutes) which are capable of propulsion by electric motor or motorized assistance are prohibited in any city park on streets, sidewalks, sidewalk areas and multi-use trails unless the bicycle is operated solely by human power. Electric bicycles may only be operated within city parks where bicycles are legally permitted to operate. This

subsection shall not prohibit the use of mobility devices or other equipment governed under the Americans with Disabilities Act (ADA).

- (15) Bathing, shaving or washing clothes in public restrooms.
- (16) Aggressive behavior or fighting.
- (b) The city police department, code enforcement and animal services personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this section and shall have the authority to order any person or persons acting in violation of this section to leave the park or recreation area.