

NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting if you would like to address the Town Council. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

**SPECIAL COUNCIL MEETING
AGENDA**

July 29, 2026
6:00 PM

STATEMENT OF DECORUM

All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts, or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result on being barred from the meeting. Persons exiting the Chambers shall do so quietly.

SPECIAL NOTICE

A Special Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Wednesday, July 29, 2026 at 6:00 p.m.

"In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments."

Zoom

Meeting

Link:

<https://us06web.zoom.us/j/83866373145?pwd=fAFdWlXKuJVZYStsVEFq2xITrKYahn.1>

Meeting ID: 838 6637 3145

Passcode:611807

To request to speak during Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free numbers below:

US Toll Free Numbers: 877 853 5247 or 888 788 0099

For higher quality, dial a number based on your current location):

US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 838 6637 3145

Passcode:611807

Participant ID: Press the # key.

To request to speak: Dial *9 on your telephone device to activate the “Raise your Hand” feature on the Zoom platform.

Members of the Public can also submit their request to speak and/or comments via email to the Office of the Town Clerk at eherbello@bayharborislands-fl.gov prior to 4:00 p.m. the day prior to the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL

PUBLIC COMMENT

Speakers are allowed three (3) minutes and up to no more than five (5) minutes at the discretion of the presiding officer to speak on any items on the agenda only during the Public Comment portion of the meeting. Speakers may apportion their time during Public Comment to various agenda items however they wish. Any person who wishes to speak during a public hearing may be heard for no more than two (2) minutes during each public hearing or ordinance on second reading. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than five (5) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

ORDINANCES ON SECOND READING:

1. Consideration and approval of an ordinance on second reading amending Section 12-26 regarding the removal of designated parking authority and the prohibition of on-site worker vehicle congregation before 9:00 a.m. and after 6:00 p.m. Sponsored by Vice Mayor Stephanie Bruder.

2. Consideration and approval of an ordinance on second reading amending Ordinance No. 1100 regarding micromobility to prohibit the use of said devices by individuals under the age of 16. Sponsored by Council Member Eric Rappaport.
3. Consideration and approval of an ordinance on second reading amending and adding provision to Chapter 12, Article II of the Code regarding vessel noise. Sponsored by Council Member Joshua Fuller.

ADJOURNMENT: 7:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



TOWN OF BAY HARBOR ISLANDS PLANNING AND ZONING DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz, Esq., Consultant Town Attorney Evelyn Herbello, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	July 29, 2026
SUBJECT:	Town of Bay Harbor Islands – Ordinance Amending Section 12-26 of the Town Code – Permissible Hours for Construction Activity and Landscaping – Removal of Designated Parking Authority and Prohibition of Off-Site Worker Vehicle Congregation Before 8:30 a.m. and After 6:30 p.m.

RECOMMENDATION

Town Council discretion to approve the attached ordinance amending Section 12-26(1)(a) of the Town Code. The ordinance accomplishes the following:

1. Removes the Town's authority to designate parking, congregation, or staging areas for early arrival or late departure of worker vehicles;
2. Prohibits worker vehicles from parking, waiting, or congregating anywhere outside the construction site before 8:30 a.m. or after 6:30 p.m.;
3. Requires all worker vehicles to remain off surrounding streets and properties during prohibited times;
4. Provides a single exception for vehicles actively engaged in permitted construction activity within the construction site during the allowed 8:30 a.m. to 6:30 p.m. window.

BACKGROUND

On June 11, 2026, the Town Council unanimously approved the ordinance on first reading with a 6-0 vote. Section 12-26 of the Town Code currently governs permissible hours for construction activity and landscaping within the Town. Subsection (1)(a) permits construction activity from 9:00 a.m. until 6:00 p.m., Monday through Friday, with worker arrival and departure limited to 30 minutes before and after those hours (i.e., 8:30 a.m. to 6:30 p.m.). All pre-work and post-work activities are restricted to areas within 100 feet of the actual construction site.

The current ordinance was most recently amended by Ordinance No. 1097 on May 8, 2024, and Ordinance No. 1104 on September 12, 2024. These amendments addressed various procedural and enforcement matters but did not alter the provisions related to designated parking, congregation, or staging areas for workers.

The current ordinance contains language authorizing the Town to designate suitable locations for workers to congregate during early arrival and/or late departure times, subject to rules and regulations to be promulgated by the Town. Additionally, the current ordinance permits workers to remain in their vehicles when possible and grants the Town authority to create rules limiting visible or outdoor worker activities, including sanitation, changing clothes, cooking and eating, and excessive noise.

The Town Council has expressed a desire to remove this designated parking authority and instead prohibit all off-site parking, waiting, or congregation of worker vehicles outside the construction site before 8:30 a.m. or after 6:30 p.m. This amendment reflects the Council's view that such activities may disturb neighboring properties and that no designated staging areas should be permitted.

ANALYSIS

The attached ordinance amends Section 12-26(1)(a) of the Town Code by removing the Town's authority to designate parking, congregation, or staging areas for early arrival or late departure of worker vehicles, and instead imposes a strict prohibition on worker vehicles parking, waiting, or congregating anywhere outside the construction site before 8:30 a.m. or after 6:30 p.m. All language authorizing the Town to create rules and regulations regarding visible or outdoor worker activities—including sanitation, changing of clothes, cooking and eating, and excessive noise—is stricken in its entirety, as the Council no longer wishes to permit any designated off-site staging. New language requires all worker vehicles to remain off surrounding streets and properties entirely during prohibited times, with the sole exception for vehicles actively engaged in permitted construction activity within the construction site during the allowed 8:30 a.m. to 6:30 p.m. window. The amendment preserves the existing 30-minute pre-work and post-work window (8:30 a.m. to 9:00 a.m. and 6:00 p.m. to 6:30 p.m.) and the restriction that all pre-work and post-work activities shall remain within 100 feet of the actual construction site, while providing a clear, enforceable standard that addresses Council concerns regarding disturbances to neighboring properties.

CONCLUSION

This ordinance provides a clear, enforceable standard for worker vehicle parking and congregation in connection with construction activity within the Town. By removing the Town's authority to designate staging areas and instead imposing a strict prohibition on off-site parking, waiting, or congregation before 8:30 a.m. and after 6:30 p.m., the ordinance addresses Council concerns regarding disturbances to neighboring properties.

The amendment is narrowly tailored to the Council's stated objectives and preserves the existing framework for permissible construction hours, pre-work and post-work activities within 100 feet of the construction site, and enforcement mechanisms under Section 12-27.

Approval of this ordinance on second reading will implement the Council's directive to prohibit

designated parking and off-site worker vehicle congregation outside permitted hours.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

2nd Reading Ordinance

ORDINANCE NO. ---

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 12-26 OF THE TOWN CODE, RELATING TO PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; REMOVING AUTHORITY FOR THE TOWN TO DESIGNATE PARKING, CONGREGATION, OR STAGING AREAS FOR EARLY ARRIVAL OR LATE DEPARTURE OF WORKER VEHICLES; PROHIBITING WORKER VEHICLES FROM PARKING, WAITING, OR CONGREGATING ON THE CONSTRUCTION SITE BEFORE 9:00 A.M. OR AFTER 6:00 P.M.; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands desires to clarify the permissible hours for construction activity and landscaping; and

WHEREAS, the Town Council finds that the designation of parking, congregation, or staging areas for early arrival or late departure of worker vehicles is unnecessary and may lead to disturbances of neighboring properties; and

WHEREAS, the Town Council further finds that worker vehicles should not park, wait, or congregate on the construction site before 9:00 a.m. or after 6:00 p.m.; and

WHEREAS, this ordinance amends Section 12-26 to reflect these findings and to provide clear, enforceable standards.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS, FLORIDA:

Section 1: That the foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Section 12-26(1)(a) of the Town of Bay Harbor Islands Code of Ordinances is hereby amended to read as follows (with stricken text deleted and underlined text added).

Section 3: That any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading on 11th day of June 2026.

PASSED on Second Reading this 29th day of July 2026.

FINAL VOTE ON ADOPTION:

Mayor Isaac Salver	_____
Vice Mayor Stephanie Bruder	_____
Council Member Molly Diallo	_____
Council Member Joshua Fuller	_____
Council Member Eric Rappaport	_____
Council Member Elchonon Shagalov	_____
Council Member Robert Yaffe	_____

ISAAC SALVER
MAYOR

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ATTEST:

EVELYN HERBELLO, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

MCCARTER & ENGLISH, LLP
TOWN ATTORNEYS
BY: TANIA CRUZ-GIMENEZ, ESQ.

87
88 EXHIBT A

89 **Sec. 12-26. Permissible hours for construction activity and landscaping.**

90 (1) The performance of construction activity and landscaping within the town shall be allowed
91 pursuant to the following schedule:

92 (a) *Construction activity.* Construction activity is permitted from 9:00 a.m. until 6:00 p.m.
93 Monday through Friday. No construction activity is permitted on Saturdays, Sundays,
94 or legal holidays as defined hereinafter in subsection (2) below, except for watering in
95 connection with dust mitigation. The arrival and departure of workers are limited to 30
96 minutes before and after the above stated construction activity hours. All such pre-
97 work and post-work activities shall be restricted to areas within 100 feet of the actual
98 construction site. ~~The town may designate suitable locations for workers to~~
99 ~~congregate for those early arrival and/or late departure times, subject to rules and~~
100 ~~regulations to be promulgated by the town. Workers shall remain in their vehicles~~
101 ~~when possible and not disturb neighboring properties or the town in general. The town~~
102 ~~may create and enforce rules and regulations to limit visible or outdoor worker~~
103 ~~activities, including but not limited to sanitation, the changing of clothes, cooking and~~
104 ~~eating, excessive noise, and the like. Unless a valid parking permit has been issued,~~
105 ~~all worker vehicles shall leave the designated temporary parking locations before 9:00~~
106 ~~a.m. No designated parking, congregation, or staging areas for early arrival or late~~
107 ~~departure are permitted. Workers and their vehicles shall not park, wait, or congregate~~
108 ~~anywhere within Town limits and outside the construction site before 9:00 a.m. or after~~
109 ~~6:00 p.m. All workers and vehicles must remain off the surrounding streets and~~
110 ~~property entirely during those prohibited times. The only exception is for vehicles~~
111 ~~actively engaged in permitted construction activity within the construction site during~~
112 ~~the allowed 9:00 a.m. to 6:00 p.m. window. Noise/music emission must be in~~
113 ~~accordance with section 12-20 through section 12-23. Failure to comply with the~~
114 ~~above regulations may result in penalties as set forth in section 12-27.~~

115 (b) *Interior repair and maintenance activity.* Repair and maintenance activity inside a
116 dwelling is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. Repair
117 and maintenance activity inside a dwelling is permitted on Saturdays between the
118 hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible
119 noise outside the dwelling.

120 (c) *Landscaping activity.* Landscaping activity is permitted from 9:00 a.m. until 6:00 p.m.
121 Monday to Friday. On Saturdays, landscaping activity is permitted between the hours
122 of 10:00 a.m. and 5:00 p.m., but only by owners and tenants. There shall be no use of
123 leaf blowers on Saturdays. No commercial landscapers are permitted to perform work
124 in the town on Saturdays.

125 (d) *Town projects.* Town projects are permitted from 8:00 a.m. until 6:00 p.m. Monday to
126 Friday. Weekends and night-time hours shall be allowed at the discretion of the town
127 manager, in the public's best interest to finish roadway and right of way projects
128 expeditiously to minimize traffic impact and long-term inconvenience to residents and
129 visitors of the town.

130 (e) *Special Events.* The Town may at its sole discretion depart from the obligations set
131 forth in this Section for Special Events sponsored by the Town that require
132 construction for the activation of said Special Event, including but not limited to
133 erecting stages, installing tents and or booths, and all other construction related

activity that derives from the preparation and breakdown of said Special Event infrastructure.

- (2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday.
- (3) Notwithstanding the 9:00 a.m. start time provided for in subsections (1)(a) and (b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m. until 6:00 p.m. Monday through Friday so long as all new construction and foundation permit(s) remain in full force and effect, except for construction activity located within 375 feet of Ruth K. Broad K-8 that shall commence no earlier than 9:00 a.m. Monday through Friday.
- (4) Effective from September 12, 2024, all projects with active construction sites including new developments, redevelopments, and interior repairs with an issued building permit shall be required to attend monthly meetings with the code enforcement department. These meetings are mandatory and will be scheduled for the following week after the town council meeting. If a project representative is unable to attend a meeting, a \$250.00 fee will be imposed for each missed meeting. The meeting will ensure the project representatives are informed about any new or forthcoming ordinances approved by the town council.



TOWN OF BAY HARBOR ISLANDS LEGAL DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz-Gimenez, Esq., Interim Town Attorney Evelyn Herbello, Town Clerk
FROM:	Carlos Gimenez, Interim Town Attorney
DATE:	July 29, 2026
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to the regulation of Bicycles, motorized and other similar devices.

Staff recommends that the Town Council approves the attached Ordinance on second and final reading amending Chapter 18, Article I of the Town Code. This Ordinance, which was approved on first reading by the Town Council on June 11, 2026, with non-substantive amendments:

- 1) Prohibits powered micromobility devices from all Town sidewalks. Powered micromobility devices include, but are not limited to, electric scooters, electric bicycles, electric skateboards, electric personal assistive mobility devices (EPAMDs), and any similar device powered by an electric motor (“Devices”). Automobiles, motorcycles and golf carts, along with traditional, non-motorized devices such as human-powered bicycles, skateboards, or roller skates are not subject to this prohibition.

- 2) Adds a new prohibition making it unlawful for any person under the age of 16 years to operate or utilize any of the enumerated Devices within the Town, and to require a valid form of identification while operating a subject Device ("Age Prohibition"). Said form of identification does not need to be a Driver's License, and a Driver's License is not required to operate a subject Device consistent with Florida Law.
- 3) Adopts the penalties for violation of the attached Ordinance consistent with Chapter 18, Article I of the Town Code, providing an exception if valid identification is provided upon claiming any impounded Device.

This Ordinance strengthens safety measures for all road users, particularly pedestrians and young children, while providing for standards stricter than provided by Florida Statutes based on the findings by the Town Council that these standards protect the health, safety and welfare of the residents.

The Town Council had made an amendment to the Ordinance on first reading to allow minors 15 years of age to operate the subject Devices if they met the condition of holding a valid State of Florida learner's permit. However, since Florida Statute expressly states that operators of the subject Devices are not required to have a license, this would violate Florida law, therefore we recommend that this provision not be added to the Ordinance in second reading. In the alternative, the Town Council has the discretion to apply the prohibition to those that are younger than 15 years of age, provided that they have a valid form of identification that is not a Driver's License or Learner's License, such as a birth certificate or Florida ID (which can be obtained from the age of 5 years old).

BACKGROUND

The "Florida Uniform Traffic Control Law" standardizes traffic regulations statewide, ensuring consistency in enforcement across counties and municipalities. Local governments are prohibited from enforcing ordinances that conflict with state traffic laws unless expressly authorized. The Town of Bay Harbor Islands has also enacted specific regulations pertaining to bicycles. Section 18-9, titled "Prohibition of the riding of bicycles on town sidewalks located on bridges," was initially enacted on October 13, 2008. Additionally, Section 18-11, addressing "Bicycle parking," was approved on April 16, 2018, both following second reading. Furthermore, counties or municipalities have the authority to regulate bicycles and motorized scooters on sidewalks within their jurisdictions. They also oversee bicycle and motorized scooter share programs, allowing short-term rentals within designated areas under legal constraints.

The Florida Statutes have been amended to grant counties and municipalities the authority to regulate bicycles and motorized devices in accordance with state and federal regulations. Users of subject Devices have rights and obligations similar to those of bicycle riders. A valid driver's license is unnecessary, and parking motorized devices in designed areas without hindering pedestrians. Furthermore, the Florida Statutes exempt motorized scooters from regulations pertaining to the sale of miniature motorcycles,

underscoring their unique regulatory status within the state's traffic laws. That being said, municipalities are allowed to enact age-based restrictions upon finding that the health, safety and welfare of residents would be protected and preserved by said restriction.

Non-substantive amendments have been made to the Ordinance since first reading pursuant to the Council's approval upon an affirmative vote. This second reading is requested for final adoption.

ANALYSIS

The regulations governing the operation of bicycles in Florida under state traffic control laws, primarily outlined in Section 316.2065, F.S. Bicyclists are considered vehicle operators and are obliged to adhere to the same rules of the road as other vehicle operators, encompassing compliance with traffic signs, signals, and lane markings.

Key regulations specified in Section 316.2065 include:

- **Bicycle Helmet Requirement:** Individuals under 16 years of age, whether riders or passengers, are mandated to wear a bicycle helmet for safety.
- **Rental of Bicycles to Minors:** It is prohibited to rent or lease a bicycle to a child under 16 years of age unless the child possesses a bicycle helmet, or the lessor provides one.
- **Lighting Requirements:** Bicycles in use between sunset and sunrise must be equipped with lamps on the front and rear, exhibiting white and red lights respectively, visible from specified distances to ensure visibility and safety during low light conditions.
- **Operation on Sidewalks and Roadways:** Bicyclists operating on sidewalks or crosswalks must yield to pedestrians and signal audibly before passing them. On roadways, bicyclists must ride in bicycle lanes where available or as close to the right hand curb as practicable, with exceptions for overtaking, turning, or avoiding hazards.

These regulations aim to ensure bicyclists' safety, promote responsible cycling behavior, and minimize conflicts with other road users. Compliance is crucial to fostering a safe transportation environment for all. Regarding electric personal assistive mobility devices (EPAMDs), governed by Section 316.2128, F.S., key regulations include:

- **Operational Parameters:** EPAMDs may operate on roads with speed limits of 25 mph or less, marked bicycle paths, streets where bicycles are permitted, intersections, and sidewalks with pedestrian right-of-way adherence.
- **Licensing and Registration:** A valid driver's license is not required for EPAMD operation, and they need not be registered or insured.
- **Helmet Requirement:** Individuals under 16 must wear a properly fitted bicycle

helmet while operating EPAMDs.

- Local Regulation: Counties or municipalities may regulate EPAMD operation if deemed necessary for safety, and the Department of Transportation may impose prohibitions on certain roads for safety reasons.

Specific Amendments in this Ordinance

1) Prohibition on Town Sidewalks (Section 18-10)

Current Town law permits subject Devices to operate on public sidewalks at speeds up to 15 miles per hour. However, Florida law now provides that local municipalities may set speed limits on sidewalks not exceeding 10 miles per hour, or the statutory limit, whichever is lower. On first reading the Council amended the Ordinance to prohibit the use of Devices on Town sidewalks which provides a stricter standard than Florida Statutes upon a finding that said standard would be in the interests of the health, safety and welfare of its residents. Adoption of the Ordinance is firmly within the Town Council's discretion as the Town's governing body and consistent with Florida law.

2) Age Restriction for Powered Micromobility Devices (Section 18-12)

While Florida law mandates helmet use for operators under 16, it does not expressly prohibit minors from operating relevant Devices. The Town has identified a safety hazard posed by minors under the age of 16 operating electric Devices often at unsafe speeds and without adult supervision.

This Ordinance adds a new prohibition making it unlawful for any person under the age of 16 years to operate subject Devices within the Town. This age restriction is reasonably tailored to the Town's unique character and furthers the Town's interests in protecting the health, safety and welfare of its residents and visitors alike.

EXECUTE

This Ordinance prohibits subject Devices from Town sidewalks while prohibiting operation of said Devices by persons under 16 years. This action is within the Town Council's governing discretion to protect the health, safety and welfare of its residents. These prohibitions ensure that regulations concerning the operation of the subject Devices remain relevant and responsive to the changing needs and legitimate safety concerns of the community.

The Town's Police Department will be responsible for enforcing these provisions. Violations will be subject to the enforcement provisions, schedule of civil penalties, and appeal procedures set forth in Sections 18-13, 18-14, and 18-15 of the Town Code. Public education efforts will be conducted to inform residents, parents, and visitors of the new prohibitions and requirements.

The Town Council approved the first reading of this Ordinance on June 11, 2026, with non-substantive amendments. Staff now requests final adoption on second reading.

CONCLUSION

In conclusion, the proposed Ordinance reflects the Town's proactive approach to the regulation of subject Devices recognizing the threat to health, safety and welfare of its residents that unregulated use of said Devices pose to the public.

The proposed regulations aim to protect the health, safety and welfare of its residents by integrating new prohibitions and updated regulations as to the operation of Devices into the Town's ordinance framework. These revisions, guided by Florida's traffic laws, emphasize safety measures such as mandatory helmet use for minors, prohibition of subject Devices on Town sidewalks, and a prohibition for operators under 16 years of age for subject Devices.

The Town Council's approval of the first reading on June 11, 2026, occurred with non-substantive amendments. By adopting these measures, the Town seeks to improve mobility options while maintaining safety and accessibility for all residents and visitors.

The Town Council's approval of this Ordinance on second reading will finalize a more cohesive and responsive approach to the regulation of subject Devices, positioning the Town as a leader in sustainable and safe urban mobility, protecting its residents, and especially minors.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance

2026382er

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2 An act relating to micromobility devices; amending s.
3 316.20655, F.S.; providing requirements for the
4 operation of electric bicycles; prohibiting the
5 operation of an electric bicycle above a certain speed
6 under certain circumstances; providing penalties;
7 creating the Micromobility Device Safety Task Force
8 adjunct to the Department of Highway Safety and Motor
9 Vehicles; requiring the department to provide
10 administrative and staff support services to the task
11 force; providing the purpose of the task force;
12 providing the composition of the task force; requiring
13 the appointment of task force members within a
14 specified timeframe; providing the manner in which
15 task force vacancies must be filled; requiring that
16 the task force convene within a certain timeframe;
17 requiring the task force to meet at least monthly;
18 providing requirements for the time and place of the
19 task force meetings; providing that members of the
20 task force are entitled to reimbursement for per diem
21 and travel expenses; requiring the task force to
22 develop and submit a certain report to the Governor
23 and Legislature by a specified date; providing for the
24 expiration of the task force; requiring the Florida
25 Highway Patrol and each police department and
26 sheriff's office to maintain a certain list, beginning
27 on a certain date; providing requirements for the
28 list; requiring each police department and sheriff's
29 office to submit a certain report to the department by

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30 a specified date; requiring the department to provide
31 a certain report to the Governor and Legislature by a
32 specified date; providing effective dates.
33

34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. Effective July 1, 2026, subsection (10) is added
37 to section 316.20655, Florida Statutes, to read:

38 316.20655 Electric bicycle regulations.—

39 (10) (a) A person operating an electric bicycle on a shared
40 pathway that is not located adjacent to a roadway, including a
41 shared pathway located in a park or recreational area, shall
42 yield to pedestrians and shall give an audible signal before
43 overtaking and passing a pedestrian.

44 (b) A person operating an electric bicycle on a sidewalk or
45 any other area designated for pedestrian use may not operate the
46 electric bicycle at a speed greater than 10 miles per hour if a
47 pedestrian is within 50 feet of the electric bicycle.

48 (c) A person who fails to comply with this subsection
49 commits a noncriminal traffic infraction, punishable as a
50 nonmoving violation as provided in chapter 318.

51 Section 2. Micromobility Device Safety Task Force.—

52 (1) CREATION.—The Micromobility Device Safety Task Force, a
53 task force as defined in s. 20.03(5), Florida Statutes, is
54 created adjunct to the Department of Highway Safety and Motor
55 Vehicles. The department shall provide administrative and staff
56 support services related to the functions of the task force.

57 (2) PURPOSE.—The purpose of the task force is to examine
58 and recommend improvements to state law and the regulatory

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59 framework governing micromobility devices as defined in s.
60 316.003, Florida Statutes, in order to encourage the safe
61 operation of micromobility devices and to prevent traffic
62 incidents, injuries, and fatalities involving such devices.

63 (3) MEMBERSHIP; MEETINGS.—

64 (a) The task force shall be composed of the executive
65 director of the Department of Highway Safety and Motor Vehicles,
66 or his or her designee; the Secretary of Transportation, or his
67 or her designee; and the following members, who shall be
68 appointed by the executive director of the Department of Highway
69 Safety and Motor Vehicles:

70 1. A representative from the Florida Sheriffs Association.

71 2. A representative from the Florida Police Chiefs
72 Association.

73 3. A representative from the micromobility device industry.

74 4. A representative from the Florida League of Cities.

75 5. A representative from the Florida Association of
76 Counties.

77 6. A representative from the medical field with experience
78 in treating bicyclist and pedestrian injuries.

79 7. A representative from an organization involved in
80 efforts to prevent injuries and fatalities involving
81 micromobility devices, including electric bicycles and motorized
82 scooters.

83 (b) Appointments to the task force must be made within 15
84 days after this act becomes a law.

85 (c) The executive director of the Department of Highway
86 Safety and Motor Vehicles, or his or her designee, shall chair
87 the task force. Any vacancy on the task force must be filled in

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the same manner as the original appointment.

(d) The task force shall convene no later than 30 days after this act becomes a law. The task force shall meet at least monthly, but may meet more frequently at the call of the chair. At least one meeting of the task force must occur in each of the following regions of the state: North Florida, Central Florida, and South Florida. All meetings shall be held at the time and place designated by the chair.

(e) Members of the task force shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(4) REPORT.—The task force shall prepare a report that includes legislative recommendations for improvements to state law and the regulatory framework governing micromobility devices. The report must take into account methods to improve traffic safety for micromobility device operators and riders, pedestrians, and other vehicle operators through reasonable measures designed to reduce traffic incidents, injuries, and fatalities. Before October 1, 2026, the task force shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon submission of the report, the task force shall expire.

Section 3. (1) Beginning 30 days after this act becomes a law, the Florida Highway Patrol and each police department and sheriff's office shall maintain a list of all traffic crashes that the respective agency investigates which involve a micromobility device. Each micromobility device crash must be included in the list, regardless of whether the crash is

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117 reported on a Florida Traffic Crash Report, Long Form; short-
118 form crash report; or driver exchange-of-information form. The
119 list must contain the following information for each traffic
120 crash involving a micromobility device:

121 (a) Date and time of the crash.

122 (b) If applicable, the class of electric bicycle involved
123 in the crash.

124 (c) Age of the micromobility device operator involved in
125 the crash.

126 (d) If known, whether the micromobility device operator
127 possessed a valid Florida learner's driver license or driver
128 license at the time of the crash.

129 (2) By October 15, 2026, each police department and
130 sheriff's office shall submit a report to the Department of
131 Highway Safety and Motor Vehicles which contains a list of all
132 micromobility device crashes investigated by the respective
133 police department or sheriff's office from the beginning of the
134 reporting period through September 30, 2026. The report must be
135 submitted in a form and manner determined by the department.

136 (3) By October 31, 2026, the Department of Highway Safety
137 and Motor Vehicles shall submit to the Governor, the President
138 of the Senate, and the Speaker of the House of Representatives a
139 report summarizing the reports submitted to the department
140 pursuant to subsection (2) and include in the report the list
141 maintained by the Florida Highway Patrol pursuant to subsection
142 (1). The report must separate the micromobility device crash
143 data by device type and county and list the reporting law
144 enforcement agencies within each county.

145 Section 4. Except as otherwise expressly provided in this

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146 act, this act shall take effect upon becoming a law.

Sec. 18-10. Regulation of bicycles, motorized, non-motorized and other similar devices.

This section aims to grant the Town of Bay Harbor Islands the authority to regulate the use of micromobility devices, bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized) on town roads as well as sidewalks.

(1) *Definitions.*

Bicycle means every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.

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

Electric bicycle 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:

- a. *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.
- b. *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.
- c. *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.
- d. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR § 35.104, as may be amended.

Micromobility device means motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term shall also include those devices defined in F.S. § 316.003(41), as may be amended. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR § 35.104, as may be amended.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of two-brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

Motorized devices means those powered by a motor or engine, such as electric scooters, hover boards, electric bicycles, electric skateboards, and other similar devices.

Motorized scooter or scooters means any 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 a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

Non-motorized devices rely on human propulsion for movement, like bicycles, skateboards, scooters, or other similar devices.

Pedestrian means any person on foot.

Public right-of-way or *right-of-way* means any public street, highway, sidewalk, parkway, alley, or public parking lot.

Rider or *operator* means a person riding, driving, or otherwise operating a motorized or non-motorized device.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

- (2) *Rules and regulations for motorized and/or non-motorized devices (excluding bridges).* This section supplements the general traffic laws of the State of Florida, with the aim of governing the operation of bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized). It emphasizes safety and well-being for all users of public rights-of-way. This section shall not be construed to regulate "wheelchairs" or "other power-driven mobility devices" as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended.
- a. Riders of motorized and non-motorized devices shall comply with all applicable state, county and town traffic laws, rules, and regulations as may be applicable to such devices.
 - b. Riders of motorized and non-motorized devices may be ticketed for traffic violations, as applicable, in the same manner as motor vehicles.
 - c. The operation of motorized and non-motorized devices on public sidewalks or walkways must yield the right-of-way to all pedestrians. All motorized and non-motorized devices within the town are limited to a maximum speed of 15 miles per hour on the public sidewalks. Devices capable of exceeding this speed limit are prohibited from being used on sidewalks.
 - d. Motorized and non-motorized devices are allowed to operate within bike lanes, if available, on shared use paths, designated by the town, upon streets or other areas as authorized by the town manager. All devices are required to go with the flow of traffic.
 - e. Ridership of more than one person on any bicycle and motorized device is prohibited, unless such micromobility device is specifically designed to carry more than one person.
 - f. It is prohibited for a rider or riders to sit where feet are supposed to be placed, unless such micromobility device is specifically designed with a seat.
 - g. All bicycle and motorized devices must comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended, which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.
 - h. In addition to Town Code, bicycles and motorized devices are subject to all state laws pertaining to micromobility devices, motorized scooters, or electric bicycles, as applicable, and as may be amended.

(Ord. No. 1100, § 2(Exh. A), 8-14-2024)

ORDINANCE NO. 1100

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF BICYCLES, MOTORIZED AND OTHER SIMILAR DEVICES; AMENDING CHAPTER 18, ARTICLE I, SECTION 18-9 "PROHIBITION OF THE RIDING OF BICYCLES AND MOTORIZED DEVICES", SECTION 18-11 "BICYCLES AND MOTORIZED DEVICES PARKING"; RETITLING FROM RESERVED TO SECTION 18-10 "REGULATION OF BICYCLES AND MOTORIZED DEVICES (EXCLUDING BRIDGES)", SECTION 18-12 "REQUIREMENT FOR OPERATORS UNDER SIXTEEN (16) YEARS OLD", SECTION 18-13 "ENFORCEMENT", SECTION 18-14 "SCHEDULE OF CIVIL PENALTIES", AND SECTION 18-15 "APPEALS"; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted bicycle parking on April 16, 2018 to restrict interference with the flow of pedestrian and vehicular traffic and to ensure the safety of all persons traversing sidewalks, streets, rights-of-way, and public property in the town; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, Section 316.2128, Florida Statutes, gives motorized scooters and micromobility devices all of the rights and duties applicable to the rider of a bicycle; and

WHEREAS, Section 316.2128, Florida Statutes, allows for local governments to regulate by ordinances the operation of micromobility and motorized scooters on streets, highways, sidewalks, and sidewalk areas within the local government's jurisdiction; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands, wish to establish Sections 18-10, "Regulation of bicycles, motorized, and other similar devices (excluding bridges)", 18-12, "Requirement for Operators Under Sixteen (16) Years Old", 18-13 "Enforcement", 18-14, "Schedule of civil penalties", and 18-15 "Appeals" in Chapter 18 Streets and Sidewalks, to improve the safety for both residential and tourist micromobility users, protect pedestrians and cyclists, ensure vehicle access, regulate micromobility providers, and reduce the risk of micromobility vehicles becoming a nuisance within the Town; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands, periodically reviews the Town's Code of Ordinances to ensure that the Code meet the needs of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 18 of the Town Code entitled Streets and Sidewalks is hereby amended, Article I, Section 18-9 "Prohibition of the riding of bicycles and motorized devices on town sidewalks located on bridges", Section 18-10 "Regulation of bicycles, motorized, and other similar devices (excluding bridges)", and Section 18-11 "- Bicycle and Motorized devices parking"; addition retitled reserved to Section 18-12 "Requirement for Operators Under Sixteen (16) Years Old", Section 18-13 "Enforcement", 18-14 "Schedule of civil penalties ", and Section 18-15 "Appeals" to modify the provision related to bicycles, motorized and non-motorized fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

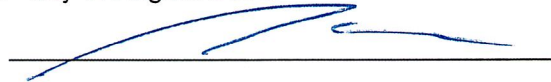
Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

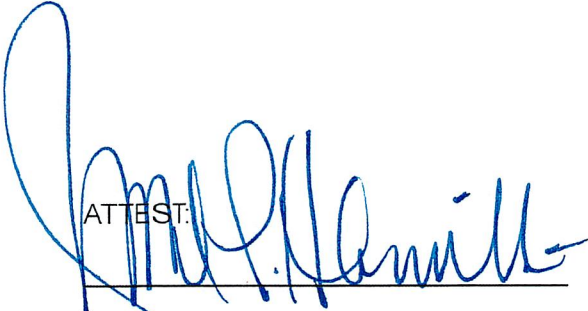
Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 18th day of June 2024.

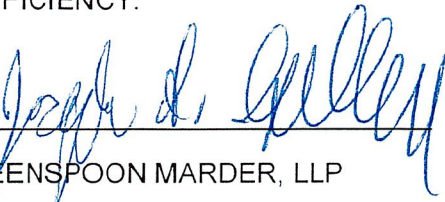
PASSED on Second Reading this 14th day of August 2024.


JOSHUA D. FULLER, MAYOR

ATTEST:


YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:



GREENSPOON MARDER, LLP
TOWN ATTORNEYS

BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Chapter 18 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 18-9. - Prohibition of the riding of bicycles, skateboards, scooters, and other similar devices (motorized or non-motorized) on town sidewalks located on bridges.

The riding of bicycles, electric bicycles, hover boards, electric scooters, scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized) on town sidewalks located on bridges shall be prohibited and unlawful with the exception of law enforcement officers in performance of their duties. Riders or operators of motorized or non-motorized devices must dismount and walk across all sidewalks situated on the bridges. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Sec. 18-10. – ~~Reserved~~ Regulation of bicycles, motorized, non-motorized and other similar devices.

This section aims to grant the Town of Bay Harbor Islands the authority to regulate the use of micromobility devices, bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized) on Town roads as well as sidewalks.

1. Definitions.

- a. Bicycle: Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.
- b. Bicycle Lane: Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.
- c. 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:
 - i. "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.
 - ii. "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.
- iii. “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.
 - iv. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.
- d. Moped: Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.
 - e. Motorized scooter or scooters: Any 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 a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.
 - f. Motorized devices: Those powered by a motor or engine, such as electric scooters, hover boards, electric bicycles, electric skateboards, and other similar devices.
 - g. Micromobility device: Motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.
 - h. Non-motorized devices: Rely on human propulsion for movement, like bicycles, skateboards, scooters, or other similar devices.
 - i. Pedestrian: Any person on foot.
 - j. Public right-of-way or right-of-way: any public street, highway, sideway, parkway, alley, or public parking lot.

- k. Rider or operator: A person riding, driving, or otherwise operating a motorized or non-motorized device.
 - l. Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.
2. Rules and regulations for motorized and/or non-motorized devices (excluding bridges).
- This section supplements the general traffic laws of the State of Florida, with the aim of governing the operation of bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized). It emphasizes safety and well-being for all users of public rights-of-way. This section shall not be construed to regulate "wheelchairs" or "other power-driven mobility devices" as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended.
- a. Riders of motorized and non-motorized devices shall comply with all applicable state, County and Town traffic laws, rules, and regulations as may be applicable to such devices.
 - b. Riders of motorized and non-motorized devices may be ticketed for traffic violations, as applicable, in the same manner as motor vehicles.
 - c. The operation of motorized and non-motorized devices on public sidewalks or walkways must yield the right-of-way to all pedestrians. All motorized and non-motorized devices within the town are limited to a maximum speed of 15 miles per hour on the public sidewalks. Devices capable of exceeding this speed limit are prohibited from being used on sidewalks.
 - d. Motorized and non-motorized devices are allowed to operate within bike lanes, if available, on shared use paths, designated by the town, upon streets or other areas as authorized by the town manager. All devices are required to go with the flow of traffic.
 - e. Ridership of more than one (1) person on any bicycle and motorized device is prohibited, unless such micromobility device is specifically designed to carry more than one person.
 - f. It is prohibited for a rider or riders to sit where feet are supposed to be placed, unless such micromobility device is specifically designed with a seat.
 - g. All bicycle and motorized devices must comply with the lighting standards set forth in section 316.2065(7), Florida Statutes, as may be amended,

which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.

- h. In addition to town code, bicycles and motorized devices are subject to all state laws pertaining to micromobility devices, motorized scooters, or electric bicycles, as applicable, and as may be amended.

Sec. 18-11. – Bicycle, Motorized and Non-Motorized devices parking.

- a) Purpose. The purpose of this section is to restrict interference with the flow of pedestrian and vehicular traffic and to ensure the safety of all persons traversing sidewalks, streets, rights-of-way, and public property in the town. Motorized devices are those powered by a motor or engine, such as electric scooters, hover board electric bicycles, electric skateboards, and other similar devices.
- b) Bicycle Motorized and/or non-motorized devices parking. All bicycles, skateboards, scooters, and other similar devices (motorized and/or non-motorized) when parked within the town, shall be parked in areas or zones designated and marked by the town for such purpose or otherwise by agreement between the town and the bicycle device owner, unless parked within private property by the property owner or with the consent of the property owner.
 - 1) Motorized or non-motorized devices shall not be parked upon any public right-of-way (street, alley and/or sidewalk), except in a location designated for such parking.
 - 2) Motorized or non-motorized devices shall not be parked in a manner that obstructs the ingress or egress from any park or parking location.
 - 3) Motorized or non-motorized devices shall not be parked in a manner that prevents any right-of-way from maintaining at least 3 feet of walkway clearance.
- c) Removal of bicycles, motorized or non-motorized devices improperly parked. Law enforcement officers or public service aids are hereby authorized to remove bicycles improperly parked and bring them to an impoundment area, such other place of safety, or to an area designated or maintained by the town for bicycles. Abandoned and lost bicycles shall be administered pursuant to Chapter 705, Florida Statutes.
- d) Charges to be paid before property released from impoundment. No property retained in an impoundment area as herein provided shall be released therefrom until the charges for notice, transportation of such property into an impoundment area, and storage charges have been paid. Such charges shall be fixed by resolution based upon a computation of all actual expenses entered into the notice, removal, and storage of the same. Such charge or charges shall be

available for public inspection in the office of the town clerk Bay Harbor Islands Police department.

Sec. 18-12- Reserved Requirement for Operators Under Sixteen (16) Years Old.

Any person under the age of sixteen (16) years old shall operate a motorized and/or non-motorized device must wear a helmet that is properly fitted and is fastened securely upon the operator's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203 as provided in section 316.2065, Florida Statutes. It is unlawful for the parents, legal guardian, or custodian of a minor child to knowingly permit the child to violate any provision of this section.

- a) The offense maybe be issued to the parents, legal guardian, or custodian of a minor child. All devices will be impounded and will require a pickup from the parents, legal guardian, or custodian of a minor child to claim the device.

Sec. 18-13- Reserved Enforcement.

A violation of this section shall be a traffic infraction and is punishable by any allowable fine or action applicable under Florida law. The police department will enforce all violations related to the use of bicycles, skateboards, scooters, and similar devices (whether motorized or non-motorized).

- a) Bay Harbor Police department and public service aids may issue a bicycle, motorized, and non-motorized device safety brochure and a verbal warning to a bicycle or motorized rider or passenger who violates this subsection.
- b) Any person violating a provision of this chapter shall be subject to the penalties and remedies provided.
- c) Each violation, and each day, or portion thereof, that a violation of this section exists shall constitute a separate offense.

Sec. 18-14- Reserved Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

- a) Penalties

<u>Code section</u>	<u>Description of violation</u>	<u>Civil penalty</u>
<u>Sec. 18-9</u>	<u>The riding of bicycles and motorized devices in a prohibited area.</u>	<u>First offense: \$50.00</u>
	<u>Town bridges sidewalk</u>	<u>Second offense: \$100.00</u>

	• <u>Construction site</u> • <u>Riding into oncoming traffic</u>	<u>Third or subsequent offense: \$250.00, plus impound fee.</u>
	<u>The riding of a motorized or non-motorized device, vehicle or bicycle which results in a strike, hit, or collision involving or which injures, a pedestrian.</u>	<u>First offense: \$500.00</u> <u>Second or subsequent offense: \$1,000.00 plus impound fee.</u> <u>Sec. 316.027, Florida Statutes: The fee will be determined by Law enforcements</u>
Sec. 18-10(2)(e)	<u>Ridership of more than one (1) person on any bicycle and motorized device.</u>	<u>First offense: \$50.00</u> <u>Second or subsequent offense: \$100.00</u>
Sec. 18-12	<u>Any person under the age of sixteen (16) years old operating a motorized and/or non-motorized device without a helmet.</u>	<u>First offense: \$50.00</u> <u>Second or subsequent offense: \$100.00, plus impound fee</u>
Sec. 18-10(2)(g)	<u>Operating a bicycle and motorized device without lighting standards.</u>	<u>First offense: A warning citation</u> <u>Second or subsequent offense: \$50.00, plus impound fee</u>
Sec. 18-12(a)	<u>Impound of motorized and/or motorized per devices.</u>	<u>First offense: \$25.00</u> <u>Second or subsequent offense: \$50.00 plus \$10.00 per day</u>

Sec. 18-15- Reserved Appeals.

1. A violator who has been served with a notice shall elect either to:
 - a. Pay the civil penalty in the manner and within the time indicated on the notice; or

- b. Request an administrative hearing before the special magistrate to appeal the decision of the Law enforcement officer which resulted in the issuance of the fine.
- 2. An appeal of the notice shall be accomplished by filing a request in writing to the address indicated on the notice, not later than forty-five (45) calendar days after the date of service of the notice.
- 3. If the named violator, after notice, fails to pay the civil penalty or to timely request an administrative hearing before the special magistrate, the special magistrate shall be informed of such failure by report from the law enforcement officer in the form of an affidavit. Failure of the violator to appeal the decision of the law enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties may be assessed accordingly.

Secs. 18-126 —18-20. - Reserved.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 18 ("TRAFFIC AND VEHICLES") OF THE TOWN CODE OF ORDINANCES; AMENDING SECTION 18-10 ("REGULATION OF BICYCLES, MOTORIZED, NON-MOTORIZED AND OTHER SIMILAR DEVICES") TO REVISE SPEED LIMITS ON SIDEWALKS; AMENDING SECTION 18-12 ("REQUIREMENT FOR PASSENGERS UNDER 16 YEARS OLD; PROHIBITION FOR OPERATORS UNDER 16 YEARS OLD"); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the use of bicycles, scooters, and other micromobility devices has increased throughout the Town of Bay Harbor Islands; and

WHEREAS, the Town Council finds that regulation of such devices is necessary to ensure pedestrian safety and the general welfare of residents and visitors; and

WHEREAS, the Town Council desires to prohibit the use of powered micromobility devices on sidewalks and walkways and establish age-based safety restrictions for powered micromobility devices; and

WHEREAS, the Town Council finds that minors under the age of sixteen (16) should be prohibited from utilizing powered micromobility devices as a matter of public health, safety and welfare; and

WHEREAS, the Town Council finds that operators of powered micromobility devices shall be required to hold a valid government issued form of identification at all times while operating same;

28 **WHEREAS**, the Town Council finds that these amendments will promote safer
29 shared use of public rights-of-way;

30 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
31 **TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

32 **Section 1:** That the foregoing recitals are adopted and hereby incorporated as if
33 fully set forth herein.

34 **Section 2:** That Chapter 18 (“Traffic and Vehicles”) of the Code of Ordinances of
35 the Town of Bay Harbor Islands is hereby amended as provided in Exhibit “A” attached
36 hereto (with stricken text deleted and underlined text added).

37 **Section 3:** That any section, paragraph, sentence or word of this Ordinance or
38 the application thereof to any person or circumstance is held invalid, that the invalidity
39 shall not affect the other sections, paragraphs, sentences, words or application of this
40 Ordinance.

41 **Section 4:** That it is the intention of the Town Council of the Town of Bay Harbor
42 Islands, and it is therefore ordained, that the provisions of this Ordinance shall become
43 and be made a part of the Town of Bay Harbor Islands’ Code of Ordinances, that sections
44 of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and
45 that the word “Ordinance” shall be changed to “Section” or other appropriate word.

46 **Section 5:** That all Ordinances, parts of Ordinances, or Resolutions in conflict
47 herewith be and the same are hereby repealed to the extent of such conflict.

48 **Section 6:** That this Ordinance shall be in full force and take effect immediately
49 upon its passage and adoption.

50

51 PASSED on First Reading this 11th day of June, 2026.

52 PASSED on Second Reading this 29th day of July, 2026.

53
54 **FINAL VOTE ON ADOPTION:**

55
56 Mayor Isaac Salver _____
57 Vice Mayor Stephanie Bruder _____
58 Council Member Molly Diallo _____
59 Council Member Joshua Fuller _____
60 Council Member Eric Rappaport _____
61 Council Member Elchonon Shagalov _____
62 Council Member Robert Yaffe _____

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67 _____
68 Isaac Salver
69 Mayor
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73 ATTEST:

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75 Evelyn Herbello, MMC
76 Town Clerk
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78
79 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
80 FOR THE USE AND BENEFIT OF THE TOWN ONLY:

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82 _____
83 McCarter & English
84 Tania Cruz-Gimenez, Esq.
85 Interim Town Attorney
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91 **Exhibit "A"**

92 **Sec. 18-10. - Regulation of bicycles, motorized, non-motorized and other similar**
93 **devices.**

94 (2) Rules and regulations for motorized and/or non-motorized devices (excluding
95 bridges). This section supplements the general traffic laws of the State of Florida, with the
96 aim of governing the operation of bicycles, electric bicycles, skateboards, hover boards,
97 scooters, electric scooters, shared mobility devices, and similar modes of transportation
98 (motorized or non-motorized). It emphasizes safety and well-being for all users of public
99 rights-of-way. This section shall not be construed to regulate "wheelchairs" or "other
100 power-driven mobility devices" as defined under the Americans with Disabilities Act
101 (ADA), 28 CFR § 35.104, as may be amended. The rules and regulations set forth herein
102 do not apply to automobiles and/or golf carts.

103 c. ~~The operation of motorized and non-motorized devices on public sidewalks or~~
104 ~~walkways must yield the right-of-way must yield to all pedestrians is hereby~~
105 prohibited. ~~All motorized and non-motorized devices within the town are limited to~~
106 ~~a maximum speed of 15 miles per hour on the public sidewalks. Devices capable~~
107 ~~of exceeding this speed limit are prohibited from being used on sidewalks. The~~
108 operation of non-motorized devices on public sidewalks or walkways must yield
109 the right-of-way to all pedestrians and cannot exceed 10 miles per hour.

110 **Sec. 18-12. – Requirement for operators passengers under 16 years old; prohibition**
111 **for operators under 16 years old.**
112

113 For purposes of this section, "powered micromobility device" includes, but is not limited
114 to, electric scooters, electric bicycles, electric skateboards, and any similar device
115 powered by an electric motor, however does include cars and/or golf carts. Any person
116 under the age of 16 years old either operating or as a passenger of a motorized and non-
117 motorized device, including powered micromobility devices, must wear a helmet that is
118 properly fitted and is fastened securely upon the operator's head by a strap and that
119 meets the federal safety standard for bicycle helmets, final rule, 16 CFR part 1203 as
120 provided in F.S. § 316.2065. It shall be unlawful and prohibited for any person under the
121 age of 16 years to operate or utilize any powered micromobility device within the Town.
122 Those 16 years and older who operated a powered micromobility device shall be in
123 possession of a valid government issued form of identification such as a Florida
124 Identification Card. Driver's or Learner's licenses shall be unnecessary but can be utilized
125 to prove compliance with this Section. It is unlawful for the parents, legal guardian, or
126 custodian of a minor child to knowingly permit the child to violate any provision of this
127 section.

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(a) The offense maybe be issued to the parents, legal guardian, or custodian of a minor child. All devices will be impounded and will require a pickup from the parents, legal guardian, or custodian of a minor child to claim the device. The enforcement and fines set forth in Sec. 18-13 and Sec. 18-14 are waived if valid government issued identification, proving that the operator is 16 years or older, is provided to the Town when claiming the device.



TOWN OF BAY HARBOR ISLANDS LEGAL DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Lindsley Noel, Town Manager
CC:	Tania Cruz-Gimenez, Esq., Interim Town Attorney Evelyn Herbello, Town Clerk
FROM:	Carlos Gimenez, Interim Town Attorney
DATE:	July 29, 2026
SUBJECT:	Town of Bay Harbor Islands – Amending the Town Code Related to Vessel and Floating Structure Noise Regulations

Staff recommends that the Town Council approve the attached Ordinance on second reading amending Chapter 12, Article II of the Town Code relating to noise regulations, specifically as they relate to vessels and other floating structures within the jurisdictional waters of the Town. The proposed Ordinance:

- (1) Amends Section 12-22 establishing that excessive vessel noise is considered a prohibited act as a nuisance.
- (2) Creates new Section 12-29 regulating vessel and floating structure noise, providing for definitions and methods of enforcement.
- (3) Establishes that both the 60 dBA maximum sound level measured at 100 feet and/or a plainly audible standard can be utilized as proof of a violation of the Ordinance.
- (4) Prohibits excessive and unreasonable vessel-generated noise.

(5) Authorizes enforcement by law enforcement and code enforcement officers.

(6) Provides penalties generally consistent with Miami-Dade County regulations.

BACKGROUND

The Town is a waterfront residential community that has experienced increasing complaints associated with amplified music and excessive noise generated from vessels and floating structures operating within and adjacent to Town waterways. The existing noise regulations do not specifically address vessel-generated noise nor establish objective standards for enforcement. As such, the Town Council is seeking to address the concerns of the Town's residents with regard to the quiet use and enjoyment of their property. The Town Council through adoption of this Ordinance would create an enforcement mechanism that has been unavailable to date.

ANALYSIS

The Ordinance establishes objective standards regulating vessel-generated noise, including measurable decibel limits, a plainly audible standard, enforcement procedures, and penalties. The purpose is to protect residential quality of life while allowing lawful recreational boating activities. The Ordinance is authorized by Florida law as a valid exercise of a municipalities right to protect the health, safety and welfare of its residents, and to maintain the quiet, peace and enjoyment of their property.

Specific Amendments in this Ordinance

- (1) New Vessel and Floating Structure Noise Regulations (Section 12-29)
- (2) Definitions for vessels, floating structures, sound levels standards, and plainly audible standards.
- (3) Maximum sound level of 60 dBA at 100 feet, or a plainly audible standard providing authority for enforcement through sound meters or audible observations.
- (4) Applicability to Town and adjacent waterways where impacts are experienced within the Town.

EXECUTE

The Ordinance establishes a comprehensive enforcement framework for vessel noise and provides objective standards for enforcement by Town personnel. Both Town Police and Code Enforcement Officials shall be provided the authority to enforce the prohibitions set forth in the Ordinance. Town Administration will provide said Officials with the necessary guidance to execute enforcement upon adoption of the Ordinance. To the extent possible, the Town shall inform vessel operators that acts in violation of the prohibitions will lead to penalties as provided in the Ordinance, that mirror those of Miami-Dade County.

CONCLUSION

Approval of this Ordinance will strengthen the Town's ability to address excessive vessel-generated noise, preserve residential tranquility, and protect the health, safety, and welfare of residents. It would also align the penalties associated with violations of the Ordinance with those of Miami-Dade County.

FINANCIAL ANALYSIS

GL Line Item Number: N/A
Total Amount Budgeted: N/A
Encumbered Amount: N/A
Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance – Vessel and Floating Structure Noise Regulations

ORDINANCE NO. ---

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 12 (“NUISANCES”), ARTICLE II (“NOISE”), SECTION 12-22 (“PROHIBITED ACTS GENERALLY”) OF THE TOWN CODE AND ADDING SECTION 12-29 (“NOISE REGULATIONS APPLIED TO VESSELS AND OTHER FLOATING STRUCTURES”) TO THE TOWN CODE; TO PROVIDE FOR REGULATION OF NOISE EMITTED FROM VESSELS AND OTHER FLOATING STRUCTURES; ESTABLISHING MAXIMUM SOUND LEVELS; PROVIDING FOR APPLICABILITY TO WATERWAYS; PROVIDING FOR PENALTIES GENERALLY CONSISTENT WITH SECTION 21-28 OF MIAMI-DADE COUNTY CODE OF ORDINANCES (“NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED”); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, excessive noise emanating from vessels and floating structures adversely impacts the peace, comfort, and welfare of residents of the Town of Bay Harbor Islands; and

WHEREAS, the Town Council desires to address the absence of any reference to noise emanating from vessels or other floating structures in Section 12, Article II of the Town of Bay Harbor Code of Ordinances; and

WHEREAS, Miami-Dade County has adopted regulations governing noise from vessels, including maximum decibel standards and general prohibitions on excessive noise; and

WHEREAS, the Town Council desires to harmonize its noise regulations with those of Miami-Dade County to ensure consistent regulation and enforcement across shared waterways; and

WHEREAS, the Town Council finds that adoption of vessel-specific noise regulations promotes clarity, enforceability, and protection of residential quality of life;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: That the foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 12 ("Nuisances"), Article II ("Noise") of the Code of Ordinances of the Town of Bay Harbor, Florida, is hereby adding a new section to be designated as Section 12-29, and amending Section 12-22 as provided in Exhibit "A" of this Ordinance (with stricken text deleted and underlined text added):

Section 3: That any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading the 11th day of June 2026.

PASSED on Second Reading this 29th day of July 2026.

FINAL VOTE ON ADOPTION:

Mayor Isaac Salver	_____
Vice Mayor Stephanie Bruder	_____
Council Member Molly Diallo	_____
Council Member Joshua Fuller	_____
Council Member Eric Rappaport	_____
Council Member Elchonon Shagalov	_____
Council Member Robert Yaffe	_____

ISAAC SALVER
MAYOR

ATTEST:

EVELYN HERBELLO, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

MCCARTER & ENGLISH, LLP
TOWN ATTORNEYS
BY: TANIA CRUZ-GIMENEZ, ESQ.

EXHIBT "A"

Sec. 12-22. – Prohibited acts generally.

The following acts and the causing or permitting thereof, are presumed to be in violation of this article.

- (1) Operating or playing any radio, television, phonograph, drum, musical instrument or other machine or device for the production, reproduction or amplification of sound which creates a noise disturbance.
- (2) Owning, possessing or harboring any animal or bird which frequently or for a continued duration howls, barks or makes other noises which create a noise disturbance.
- (3) Operating or causing the operation of any tools or equipment used in construction activity and landscaping outside the hours specified in section 12-26 without first receiving a permit from the town manager pursuant to section 12-25.
- (4) Using or firing explosives, fire crackers, firearms, sirens or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like if prior permission is not obtained from the town manager.
- (5) Noise regulations related to vessels and other floating structures, along with penalties associated with same, are provided in Section 12-29 of the Town Code.

Sec. 12-29. Noise regulations applied to vessels and other floating structures.

(1) Definitions.

Vessel shall have the meaning set forth in Chapter 327.02(46), Florida Statutes, and shall include every description of watercraft used or capable of being used as a means of transportation on water.

Floating structure shall mean any entity or device, not primarily used for navigation, which is capable of floating on water, including but not limited to platforms, barges, or similar structures.

Sound level (dBA) shall mean the A-weighted sound pressure level measured using a sound level meter meeting American National Standards Institute (ANSI) specifications.

Plainly Audible Standard shall mean to any sound that can be clearly heard by a person using their unaided hearing faculties from a distance of one hundred (100) feet.

- (2) Maximum Sound Levels. No person shall operate or permit the operation of any vessel or floating structure on waters within or adjacent to the Town and the Town's jurisdictional waters (if granted cross-enforcement authority by the waters adjacent to the town) in such a manner as to exceed a sound level of sixty (60) decibels (dBA) when measured at a distance of one hundred (100) feet from the vessel or floating structure or exceeding the plainly audible standard of one hundred (100) feet from said vessel or floating structure at any time.

(3) General Prohibition. It shall be unlawful for any person to create, permit, or allow any unreasonably loud, excessive, unnecessary, or unusual noise from a vessel or floating structure, including but not limited to amplified music, sound reproduction systems or boisterous and disorderly conduct noise, which disturbs the peace, quiet, comfort, or repose of reasonable persons of ordinary sensibilities.

(4) Applicability. The provisions of this section shall apply to all vessels and floating structures at all hours of the day operating within the jurisdictional limits of the Town and on waters adjacent thereto where the impacts of such noise are experienced within the Town.

(5) Enforcement. Both Town Law Enforcement Officers (as to both criminal and civil violations) and Town Code Enforcement Officers (as to civil violations only)(collectively referred to as "Enforcement Officers") are hereby authorized to enforce the provisions of this section as identified below:

(a) Enforcement Officers may measure sound levels using sound level meters in accordance with the accepted standards set forth by this section.

(b) Enforcement Officers may measure sound levels utilizing the plainly audible standard of one hundred (100) feet.

(c) Refusal to submit to a lawful sound level test when requested by a law Enforcement Officer shall constitute a violation of this section and thereby subject to the penalties provided hereto.

(6) Relation to Other Laws. Nothing in this section shall be construed to limit or preclude enforcement under applicable provisions of Florida law, including section 327.65, Florida Statutes, or applicable provisions of the Miami-Dade County Code. The provisions of this Section shall apply to noise originating from vessels and floating structures, to the extent permitted by law.

(7) Violations. Any person, including vessel owners, vessel renters and vessel passengers, who violate(s) any provision of this Section, shall be subject to enforcement as provided herein:

(a) Civil and Criminal Penalties. Unless otherwise provided, a violation of this Section shall be punishable in a manner generally consistent with comparable violations under Section 21-28 of the Miami-Dade County Code of Ordinances relating to noise and vessel operations, including:

(1) A fine not exceeding five hundred dollars (\$500.00);

(2) Imprisonment for a term not exceeding sixty (60) days; or

(3) Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause.

(4) Completion of the Miami-Dade County Diversion Program.

(b) Code Enforcement. In addition to criminal penalties, violations may be enforced through the Town's code compliance procedures pursuant to Chapter 162, Florida Statutes, including notices of violation, civil penalties, and liens.

(c) Continuing Violations. Each day that a violation continues shall constitute a separate offense.

(8) Refusal to Submit to Sound Test. Refusal to submit to a lawful sound level measurement when requested by a law enforcement officer shall constitute a separate violation subject to the same penalties.

(9) Cumulative Remedies. The penalties and remedies provided herein are cumulative and not exclusive. The Town may pursue any remedy available at law or in equity to ensure compliance.