



Sheriff Bill Prummell

7474 Utilities Road
Punta Gorda, FL 33982
(941) 639-2101

Charlotte County Sheriff's Office

Integrity, Professionalism, Trust

Ladies and Gentlemen,

We recently had a question from one of our residence of our barrier island regarding the use of battery power bicycles on the beach. The citizen's interpreted this to be a violation of county ordinance 3-5-317(2)a, Operation of Motorized Vehicles. The Office's interpretation of the Law is that a battery power bicycle on itself is not a **motor-driven vehicle** and therefore not a violation of Charlotte County Ordinance section 3-5-317(2).

Article XIII- Shoreline protection, Section 3-5-317(2) states in part, "Generally. It shall be unlawful for any person to operate a **motor-driven vehicle** upon the beach and dune system of any publicly owned lands without the written consent of the local government. It shall likewise be unlawful to operate motor-drawn vehicles upon privately owned beaches or dunes without the consent of the person or persons having lawful ownership thereof."

Article XIII is **silent as to the definition of motor-driven vehicle**. Throughout other sections of the ordinance, motor vehicles have been identified consistent with that of Florida State Statute 316.003(21). For example, Article VI Section 2-4-122 states that a Motor vehicle is a conveyance meeting the description of a motor vehicle as defined in F.S. § 316.003(21).

Additionally, Article XI, section 1-10-332 defines motor vehicle as an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on roads used to transport persons or property, and propelled by **power other than muscular power**. The term "**Motor Vehicle**" **does not include bicycles**, mopeds or any vehicles that are run only upon a track.

Section 316.003(4) of the Florida State Statute define bicycle as "Every vehicle propelled solely by human power, and **every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride**, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Even though section 3-5-317(2) does not directly provide a definition of a motor-driven vehicle, other articles and section 316.003(21), Florida Statute are consistent in their definition that a bicycle, even one that is propelled by a combination of human power and electric helper motor are not considered motor-driven vehicles.

If there are any questions on the topic, please reach out to Community Policing Officer Billy Prummell or myself.

Billy Prummell
Community Policing Officer
Charlotte County Sheriff's Office
Billy.prummell@ccso.org

Andres H. Rodriguez, Esquire
Director of Administration
Charlotte County Sheriff's Office
Arodriguez@ccso.org