

CITY OF SANIBEL
ORDINANCE 25-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 66, TRAFFIC; AMENDING ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, INCLUDING SECTION 66-164, USE OF BICYCLE PATHS/CROSSWALKS, AND SECTION 66-171, PENALTIES; AND AMENDING ARTICLE VIII, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, SECTION 66-245, VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 66, Traffic, Sanibel Code of Ordinances, contains various regulations relating to the operation of bicycles, motorized scooters, mopeds, and other motor-driven devices; and

WHEREAS, the City Council wishes to improve public safety on Sanibel's Shared Use Path system by establishing a tiered penalty system for those in violation of Chapter 66, Traffic, Article V, Bicycles Micromobility Devices, Motorized Scooters and Mopeds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Chapter 66, Code of Ordinances, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 66 - TRAFFIC

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ARTICLE V. - BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS

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Sec. 66-164. - Use of bicycle paths/crosswalks.

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- (b) A person operating a bicycle upon a bicycle path within the city shall operate the bicycle in a safe, careful, and prudent manner, having regard for the width, grade, curves, corners, other bicycle and pedestrian traffic, nearby motor vehicle traffic, and all other attendant circumstances and conditions, so as not to endanger the life, limb, or property of any person. Failure to operate a bicycle in such a manner shall constitute careless driving and a violation of this section, punishable pursuant to section 66-171.

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Sec. 66-171. – Penalties

- (a) A violation of any of the provisions of this article shall be deemed a noncriminal infraction, subject to a maximum civil penalty of \$500.00.
- (1) Upon a first offense, the person liable for the violation shall be issued a written warning advising such person of the violation; provided, however, no civil penalty shall be assessed for a first offense.
 - (2) Upon a second offense, a civil penalty of \$100.00, plus a filing fee of \$10.00, provided the penalty is paid within five days after issuance of the ticket. In the event the penalty is paid after five days, the payment required shall be a civil penalty of \$150.00, plus a filing fee of \$10.00.
 - (3) Upon a third offense, a civil penalty of \$350.00, plus a filing fee of \$10.00.
 - (4) Upon a fourth or subsequent offense, a civil penalty of \$500.00, plus a filing fee of \$10.00.

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ARTICLE VIII. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

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Sec. 66-245. - Violations.

- (a) A violation of any of the provisions of this article shall be deemed a noncriminal infraction, subject to a maximum civil penalty of \$500.00.
- (1) Upon a first offense, the person liable for the violation shall be issued a written warning advising such person of the violation; provided, however, no civil penalty shall be assessed for a first offense.
 - (2) Upon a second offense, a civil penalty of \$100.00, plus a filing fee of \$10.00; provided the penalty is paid within five days after issuance of the ticket. In the event the penalty is paid after five days, the payment required shall be a civil penalty of \$150.00, plus a filing fee of \$10.00.
 - (3) Upon a third offense, a civil penalty of \$350.00, plus a filing fee of \$10.00.
 - (4) Upon a fourth or subsequent offense, a civil penalty of \$500.00, plus a filing fee of \$10.00.

~~constitute a violation of this article and of the Code of Ordinances of the City of Sanibel and shall be punishable in accordance with the penalty provisions of the Sanibel City Code (section 1-15).~~

- ~~(b) A violation by any tour owner or operator, any employee, agent, or subcontractor of such tour owner or operator, any user or customer associated with such tour operation, or any other person, of the provisions of this article shall constitute a violation of this article and shall be punishable in accordance with the penalty provisions of the Sanibel City Code (section 1-15).~~

~~(be) It shall be a violation of the provisions of this article:~~

- (1) For any person to knowingly make a false or misleading statement or provide false or misleading information in any part of an application process for an EPAMD permit; and/or
- (2) For any person other than the permittee to use or display an EPAMD permit or to represent that any such person using an EPAMD possesses a City of Sanibel issued permit when such statement is not true; and/or

- (3) For a permittee to use an EPAMD without display of an EPAMD permit as required by this article; and/or
- (4) For any permittee to transfer or knowingly allow the use of an EPAMD permit by another person; and/or
- (5) For an EPAMD permittee to use an EPAMD or an EPAMD permit in any way or in any location except as specifically authorized by the provisions of this article; and/or
- (6) For any certifying person or entity to certify an individual as a person disabled for mobility purposes who does not meet the criteria set forth in this article.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

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

FIRST READING THE 12TH DAY OF June 2025.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 15TH DAY OF JULY 2025.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller _____
Smith _____
DeBruce _____
Henshaw _____
Johnson _____

First Reading: _____
Publication Date: _____
Second Reading: _____