

## **ARTICLE V. BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS<sup>1</sup>**

### **Sec. 66-161. Definitions.**

Unless the context clearly indicates otherwise, the words and terms contained in this article shall have the same meaning as the same terms contained in F.S. chs. 316 and 318.

(Code 1981, § 17-37)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 66-162. Impoundment.**

The chief of police or his/her designee may impound the bicycle or moped of any violator of any provision of this article, or any applicable provision of the statutes relating to traffic, in the same manner and under the same provisions as those set forth for motor vehicles in article VI of this chapter, for a period not exceeding 60 days in addition to any other penalties set out in this article.

(Code 1981, § 17-38; Ord. No. 19-001, § 3, 4-2-2019)

### **Sec. 66-163. Posting of article and regulations.**

The city manager shall prepare or provide a summary of the rules and regulations for operation of bicycles and mopeds within the city limits and shall make such summary available to the public. Copies of such summary shall be posted in or upon the premises of all bicycle rental agencies and in or upon the premises of all businesses furnishing bicycles for the use of their customers or tenants.

(Code 1981, § 17-39)

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

- (a) Under all circumstances, bicyclists and pedestrians using the bicycle path shall exercise due and proper care for one another.
- (b) A person operating a bicycle upon a bicycle path within the city shall operate the bicycle in a 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, so as not to endanger the life, limb, or property of any person.

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<sup>1</sup>Editor's note(s)—Formerly entitled "Bicycles and Mopeds," which was amended by Ord. No. 19-011 to read as herein set out.

State law reference(s)—Bicycle regulations, F.S. § 316.2065.

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- (c) A person propelling a bicycle upon and along a bicycle path, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.
  - (d) A person propelling a bicycle upon a bicycle path shall obey all signage and traffic devices set forth by the city for operation upon such bicycle path.
  - (e) No bicycle or other human-powered vehicle which exceeds 36 inches total width shall be operated upon any public bicycle path.

(Code 1981, § 17-40)

### **Sec. 66-165. Driving on a bicycle path.**

- (a) Except as provided in subsection (b) of this section or elsewhere in the Sanibel Code of Ordinances, no operator shall drive a motor vehicle, micromobility device, motorized scooter, moped, or other vehicle other than exclusively by human power upon a bicycle path, sidewalk, shared use path, or other portion of a roadway set aside for the exclusive use of bicycles, or bicycles and pedestrians, except for crossing incident to appropriate access to adjacent property.
- (b) This prohibition does not apply to the following:
  - (1) A public officer or employee in the performance of duty;
  - (2) A person operating a motorized wheelchair or other similar power-driven mobility device operated by "a person disabled for mobility purposes" as defined in subsection 66-244(b)(2); or
  - (3) A person age 18 or older operating a Class 1 electric-assisted bicycle, which, for the purposes of this article, means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(Code 1981, § 17-41; Ord. No. 99-10, § 2, 12-21-1999; Ord. No. 19-011, § 1, 12-3-2019)

### **Sec. 66-166. Parking on bicycle path.**

No operator, except a public officer in the performance of his/her duties, shall park a motor vehicle or a moped upon a bicycle path or other portion of a roadway set aside for the exclusive use of bicycles. The owner of a vehicle found in violation of this section shall be deemed prima facie responsible therefor.

(Code 1981, § 17-42; Ord. No. 19-001, § 3, 4-2-2019)

### **Sec. 66-167. Mechanical condition and equipment.**

- (a) *Bicycles.* No person shall operate a bicycle which is not in such mechanical condition so that it can be safely operated. Equipment on all bicycles shall include the equipment required by state law. Businesses renting or providing bicycles shall comply with all safety standards required in this article for such bicycles rented or provided.
- (b) *Mopeds.* No person shall operate, nor shall any person rent, lease or otherwise provide to the public a moped, which is not in such mechanical condition so that it can be safely operated. Equipment on all mopeds shall be that which is required by state law.

(Code 1981, § 17-43)

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**Sec. 66-168. Reserved.**

Editor's note(s)—Ord. No. 22-006, § 2, adopted Aug. 16, 2022, deleted § 66-168 entitled "Operation of mopeds on beaches," which derived from Code 1981, § 17-44.

**Sec. 66-169. Certain bicycles, micromobility devices, motorized scooters, and mopeds prohibited.**

- (a) No person shall operate upon any street or bike path of the city any bicycle or moped which is designed and equipped so that the normal position of the operator thereof is supine or that the normal position of the operator is such that there is no clear, horizontal line of sight over the handlebars and all other parts of the bicycle or moped. For purposes of this section, "supine" means situated so that the torso of the operator is at an angle of greater than 25 degrees from vertical.
- (b) No bicycle or other human-powered vehicle which exceeds 36 inches total width shall be operated upon any public street or road within the city.
- (c) No bicycle or other human-powered vehicle which exceeds 36 inches total width shall be rented, or offered for rental, by any person for operation upon any public bicycle path or any public street or road within the city.
- (d) With respect to the prohibitions set forth in subsections (b) and (c) above, a partial, limited exception is hereby established for the period of time set forth in this section. As a result of the past and on-going rental of surrey-type, four-wheeled bicycles exceeding 36 inches total width by two bike rental businesses, Billy's Rentals located at 1470 Periwinkle Way and Finnimore's Bike Rentals located at 2353 Periwinkle Way, these two bike rental businesses shall not be prohibited from the rental of such surrey-type bicycles for the period of time set forth below under the following restrictions and conditions:
  - (1) Each business shall be limited to a maximum of eight surrey-type bicycles in total, i.e., no more than eight surrey-type bicycles may be maintained on the business rental site and/or offered for rent by each business.
  - (2) No surrey-type bicycle, or any part or portion thereof, shall exceed 47 inches in total width.
  - (3) "Surrey-type bicycle" shall mean any four-wheeled, multi-person, bicycle operated through human power by pedals and a chain or belt and which exceeds 36 inches in total width but is less than or equal to 47 inches in total width.
  - (4) The exception set forth in this subsection shall extend for 15 years (until January 4, 2031) and shall expire at that time and both such businesses shall comply with such City of Sanibel codes and ordinances in effect at that time regarding the width of bicycles or other human-powered vehicles.
  - (5) This exception shall be applicable to only the specific business locations and businesses described above in this subsection; provided, however, the exception shall be applicable in the event such existing business(es) relocate(s) to a new business location with the City of Sanibel.
- (e) No micromobility device or motorized scooter shall be rented or offered to rent upon any sidewalk, bicycle path or shared use path or other portion of a roadway set aside for the exclusive use of bicycles, or bicycles and pedestrians.

(Code 1981, § 17-48; Ord. No. 15-013, § 1, 1-5-2016; Ord. No. 19-011, § 1, 12-3-2019)

Editor's note(s)—Formerly entitled "Certain bicycles and mopeds prohibited," which was amended by Ord. No. 19-011 to read as herein set out above.

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**Sec. 66-170. Operation of motorcycles, motorized scooters, motor-driven cycles and mopeds prohibited.**

It is unlawful and prohibited to operate motorcycles, motorized scooters, motor-driven cycles or mopeds upon Main Street north of Center Street, except as necessary to go to and from a residence located thereon.

(Code 1981, § 17-49)

**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.
- (b) If the court finds that a minor committed any violation of any of the provisions of this article, the court may also impose one or more of the following sanctions:
  - (1) The court may reprimand or counsel the minor and his/her parents or guardian.
  - (2) The court may require the minor to attend for a reasonable period a traffic school conducted by a public authority.
  - (3) The court may order the minor to remit to the general fund of the city a sum not exceeding the maximum fine applicable to an adult for a like offense.
  - (4) The court may order the minor to participate in a public service or community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the city for the purposes of this article.
  - (5) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed six weeks.
- (c) In addition to those penalties specified in this section, operators convicted of any offense prohibited by this article may have their driving privileges revoked or suspended by the court in accordance with like standards contained in F.S. § 316.655.
- (d) To the extent that any penalty contained in this section is inconsistent with the penalties provided in F.S. § 316.655, then the penalties provided in F.S. § 316.655 shall prevail.

(Code 1981, § 17-50; Ord. No. 19-001, § 3, 4-2-2019)

State law reference(s)—Custody and detention of minors, F.S. § 316.635.

**Secs. 66-172—66-190. Reserved.**