

CITY OF SANIBEL
ORDINANCE 24-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 66, TRAFFIC, ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, SECTION 66-165, DRIVING ON A BICYCLE PATH; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on December 3, 2019, the City Council approved Ordinance 19-011, which amended Chapter 66 of the Sanibel Code of Ordinances, to prohibit the operation of micromobility devices and motorized scooters, and allow persons 18 years or older to operate a Class 1 electric assisted bicycles, on Sanibel’s bicycle path(s); and

WHEREAS, the City Council, wishing to improve public safety on Sanibel’s bicycle path system directed the Parks and Recreation Advisory Committee (PRAC) to recommend potential amendments to the City’s Code of Ordinances, Chapter 66, concerning regulations for electric bicycles, micromobility devices, and bicycle and electric bicycle speed; and

WHEREAS, the PRAC discussed and provided recommendations to amend the City’s Code of Ordinances, Chapter 66, concerning regulations for Sanibel’s bicycle path system applicable to electric bicycles and bicycle/electric bicycle speed at their May 16, 2024, and June 20, 2024, meetings; and

WHEREAS, Section 316.003(23), Florida Statutes (2023), defines the term “electric bicycle” as “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”; and

WHEREAS, Section 316.20655, Florida Statutes (2023), provides electric bicycle regulations, without preventing a municipality from adopting Ordinances restricting, or prohibiting the operation of electric bicycles over the municipality’s bicycle path, multiuse path, or trail network; and

WHEREAS, Sanibel Code Section 66-161 provides “[u]nless 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.”

WHEREAS, the City Council, after considering the recommendations provided by the PRAC, wishes to amend the City’s Code of Ordinances, Chapter 66, to improve public safety on Sanibel’s bicycle path system.

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. Sanibel Code of Ordinances, Chapter 66, Traffic, Article V, Bicycle, Micromobility Devices, Motorized Scooters, and Mopeds, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 66 – TRAFFIC

...

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

...

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 16+8 or older operating a Class 1 electric-assisted bicycle or a Class 2 electric 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.~~

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 be effective immediately upon adoption.

FIRST READING THE ___ DAY OF _____ 2024.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS ___ DAY OF _____ 2024.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson _____
Miller _____
Henshaw _____
Smith _____
DeBruce _____

First Reading:
Publication Date:
Second Reading: