

CITY OF SANIBEL
ORDINANCE 24-014

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 66-164. USE OF BICYCLE PATHS/CROSSWALKS, SECTION 66-165, DRIVING ON A BICYCLE PATH, AND SECTION 66-169, CERTAIN BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS PROHIBITED; 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, mopeds, and other motor-driven devices; 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 Class 1 electric assisted bicycles on Sanibel's bicycle paths; 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 its 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, Section 66-161, Code of Ordinances, 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. 66-164. 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.
- (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.
- (f) The city manager is authorized and directed to establish speed limits of no greater than 20 mph on bicycle paths based on the conditions of the bicycle path, including the bicycle path width, grade, curves, corners, other bicycle and pedestrian traffic, nearby motor vehicle traffic, and all other attendant circumstances. The city manager is also authorized to amend established bicycle speed limits based upon changing conditions on the bicycle path that may be temporary or permanent. An

official map of the established speed limits on the bicycle paths system shall be maintained on file in the city manager's office.

- (8) Bicycle speed limits shall be posted on the bicycle path using pavement markings or vertical signage at intervals established by the city manager.

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~~18 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.~~

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

- (a) No person shall operate upon any street or ~~bike~~ bicycle 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.

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 on October 1, 2024.

FIRST READING THIS 20TH DAY OF AUGUST 2024.

SCHEDULE FOR SECOND READING AND PUBLIC HEARING IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 9TH DAY OF SEPTEMBER 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: August 20, 2024
Publication Date: _____
Second Reading: _____