

CITY OF SANIBEL

ORDINANCE 15-013

AN ORDINANCE AMENDING SANIBEL CODE OF ORDINANCES SECTION 66-169 TO PROVIDE A PARTIAL AND LIMITED EXCEPTION TO THE BICYCLE WIDTH RESTRICTION SET FORTH THEREIN FOR 2 EXISTING BICYCLE RENTAL BUSINESSES WHICH HAVE RENTED FOR PAST YEARS AND CURRENTLY RENT SURREY-TYPE BICYCLES AND THE TIME PERIOD WITHIN WHICH SUCH EXCEPTION SHALL BE APPLICABLE; PROVIDING A LIMITATION AS TO THE NUMBER OF SUCH SURREY-TYPE BICYCLES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council recognizes that two bicycle rental businesses within the City of Sanibel have rented for past years and currently do rent a limited number of surrey-type, multi-person bicycles which exceed 36 inches in total width to the general public for use on the City's Shared Use Paths; and

WHEREAS, The City Council finds it appropriate to establish a partial and limited exception for the period of time set forth below for such businesses to continue their current rental of surrey-type bicycles and to thereafter comply with code and ordinance requirements relating to surrey-type bicycles in effect at that time.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida, that:

SECTION 1. The Sanibel Code of Ordinances, section 66-169 entitled "Certain bicycles and mopeds prohibited" shall be amended as follows, with additional language denoted by underlining, to read as follows:

Sec. 66-169. - Certain bicycles 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 subsection 66-169 (b) and (c) above, a partial, limited exception is hereby established for the period of time set forth in this subsection. As a result of the past and on-going rental of surrey-type, 4 wheeled bicycles exceeding 36 inches total width by 2 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 8 surrey-type bicycles in total, i.e. no more than 8 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 4 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 fifteen (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.

SECTION 2. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are 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 3. 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 of application hereof.

SECTION 4. Effective date.

This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 5th day of January, 2016.



Mayor

AUTHENTICATION:



Pamela Smith, City Clerk

APPROVED AS TO FORM:  1/5/16
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Date of First Public Hearing: December 1, 2015
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Date of Second Public Hearing: January 5, 2016

Vote of Council Members:

Mayor Ruane Yea
Vice Mayor Denham Yea
Councilman Goss Yea
Councilman Harrity Yea
Councilman Jennings Yea

Date filed with the City Clerk: January 5, 2016