

ST. PETERSBURG CITY COUNCIL

Meeting of January 8, 2009

TO: The Honorable Chair, and Members of City Council

SUBJECT: Amendment to City Code Chapter 26 regarding bicycles

REQUEST: Conduct second reading and public hearing for attached ordinance.

ANALYSIS:

The attached ordinance proposes a series of amendments to City Code Chapter 26 regarding bicycles. A series of minor clarifications are proposed for the general and registration requirements in Division 1 and 2. Division 3 is a new concept called "public utility bicycles"; defining a public utility bicycle and related bicycle rack, and creating requirements for the bicycles and stations. Public utility bicycles have become popular in urban centers in the US, Canada, Spain and France as a convenient and low cost mode of transportation. A business, or in some cities, a government agency, provides the bicycles for short term rental. The bicycles are available from special racks which have an electronic system to log bicycles in and out. A registration system tracks the renters and attributes the rental fee to an account. City Administration has received interest regarding establishing such a business in St Petersburg. A code amendment defining and allowing such a system will be needed for the current inquiry or future similar enterprise. The amendment requires a non-exclusive license agreement for the enterprise to address business issues such as liability and insurance, similar to license agreements the City currently has.

COUNCIL REVIEW:

On November 18th, the Council Public Services & Infrastructure Committee reviewed this draft ordinance and those present unanimously support bringing the ordinance forward for Council review.

RECOMMENDATION

Administration recommends Council CONDUCT the second reading and public hearing for this ordinance and APPROVE the ordinance.

Attachments: Ordinance amending City Code Chapter 26

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 26 ARTICLE V OF THE CITY CODE PROVIDING FOR THE REGULATION OF BICYCLES GENERALLY; PROVIDING FOR THE REGULATION OF PUBLIC UTILITY BICYCLES AND PUBLIC UTILITY BICYCLE RACKS; PROVIDING FOR PUBLIC UTILITY BICYCLE RENTAL OPERATIONS; CLARIFYING INCONSISTENT AND AMBIGUOUS TERMINOLOGY; AMENDING SECTION 25-8 TO BE CONSISTENT WITH CHAPTERS 16, 26 AND 28; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section one. Section 25-8 of the St. Petersburg City Code is hereby amended to read as follows:

- a) No person shall make any solicitation of custom or business, or sell or offer for sale any goods, wares, or merchandise, or transact any other business upon the public streets or sidewalks or other City property without first having obtained from the POD a written permit to do so, unless it is a lawful permitted use in the right-of-way which is specifically provided for in Chapters 16, 25, 26, and 28,

Deleted: , or 29

Section two. Sections 26-176 through Section 26-211 of the St. Petersburg City Code are hereby amended to read as follows:

DIVISION 1. GENERALLY

Sec. 26-176. Definitions.

In this article "bicycle" shall have the same definition as set forth in Section 316.003 (2) Florida Statutes, as amended,

Deleted: mean every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than ten miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. "Bicycle" includes any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Sec. 26-177. Applicability of this article.

This article shall apply whenever a bicycle is operated upon any street, sidewalk or upon any other public property,

Deleted: path set aside for the exclusive use of bicycles, subject to those exceptions stated in this article

Sec. 26-178. Penalty for violation.

Any person over the age of sixteen years who is found guilty of a violation of any provision of this article shall be punished as set forth in City Code 1-7.

Deleted: Each person not a juvenile, as such is defined by the laws of the State,

Sec. 26-179. Restrictions upon riding on sidewalks.

No person shall ride a bicycle over and upon any sidewalk within the City in a manner which impedes pedestrian traffic.

Deleted: Upon the recommendation of a judge of a court of competent jurisdiction over the person of a minor, the Chief of Police on order of the County Judge may impound the minor's bicycle for such period as the court may determine, not to exceed 60 days.

Sec. 26-180. Compliance with traffic-control devices and signals.

Each person who rides or propels any bicycle upon any street, sidewalk or bicycle path of the City shall comply with all signal lights, stop signs and other traffic-control devices or signals.

Deleted: within the business district of the City, as defined by F.S. § 316.003(4)

Deleted: <#>When signs are erected on any sidewalk or street which prohibit the riding of bicycles thereon by any person, no person shall disobey such signs. <#>The provisions of subsection (b) of this section shall not apply to newsboys while actually delivering newspapers.

Sec. 26-181. (reserved)

Sec. 26-182. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and shall not exceed the posted speed limit.

Deleted: highway

Deleted: <#>Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such signs, except where the person shall dismount from the bicycle to make the turn, in which event such person shall then obey the regulations applicable to pedestrians.

Sec. 26-183. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand firmly upon the handlebars and in full control of the bicycle.

Deleted: Applicability of chapter. Any person driving or propelling any bicycle upon any street or highway within the City shall be subject to and shall comply with all the provisions of this chapter applicable to the driver of any vehicle, except such provisions of this chapter which, by their very nature, can have no application to bicycles.

Sec. 26-184. Parking.

No person shall stand or park a bicycle upon a street other than in a bicycle rack. No person shall stand or park a bicycle upon a public sidewalk other than in a bicycle rack or in such a manner as to afford the least obstruction to pedestrian traffic.

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Sec. 26-185. Parents and guardians not to permit violations.

No parent or guardian of any minor child shall knowingly permit any such minor child to violate any of the provisions of this article.

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Sec. 26-186. Offenses involving serial numbers or identification numbers on bicycles.

It is unlawful:

(1) To sell or offer for sale in the City a bicycle on which the manufacturer's serial number or identification number has been destroyed, removed, covered, altered, or defaced with knowledge of such destruction, removal, covering, alteration or defacement of such manufacturer's serial number or identification number.

(2) For any person to knowingly buy, sell, receive, dispose of, conceal, or have in his possession any bicycle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the bicycle.

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Sec. 26-187 - Bicycle Requirements.

Every bicycle shall comply with all the State requirements for equipment including lights, reflectors and brakes.

Sec. 26-188. Bicycle Helmet Required.

Every bicycle rider and passenger shall comply with all the State requirements for the use of bicycle helmets.

DIVISION 2. REGISTRATION

Sec. 26-201. Definition.

The term "bicycle license plate" shall mean the means of identification of the bicycle issued by the Police Department pursuant to the registration of a bicycle and may include a metal or plastic plate or a sticker.

Sec. 26-202. When required.

- a) Every person residing within the City owning or having in his or her possession any bicycle shall register such bicycle with the Police Department,
- b) This section shall not apply to retail sellers of new or secondhand bicycles when the bicycles are for sale to the public.
- c) This section shall not apply to persons who are not residents of the City who have in their possession bicycles in the City. If non-residency cannot be established, it shall be presumed that the person is a resident of the City.

Sec. 26-203. Application; issuance of bicycle license decal.

The Police Department shall provide an application for bicycle registration which shall require sufficient information to identify properly and completely any bicycle sought to be registered including but not limited to proof of ownership (i.e., bill of sale). Upon completion of the application, applicant shall be provided with a bicycle license plate.

Sec. 26-204. Display of bicycle license plate.

The bicycle license plate shall be immediately affixed to the bicycle for which the bicycle license plate was issued, in such a position that the bicycle license plate is clearly visible. The bicycle license plate shall remain attached to the bicycle for which the bicycle license plate was issued and shall not be removed from the bicycle.

Sec. 26-205. Transferability of bicycle license plates generally.

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- ~~Deleted:~~ any bicycle as provided in this division. Such term includes a sticker.
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- ~~Deleted:~~ Proof of residence will be requested when out-of-city residency is claimed. In the event
- ~~Deleted:~~ the bicycle will be handled as an in-city nonlicensed bicycle of a resident of the City. The Police Department will make every reasonable effort to verify residency prior to impoundment.
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<#>It shall be the duty of the applicant for the registration of a bicycle under this division to provide the information required by the application and to pay to the Police Department the sum of \$1.00 for the registration of the bicycle, (... [1]
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No bicycle license plate shall be transferable from one bicycle to another, but is transferable from person to person pursuant to a change in ownership of the bicycle and in accordance with a change in the registration of the bicycle.

Sec. 26-206. Change of registration upon sale or exchange.

Not later than ten days after the sale or exchange of any bicycle within the City, the purchaser of the bicycle shall make application to the Police Department for a change in registration of the bicycle, furnishing the Police Department with the necessary information required by it to effect the change of registration.

Sec. 26-207. (reserved)

Sec. 26-208. Removing, changing or mutilating bicycle license plates.

It shall be unlawful for any person to remove or cause to be removed, to change or to mutilate or cause to be mutilated or changed any bicycle license plate attached to any bicycle.

Sec. 26-209. (reserved)

Sec. 26-210. Bicycle license plates with obliterated or illegible numbers.

If any number on a bicycle license plate becomes illegible, the person owning or possessing the bicycle shall apply to the Police Department for a duplicate bicycle license plate. It shall be unlawful for any person to own or possess any bicycle having a bicycle license plate with an illegible number.

Sec. 26-211. Impoundment of bicycles.

Police officers shall take into possession and impound any bicycle which does not have a bicycle license plate attached. The Police Department shall keep impounded the bicycle until the owner obtains a bicycle license plate.

Section three. The St. Petersburg City Code is amended by creating a new Division 3, Sections 26-212 through 26-215, to read as follows:

DIVISION 3. PUBLIC UTILITY BICYCLES AND BICYCLE RACKS

Section 26-212. Definition.

As used in this division, public utility bicycles shall mean bicycles utilized for the sole purpose of transport and commuting from short to medium distances and which may be borrowed or rented for use by persons who are not the bicycle owners. The term bicycle rack shall include any type of parking station for bicycles.

Section 26-213. Bicycle Rentals

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- Deleted:** only
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- Deleted:** There shall be no charge for a change in registration of any bicycle.
- Deleted:** Reports of bicycle sales. It shall be unlawful for any person who sells any new, used or secondhand bicycles to fail or refuse, within ten days after the sale, to notify the Police Department of the sale of the bicycle and furnish the Police Department with the name and address of the purchaser of the bicycle, together with the description of the bicycle, or sooner, upon request of the Police Department in the course of an official investigation. The filing of a bicycle registration certificate as devised by the City Manager in connection with the issuance of a license shall fulfill ... [4]
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Any applicant that wants to rent, or provide at no cost, public utility bicycles shall comply with the following:

(1) Site plan. The business shall submit a scaled site plan for approval by the POD containing the following:

- a. Location of each proposed bicycle rack in relation to the street, sidewalk, abutting properties and all street furniture (benches, utility poles, signposts, etc.)
- b. Dimensions and number of bicycle racks and total resulting bicycle parking spaces.
- c. Vehicular and/or pedestrian circulation paths around each bicycle rack.
- d. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed curb cuts.
- e. Identification of any power source required to provide power to the bicycle rack.

(2) License Agreement Required. All applicants desiring to rent public utility bicycles on right of way shall execute a license agreement with the City. Upon execution of the license agreement, the applicant shall not be required to obtain a 'minor easement' from the City for any approved fixture but shall obtain any required right of way permit for the installation of a bicycle rack. The license agreement shall include a detailed description of the bicycles which will be used, shall require any insurance deemed necessary by the City, shall provide that the applicant is responsible for all maintenance of the bicycles and racks, and shall provide that if the applicant fails to comply with any provision of the agreement, the City may remove all racks and bicycles from the right of way at the applicant's expense.

(3) Business Tax Certificate. All applicants shall have an unexpired business tax certificate, if otherwise required.

Section 26-214. Bicycle Racks and Bicycle Parking Stations

All bicycle racks and bicycle parking stations utilizing public utility bicycles shall comply with the following:

(1) *Design.* The dimensions of commonly used bicycle racks are illustrated in Figure 1. Each bicycle rack shall comply with one of the listed dimensions, shall accommodate high security U-shaped locks and shall be designed so that each bicycle space is accessible without moving another bicycle.

(2) *Maintenance.* All bicycle racks shall be made of weather resistant material and finishes which are sufficiently durable so as not to be damaged by the constant abrasion from bicycles, shall be consistent with any streetscape furnishings in the immediate vicinity and shall be maintained in accordance with standards set by the POD. Any damage shall be repaired within ten days.

(3) *Location.* Bicycle racks shall be placed not less than 500 feet from another bicycle rack or parking station.

(4) *Access.* Direct access from the bicycle parking to the right of way shall be provided by means of access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.

(5) *Bicycle Parking Stations.* Bicycle parking stations shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frames or other components of the bicycle and allows the frame and both wheels to be locked to the rack. Each bicycle parking space shall be accessible without removing another bicycle.

(6) *Security.* Bicycle racks must be securely anchored to the ground in a manner to withstand high force winds and shall comply with all Building Code requirements.

(7) *Signage.* In addition to any signs allowed by the Sign Section of the Land Development Regulations, where bicycle racks are not directly visible and obvious from the public rights of way, one (1) directional sign may be provided to direct the bicyclist to the bicycle rack or parking station. Indoor directional signs to bicycle racks inside a structure may be posted by the property owner. In addition to directional signs, two (2) other sign(s) shall be allowed at each bicycle rack which shall not exceed 2 square feet and shall not be higher than the highest part of the bicycle rack.

(8) *Identification.* Each rack may also include one post up to eight feet high which shall be for the sole purpose of mounting an identification flag not exceeding two square feet or an identification sign not exceeding one square foot. The flag or sign shall contain no advertising but shall be for the sole purpose of assisting public bicycle users in finding public bicycle racks at which the public bicycle can be parked.

Section 26-215. Bicycles.

All public utility bicycles shall comply with the following requirements:

- a) *Design.* All bicycles shall be constructed of material that is weather resistant and weather resistant finishes. The color scheme and insignia shall be unique and readily distinguishable from all other bicycle schemes and insignias approved within the City.
- b) *Maintenance.* All bicycles shall be maintained in good working condition and any damage repaired immediately. Bicycles not in good working condition shall be removed from the right of way.
- c) *Advertising.* In addition to any signs allowed by the Sign Section of the Land Development Regulations, each bicycle shall be allowed to have a total of three square feet of signage located on the bicycle. All signs placed on the bicycle shall be within the contours of the bicycle.

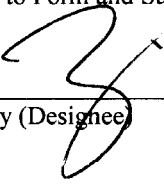
d) *Existing Regulations.* All bicycles are subject to all regulations for bicycles set forth in this Article.

Section four. The words in underlined type are additions to the existing City Code and words in margin balloons are deletions. New sections added to the City Code are not underlined.

Section five. The provisions of this ordinance shall be deemed severable. If any portion of this ordinance is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this ordinance.

Section six. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Form and Substance:



City Attorney (Designee)