

## ORDINANCE 2021-23

**AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, ADDING ARTICLE V – OPERATION OF BICYCLES OR MOTORIZED BICYCLES TO CHAPTER 66 – TRAFFIC AND VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF OLDSMAR TO PROVIDE FOR THE APPLICABILITY OF TRAFFIC LAWS AS IT RELATES TO BICYCLES OR MOTORIZED BICYCLES INCLUDING OPERATION ON ROADWAYS, RECKLESS AND OR UNCONTROLLED OPERATION, COMPLIANCE WITH TRAFFIC SIGNAL CONTROL DEVICES, EMERGING FROM ALLEY OR DRIVEWAY, PARKING, SEIZURE, NOTIFICATION TO OWNER, SALE OF SEIZED BICYCLES OR MOTORIZED BICYCLES, RIGHTS OF OWNER PRIOR TO SALE AND PROCEEDS FROM SALE OF SEIZED BICYCLES OR MOTORIZED BICYCLES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Oldsmar has seen a recent rise in the use of bicycles or motorized bicycles; and

**WHEREAS**, certain children, teenagers and young adults have joined in on a recent bicycle craze called wheeling, tricking or swerving; and

**WHEREAS**, this form of the use of bicycles or motorized bicycles is dangerous to both the bike rider and vehicles using roadways within the City; and

**WHEREAS**, City staff has reviewed the current provisions of Chapter 66 of the Code of Ordinance for the City of Oldsmar and has recommended that provisions for the operation of bicycles or motorized bicycles be added thereto; and

**WEHREAS**, the recommendations of City staff have been found meritorious by the City Council; and

**WHEREAS**, the City Council has received input from the public at two public hearings.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Article V – Operation of Bicycles or Motorized Bicycles be added to Chapter 66 – Traffic and Vehicles of the Code of Ordinances of the City of Oldsmar, Florida, and shall read as follows:

**ARTICLE V – OPERATION OF BICYCLES OR MOTORIZED BICYCLES.**

**Sec. 66-120. - Applicability of traffic laws.**

- (a) Every person riding a bicycle or motorized bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable pursuant to Florida Statutes 316.2065 and 316.20655, except those provisions, which by their nature, are not applicable. Every person riding a bicycle or motorized bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.
- (b) A violation of any provision of Chapter 66, Article V, by an operator of a bicycle or motorized bicycle shall be ticketed using the same procedure as is used for motor vehicle infractions, except that any violation committed while operating a bicycle or motorized bicycle shall not affect the status of the violator's motor vehicle operator's license. When a citation is issued to a bicycle or motorized bicycle operator, the fact that the violation involves a bicycle or motorized bicycle shall be clearly indicated on the citation.
- (c) Whenever there is a violation of traffic law by a bicycle or motorized bicycle operator or a violation by a motorist that endangers a bicycle or motorized bicycle operator, the court may permit demonstration of successful completion of a court-approved cycling knowledge course or test in lieu of or in addition to a fine or other penalty.

**Sec. 66-121. – Operation on roadways.**

- (a) Persons riding bicycles or motorized bicycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized bicycles.
- (b) Every person operating a bicycle or motorized bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, and with the flow of traffic, obeying all traffic rules applicable to vehicles and

exercising due care when passing a standing vehicle or one proceeding in the same direction.

- (c) This section does not require a person operating a bicycle or motorized bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or motorized bicycle and an overtaking vehicle to travel safely side by side within the lane.
- (d) When a bicycle or motorized bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning or changing lanes. Such signals shall conform with the motor vehicle laws of Florida. The signal shall be made not less than one time but is not required to be continuous. A bicycle or motorized bicycle operator is not required to make a signal if the bicycle or motorized bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or motorized bicycle.

**Sec. 66-122. - Reckless or uncontrolled operation.**

No person shall operate a bicycle or motorized bicycle:

- (a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property.
- (b) Without exercising reasonable and ordinary control over such bicycle or motorized bicycle.
- (c) By wheeling, trick riding or in a weaving or zigzag course, unless such irregular course is necessary for safe operation in compliance with the law.

**Sec. 66-123. - Compliance with traffic signal control devices required.**

- (a) Any person operating a bicycle or motorized bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a sheriff's deputy.
- (b) Whenever authorized signs are erected that no right or left turns or U-turns are permitted, no person operating a bicycle or motorized bicycle shall disobey the direction of any such sign, except where such person

dismounts from the bicycle or motorized bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

**Sec. 66-124. - Emerging from alley or driveway.**

The operator of a bicycle or motorized bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching on such sidewalk area and upon entering the street shall yield the right-of-way to all vehicles approaching on said street.

**Sec. 66-125. - Parking.**

- (a) No person shall park a bicycle or motorized bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or upon a roadway so as to unduly interfere with vehicular traffic.
- (b) Bicycles or motorized bicycles shall be parked in such a manner as not to interfere with building entrances.

**Sec. 66-126. – Seizure of bicycles or motorized bicycles.**

Whenever any person operates a bicycle or motorized bicycle in violation of any section of this Code, the bicycle or motorized bicycle may be seized by any member of the Sheriff's Department.

**Sec. 66-127. – Notification of owner.**

When a bicycle or motorized bicycle is seized by the Sheriff's Department pursuant to an investigation involving a violation of law, the Sheriff's Department, after it no longer requires possession of the bicycle or motorized bicycle for evidence or other legitimate purposes connected with the investigation, shall notify the owner of the bicycle or motorized bicycle, if known, to repossess himself/herself of the bicycle or motorized bicycle within ten (10) days and that, if he/she does not, the bicycle or motorized bicycle will be sold and the proceeds disposed of as set forth below.

**Sec. 66-128 – Sale of seized bicycles or motorized bicycles.**

If the residence or address of the owner cannot be ascertained or the owner fails to take possession of the bicycle or motorized bicycle within ten (10) days after the mailing of notice provided for in the preceding Section, the bicycle or motorized bicycle shall be sold at public auction by the City Clerk at some place within the City but, prior to the sale, a notice shall be published in some newspaper published in the City, publication to be at least ten (10) days prior to

the date of sale. This notice shall give the time, place and nature of the sale, including a general description of the article to be sold. The City shall not guarantee or warrant a title to the bicycle or motorized bicycle, but instead shall furnish the purchaser a suitable receipt of purchase at auction.

**Sec. 66-129 – Rights of owner prior to sale.**

The owner of a seized bicycle or motorized bicycle may take possession of the same at any time prior to the sale provided for in Section 66-128, but this person shall reimburse the City for all reasonable expenses for storage, advertising or other expenses incurred in connection therewith.

**Sec. 66-130 – Proceeds from sale of seized bicycles or motorized bicycles.**

If any seized bicycle or motorized bicycle shall be sold as provided in this Article, the proceeds of that sale, after paying all the costs actually expended for advertising or otherwise in the sale, shall be deposited in the account of the City in the same manner as any other item of City funds.

**Section 2.** This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED ON FIRST READING:

August 3, 2021.

PASSED ON SECOND READING AND ADOPTED:

August 17, 2021.

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**Eric Seidel, Mayor  
City of Oldsmar**

ATTEST:

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**Ann Nixon, City Clerk, MMC  
City of Oldsmar**

APPROVED AS TO FORM:

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**Thomas J. Trask, B.C.S.  
City Attorney, City of Oldsmar**