

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, RELATING TO BICYCLING  
3 AND SKATEBOARDING; SUBSTANTIALLY AMENDING  
4 CHAPTER 10, ORLANDO CITY CODE, ENTITLED  
5 "BICYCLES AND BICYCLE PATHS" TO ALLOW  
6 BICYCLE SHARING SERVICES AND TO DELETE  
7 PROVISIONS REDUNDANT OF STATE LAW;  
8 AMENDING CITY CODE TO ALLOW SKATEBOARDING  
9 FOR TRANSPORTATION PURPOSES IN CERTAIN  
10 PUBLIC RIGHTS-OF-WAY, INCLUDING SIDEWALKS;  
11 REQUIRING HELMETS FOR SKATEBOARDERS  
12 UNDER 16 YEARS OF AGE; PROVIDING LEGISLATIVE  
13 FINDINGS, DEFINITIONS, PENALTIES, AND FOR  
14 SEVERABILITY, CODIFICATION, CORRECTION OF  
15 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.  
16

17 **WHEREAS**, much of Chapter 10, Code of the City of Orlando, Florida ("Orlando  
18 City Code"), entitled "Bicycles and Bicycle Paths" is duplicative of existing state law,  
19 including the Florida Uniform Traffic Control Law (Chapter 316, Florida Statutes), and  
20 existing Orlando City Code, or is otherwise archaic or unnecessary; and  
21

22 **WHEREAS**, current Orlando City Code generally forbids skateboarding on City-  
23 owned or City-controlled property, including in public rights-of-way such as sidewalks;  
24 and  
25

26 **WHEREAS**, Goal 1 of the Transportation Element of the City's *Growth*  
27 *Management Plan* (the "GMP"; the GMP is the City's "comprehensive plan" for purposes  
28 of the Florida Community Planning Act, sections 163.3161 – 163.3217, Florida Statutes)  
29 is "[t]o develop a balanced transportation system that supports building a livable  
30 community with complete streets and improves access and travel choices through  
31 enhancement of roads, public transit, bicycle and pedestrian systems, [and] intermodal  
32 facilities..."; and  
33

34 **WHEREAS**, one of the transportation goals of the City's *Greenworks Orlando*  
35 *2013 Community Action Plan* is that by the year 2040 a majority of all trips in the City are  
36 made by "foot, bike, carpooling, or transit"; and  
37

38 **WHEREAS**, the City Council of the City of Orlando, Florida (the "Orlando City  
39 Council"), hereby finds that walking, biking, transit, and ridesharing are increasingly  
40 popular transportation alternatives to the single-occupant automobile and that  
41 skateboarding is a growing supplemental transportation option as well; and  
42

43 **WHEREAS**, the Orlando City Council hereby finds that, properly regulated,  
44 skateboarding and bicycle sharing services offer a viable, healthy, and environmentally  
45 sustainable transportation option and that Orlando City Code should be amended to  
46 allow, in appropriate settings, the use of skateboards for transportation purposes and  
47 bicycle sharing services on certain public property and rights-of-way; and  
48

49 **WHEREAS**, the Orlando City Council hereby finds that with the increase of  
50 skateboarding for transportation purposes, appropriate safety precautions should be  
51 taken to protect skateboarders from injury, especially young skateboarders; and

52  
53 **WHEREAS**, the Orlando City Council hereby finds that wearing a helmet can  
54 reduce the risk of a severe head injury while skateboarding and recognizing that the  
55 United States Consumer Product Safety Commission recommends the use of activity-  
56 specific helmets for activities such as skateboarding, the Orlando City Council further  
57 finds that it is reasonably protective of the public health, safety, and welfare to require  
58 the use of skateboarding helmets by young skateboarders using public property and  
59 rights-of-way for transportation purposes; and  
60

61 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**  
62 **OF ORLANDO, FLORIDA, AS FOLLOWS:**  
63

64 **SECTION 1. SEC. 10.01, AMENDED.** Section 10.01, Code of the City of  
65 Orlando, Florida, is hereby amended as follows:  
66

67 **Sec. 10.01. Definitions.**  
68

69 As used in this Chapter, the term:  
70

71 (1a) ~~Bicycle is defined as every~~ means a vehicle propelled solely by human  
72 power, and every motorized bicycle propelled by a combination of human power and an  
73 electric helper motor ~~rated at not more than 200 watts and~~ capable of propelling the  
74 vehicle at a speed of not more than ~~4~~20 miles per hour on level ground, upon which any  
75 person may ride, having two tandem wheels, and including any device generally  
76 recognized as a bicycle though equipped with two front or two rear wheels. The term  
77 does not include such a vehicle with a seat height of no more than 25 inches from the  
78 ground when the seat is adjusted to its highest position or a scooter or similar device.  
79

80 (2b) ~~Bicycle Path is defined as a public way intended primarily for bicyclists~~  
81 ~~at the side of a street or in or through a public park or other property owned or controlled~~  
82 ~~by the City of Orlando or an agency thereof~~ means a road, path, or way that is open to  
83 bicycle travel, which road, path, or way is physically separated from motorized vehicular  
84 traffic by an open space or by a barrier and is located either within the highway right-of-  
85 way or within an independent right-of-way.  
86

87 (c) Bike share company means a person, firm, or corporation that makes  
88 bicycles available for immediate, self-service rental at automated docking stations or  
89 through a digital network.  
90

91 (d) Docking station means a bicycle rack controlled by a bike share  
92 company.  
93

94 (e) Rider means a person who uses an automated docking station or digital  
95 network in order to obtain a bicycle from a bike share company.  
96

97 (3f) ~~Sidewalk is defined as a walkway intended primarily for pedestrians at the~~  
98 ~~side of a street or in or through a public park or other property owned or controlled by the~~  
99 ~~City of Orlando or agency thereof~~ means that portion of a street between the curblin  
100 e, or the lateral line, of a roadway and the adjacent property lines, intended for use by  
101 pedestrians.  
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103  
104       **SECTION 2. SEC. 10.02, AMENDED.** Section 10.02, Code of the City of  
105 Orlando, Florida, is hereby amended as follows:  
106

107 **Sec. 10.02. Rights and Duties; Generally Riding on Sidewalks and Bicycle**  
108 **Paths.**  
109

110       Every person operating a bicycle has all of the rights and all of the duties granted  
111 or imposed by law as to the driver of any vehicle, except as to any special regulations in  
112 Florida Statutes ch. 316, or this Code, and except as to provisions of this Chapter which  
113 by their nature can have no application.  
114

115       It is hereby made unlawful and a violation of this section to ride a bicycle on a  
116 sidewalk or bicycle path, or any portion thereof, where prohibited by clearly visible signs  
117 or markings, except that this section does not apply to government officials operating a  
118 bicycle within the scope of their lawful authority and for a public purpose.  
119

120       **SECTION 3. SEC. 10.03, AMENDED.** Section 10.03, Code of the City of  
121 Orlando, Florida, is hereby amended as follows:  
122

123 **Sec. 10.03. Compliance with Traffic and Parking Code Regulations Required**  
124 **Parking a Bicycle.**  
125

126       No person shall operate any bicycle on the streets, highways, sidewalks or  
127 bicycle paths of the City without complying with and observing applicable provisions of  
128 this Chapter and Chapter 39 of this Code.  
129

130       (a) A person may not park a bicycle:  
131

- 132       1. in a manner that obstructs or interferes with pedestrian or vehicular traffic;  
133       or  
134       2. on an accessibility ramp for persons with disabilities, or any part thereof,  
135       or in any manner that would restrict the movement of persons with  
136       disabilities; or  
137       3. within a motor vehicle parking space not designed for bicycle use; or  
138       4. on any public property, except in areas designated for bicycle parking; or  
139       5. on any private property without the permission of the owner. Placing a  
140       bicycle rack shall be deemed permission for the general public to park a  
141       bicycle within that rack, unless otherwise expressly stated in a clearly  
142       visible sign.  
143

144       (b) A person may not attach, secure, store, or park a bicycle to or upon public  
145 property in a manner that may cause injury or damage to any person or thing or in a  
146 manner that renders the public property unusable or unpassable.  
147

148       (c) Except as otherwise expressly allowed by the government official with  
149 authority over such property, bicycles parked on public property continuously for one  
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154 week or more shall be deemed abandoned and subject to the provisions of Chapter 705,  
155 Florida Statutes.

157 **SECTION 4. SEC. 10.04, AMENDED.** Section 10.04, Code of the City of  
158 Orlando, Florida, is hereby amended as follows:

159  
160 **Sec. 10.04. ~~Proper Operation of Bicycle~~Bicycle Sharing.**

161  
162 ~~A person operating a bicycle may not ride other than upon or astride a~~  
163 ~~permanent and regular seat attached to the bicycle.~~

164  
165 Bike share companies may operate dock-based or dock-less bike share services  
166 in the City of Orlando, subject to the following regulations:

167  
168 (a) Permit required. Each bike share company must apply for and receive a  
169 bike share permit from the City before commencing bike share operations and each bike  
170 share company must maintain a valid bike share permit at all times that the company  
171 operates a bike share service in the City. Bike share permits may not be assigned or  
172 transferred unless approved by the City.

173  
174 1. Term of permit. Each bike share permit is valid for one year, but  
175 may be renewed for additional one year terms upon application by the permit holder.

176  
177 2. Revocation of permit. The transportation director may revoke a  
178 bike share permit if the permittee violates any City ordinance or any condition attached  
179 to the issuance of the bike share permit. Within seven days of a revocation order being  
180 delivered to a permittee, the permittee may request a hearing before the transportation  
181 director or assignee. A fair opportunity to be heard shall be provided by the  
182 transportation director or assignee within 21 days of the request for a hearing. After the  
183 hearing, the director may affirm his or her order, affirm his or her order with conditions,  
184 or rescind his or her order. The director's decision shall constitute final agency action.

185  
186 3. Application requirements for a permit. Applications for a bike  
187 share permit must be made on a permit form provided by the transportation director. The  
188 form shall provide with specificity the material and documents needed to complete the  
189 application and must at a minimum request information necessary to confirm that the  
190 bike share company meets or will meet the requirements of this Chapter and other  
191 applicable provisions of City ordinance and state law. The form will include, though not  
192 exclusively, an agreement to indemnify the City of Orlando against any and all claims,  
193 damages, and liability arising from operation of the bike share company. All bike share  
194 permits shall be conditioned on the accuracy of and continued compliance with all  
195 material aspects of the application.

196  
197 4. Conditions of the permit. The transportation director may approve  
198 applications for a bike share permit with special regulations and conditions of operation  
199 as he or she deems reasonably appropriate to protect the public health, safety, and  
200 welfare.

201  
202 5. Application Fee. The initial application for permit must be  
203 accompanied by an application fee and a per bicycle fee for each bicycle to be operated

204 under the permit. Applications to renew a permit must also be accompanied by an  
205 application fee. The fees referenced herein will be established by City Council resolution.

206  
207 (b) Insurance and bond required.

208  
209 1. The bike share company must maintain a current and valid  
210 combined single-limit policy of commercial general liability insurance coverage in the  
211 amount of at least \$1 million per occurrence for bodily injury and property damage.

212  
213 2. The insurance policy required by paragraph 1. must be issued by  
214 a company authorized to do business in the State of Florida and the insurance policy  
215 must include endorsements making the City of Orlando an "additional insured" and  
216 conditioning the cancellation of the policy on prior written notice to the City.

217  
218 3. All bike share companies will maintain a performance bond in the  
219 amount of Eighty Dollars (\$80.00) per bicycle. The form of the bond must be approved  
220 by the City and will list the City of Orlando as an additional obligee. The bond funds will  
221 be accessible to the City (in that the City will be paid directly by the Surety) for costs  
222 incurred by the City for removing and storing improperly parked bicycles after the City's  
223 provision of notice to the bike share company or if a bike share company fails to remove  
224 bicycles when its permit expires or is terminated. Payment will be made from the Surety  
225 to the City within thirty (30) days after the City's submittal of an invoice to the Surety  
226 certifying costs as described above. Documentation confirming this bond requirement  
227 must be readily available for inspection by the City of Orlando.

228  
229  
230 (c) Bicycle regulations. Each bicycle provided as part of a bike share service  
231 by a bike share company must:

- 232  
233 1. Meet the requirements for bicycles as set forth in 16 Code of  
234 Federal Regulations Part 1512 and section 316.2065, Florida  
235 Statutes.  
236  
237 2. Prominently display the bike share company's logo.  
238  
239 3. Display a telephone number by which a user may contact the bike  
240 share company for customer support.  
241  
242 4. Be lawfully parked when not in use.  
243  
244 5. Be properly maintained for safe travel by the bike share company.  
245  
246 6. Not display third party advertising.

247  
248  
249 (d) Company responsibilities. Each bike share company must:

250  
251 1. Be a business organization authorized to do business in the State  
252 of Florida and maintain active organizational status with the Florida Division of  
253 Corporations.

254

255                   2.     Provide the transportation director with the name and contact  
256 information for the bike share company's local program administrator. The local program  
257 administrator must be a person authorized by the bike share company to represent the  
258 company with the City and to authoritatively respond to questions or concerns about the  
259 company's operations.

260  
261                   3.     Keep a representative available by phone 24 hours a day, 7 days  
262 a week, in order to respond to questions or concerns about the company's operations.  
263 The telephone number to reach the representative must be prominently displayed within  
264 the company's online application or website and also on each bicycle as required by  
265 Paragraph (c) 3. of this section.

266  
267                   4.     Reimburse the City for costs incurred to address or abate any  
268 violations of this Section or costs incurred for the repair or maintenance of public  
269 property arising from the operations of the bike share company.

270  
271                   5.     Pay the City an annual "per bicycle fee" as referenced in  
272 Section 10.04(a)(5), for each bicycle to be rented or leased by the bike share company  
273 within the City of Orlando. The fee term for each such bicycle expires one year after  
274 payment to the City but may be renewed for additional one year terms upon payment of  
275 a renewal fee in an amount established by City Council Resolution. No bicycle shall be  
276 rented or leased by the bike share company except within the applicable fee term for  
277 said bicycle.

278  
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280           (e)     Docking stations. Docking stations may not:

281  
282                   1.     Be placed in part or whole on any public property without the prior  
283 express written consent of the City.

284  
285                   2.     Be placed in part or whole on any private property without the  
286 prior express written consent of the property owner.

287  
288           (f)     Minimum requirements of the software application. At a minimum, the  
289 bike share company's software application must:

290  
291                   1.     Provide clear notification that riders must operate in compliance  
292 with state and local law.

293  
294                   2.     Provide an interface that allows riders to notify the bike share  
295 company of an issue relating to the safety or maintenance of a bicycle.

296  
297           (g)     Rebalancing, relocating, and removing bicycles. Rebalancing a bike  
298 share fleet is the act of geographically dispersing and re-dispersing bicycles to maintain  
299 a balanced availability of bicycles throughout a bike share company's service area.  
300 Relocating a bike share bicycle is the act of moving a bicycle when the bicycle is parked  
301 in an unlawful, unsafe, or un-useful location. Each bike share company must:

302  
303                   1.     Remove any bicycle that is inoperable or does not conform to the  
304 requirements of this Chapter.

305

306 2. Continuously rebalance its bike share fleet in order to maintain a  
307 useful distribution of bicycles as necessary to maximize bike share demand and utility to  
308 the cycling public.

309  
310 3. Relocate a bicycle within two hours of a request to do so by the  
311 transportation director or assignee.

312  
313 4. Immediately remove and safely store its bike share fleet when a  
314 tropical storm or hurricane warning has been issued for any part of Orange County.

315  
316 (h) Monthly reports. Each bike share company must provide a monthly  
317 report to the transportation director, which report must include the following minimum  
318 information:

- 319 1. The company's total number of local members.
- 320 2. Miles travelled.
- 321 3. Pick-up and drop-off location for each ride.
- 322 4. Total number of active bicycles in the fleet.
- 323 5. A map depicting all individual trips.
- 324 6. The number and type of maintenance requests.
- 325 7. Customer service activities.
- 326 8. An assessment of environmental impacts.

327  
328 (i) Administration. This section shall be administered by the director of  
329 transportation or designee.

330  
331 **SECTION 5. SECS. 10.05 – 10.22, REPEALED.** Sections 10.05 through 10.22,  
332 Orlando City Code, are hereby deleted in their entirety and reserved for future use.

333  
334 **SECTION 6. SEC. 43.73, AMENDED.** Section 43.73, Code of the City of  
335 Orlando, Florida, entitled "Skateboarding", is hereby amended as follows:

336 (4a) Definitions.

337  
338 ~~(a)1.~~ Skateboard ~~is defined as means~~ a board made of wood,  
339 fiberglass, or other material or combination of materials mounted on two axles, front and  
340 rear, with two or more wheels made of clay, polyurethane, or other material or  
341 combination of materials attached to each axle. The term "skateboard" includes  
342 motorized skateboards propelled by a motor mounted on the skateboard.

343  
344 ~~(b)2.~~ Skateboarding ~~is defined as means~~ lying, sitting, squatting,  
345 kneeling, or standing upon a skateboard and propelling oneself by any means which

355 causes the skateboard to move, including but not limited to: jumping on a skateboard;  
356 being pulled or pushed while situated on a skateboard; pushing the ground or surface  
357 with one foot while keeping one's other foot on the skateboard; by riding a skateboard  
358 from one elevation to a lower elevation; or by operation of a motor mounted on a  
359 skateboard.

360  
361 ~~(e)~~3. Transportation purposes means the conveyance or movement of  
362 a person from one location to another on any road or street where the posted speed limit  
363 is 25 miles per hour or less, and any paved trail, sidewalk, or other improved surface in  
364 the public right-of-way. It does not mean tricks, jumps, gymnastics, grinding, or other  
365 physical feats unnecessary to the efficient conveyance or movement of the person from  
366 one location to another.

367  
368 (2b) *Prohibitions.*

369  
370 ~~(a)~~1. Skateboarding is prohibited on all public property owned or  
371 controlled by the City and on all public property owned or controlled by other  
372 governmental entities, except as may be specifically authorized by the appropriate  
373 governmental entity, and except for transportation purposes if the person skateboarding  
374 yields the right-of-way to pedestrians and gives an audible signal before overtaking and  
375 passing a pedestrian.

376  
377 ~~(b)~~2. Skateboarding is prohibited on all private property in the City;  
378 provided, however, that skateboarding is permitted on such property with the permission  
379 and consent of the owner, tenant, or other person lawfully in possession of said property.

380  
381 ~~(c)~~3. ~~The prohibitions contained in subparagraphs (a) and (b) above~~  
382 ~~shall not apply to skateboarding on streets and roadways which shall be controlled in~~  
383 ~~accordance with F.S. §§ 316.2065(12) and 318.18(1).~~ Motorized skateboards may not  
384 travel in excess of 15 miles per hour on sidewalks.

385  
386 4. The prohibitions of this subsection shall not apply upon any street  
387 while set aside as a play street authorized pursuant to the Florida Uniform Traffic Control  
388 Law or as designated by the state, county, or municipal authority having jurisdiction.

389  
390 (c) Helmet required for those under 16. A skateboarder who is under 16  
391 years of age must wear a skateboarding helmet that is properly fitted and is fastened  
392 securely upon the skateboarder's head by a strap and that meets the "Standard  
393 Specification for Helmets Used in Skateboarding and Trick Roller Skating," ASTM  
394 F1492-15.

395  
396 **SECTION 7. SEC. 5.19, AMENDED.** Section 5.19, Code of the City of Orlando,  
397 Florida, is hereby amended as follows:  
398

399 **Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.**  
 400

401 (1) Violations of city codes and ordinances, and the applicable reduced civil  
 402 penalties, shall be as follows:  
 403

Violation Classifications	Reduced Civil Penalty		
	First Offense	Second Offense	Third and Subsequent Offense
Class I	\$ 50.00	\$100.00	Court Hearing Mandatory
Class II	100.00	200.00	"
Class III	150.00	300.00	"
Class IV	200.00	400.00	"
Class V	500.00	500.00	"

404 (2) Violations of City codes and ordinances which constitute civil infractions  
 405 for which citations may be issued are as follows:  
 406  
 407

Code/Ordinance Chapter or Section	Description	Class
****	****	****
Sec. 6.19	Compliance with backyard chicken restrictions	II
<u>CH. 10, BICYCLES AND BICYCLE PATHS</u>		
<u>Sec. 10.02</u>	<u>Riding on Sidewalks and Bicycle Paths</u>	<u>II</u>
<u>Sec. 10.03</u>	<u>Parking a Bicycle</u>	<u>II</u>
<u>Sec. 10.04</u>	<u>Bicycle Sharing</u>	<u>IV</u>
CH. 13, BUILDING CODE		
****	****	****

408 **SECTION 8. CODIFICATION.** The city clerk and the city attorney shall cause  
 409 the Code of the City of Orlando, Florida, to be amended as provided by this ordinance  
 410 and may renumber, re-letter, and rearrange the codified parts of this ordinance if  
 411 necessary to facilitate the finding of the law.  
 412

413 **SECTION 9. SCRIVENER'S ERROR.** The city attorney may correct scrivener's  
 414 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
 415 clerk.  
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**SECTION 10. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 11. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Print Name

THIS ORDINANCE DRAFTED BY AND APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

\*\*[Remainder of page intentionally left blank.]\*\*