



Ratification
Number

2010-231

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 91(4) TO EXPAND THE AREA WHERE TOY VEHICLES ARE PROHIBITED FROM RIDING ON THE SIDEWALKS; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 101 THROUGH 120, TO REPEAL THE MANDATORY REQUIREMENT THAT ALL BICYCLES IN THE CITY OF CHARLESTON MUST BE REGISTERED WITH THE CITY OF CHARLESTON POLICE DEPARTMENT; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 121 AND 122 TO REQUIRE THAT ALL BICYCLISTS OBEY TRAFFIC LAWS AND TRAFFIC CONTROL SIGNALS; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 124 TO PERMIT THE REMOVAL AND DISPOSAL OF ABANDONED BICYCLES; AND TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 125 TO EXPAND THE AREA WHERE BICYCLES ARE PROHIBITED FROM RIDING ON THE SIDEWALKS. (AS AMENDED)

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN THE CITY COUNCIL ASSEMBLED:

Section 1. Chapter 19, Section 91(4) of the Code of the City of Charleston is hereby amended by deleting the stricken text and replacing it with the underlined text, which shall read as follows:

“Unless designated otherwise, go upon any sidewalk ~~or roadway~~ in a school overlay zone or in an ~~area~~ commercially zoned area within the area bounded on the north by the Crosstown, on the east by the Cooper River, on the south by Broad Street, and on the west by the Ashley River on the peninsula as delineated on the zoning map of the city and as the zoning map may hereafter be amended by the ordinances of the city;”

Section 2. Chapter 19, Sections 101 through 120 of the Code of the City of Charleston are hereby amended by deleting the stricken text and replacing it with the underlined text, which shall read as follows:

“DIVISION 2. BICYCLE REGISTRATION

Sec. 19-101. Registration ~~required~~.

The owner or operator of every bicycle operated or furnished for operation or use, or which is used by either the owner or any other person on the streets or public places in the city ~~shall~~ may cause such bicycle to be registered at the police department, giving the make, model, number and such other description as may be feasible, on a form to be furnished by the police department. Bicycle registrations shall be valid for a period of three years from the date of registration. ~~, which shall be kept on file.~~

Sec. 19-102. License tags; issuance; attachment to bicycle.

There shall be issued for each ~~such~~ bicycle registered, as provided in this division, a ~~paper~~ decal license tag containing a number and other appropriate identification information. This ~~paper~~ decal license tag shall be attached to the bicycle for which it was issued.

Sec. 19-103. Fee for registration and issuance of license tag.

The fee for registration and issuance of the license tag, as provided in this division, shall be set by City Council and collected by the city police department. be the sum of one dollar (\$1.00), which sum shall be collected by the city police department.

~~Sec. 19-104. Disposition of fees collected; report of license tags issued.~~

~~Fees collected under section 19-103 shall be turned over to the city treasurer daily, together with a record of license tags issued under such section.~~

~~Sec. 19-105. Term of registration.~~

~~Registration, as required in section 19-101, shall be for the usable life of the bicycle in the city so long as it remains in the same ownership.~~

~~Sec. 19-106. Transfer of ownership; report of possession.~~

~~(a) Whenever there shall be a transfer of the ownership of a bicycle, such transfer shall be reported to the police department by the seller within twenty four (24) hours and information shall be furnished in regard thereto setting forth the name of the transferor and the transferee, which information shall be recorded in the police department along with the original application for registration, and the purchaser shall immediately register such bicycle in his name and shall pay a fee therefor in the sum of twenty five cents (\$0.25).~~

~~(b) Any person purchasing or coming into possession of a bicycle shall within twenty-four (24) hours report the same to the police department and effect the transfer provided for in this section.~~

~~Sec. 19-107. Forfeiture, sale and redemption of unlicensed or improperly licensed bicycles.~~

~~Any bicycle found on the streets of the city and any bicycle operated on the streets of the city without bearing a license tag as provided in this article, or bearing a license tag which was not legally issued for such bicycle, shall be seized by the police department and forfeited to the city. It shall be the duty of the police department from time to time to advertise and sell any and all bicycles so seized, upon giving the usual notice of sale and publication in a newspaper published in the city, as in the case of other personal property seized and forfeited; but the owner of such bicycle may, upon satisfactory proof of his ownership before the time of sale, redeem the bicycle by the payment of any costs or disbursements incurred in the seizure, advertisement and sale.~~

~~Sec. 19-108. Operation of unlicensed or improperly licensed bicycle.~~

~~It shall be unlawful to use or operate a bicycle without a license tag as above provided, or with a license tag that has been issued for a bicycle other than the one to which it is attached.~~

~~Sec. 19-109. Possession of unlicensed bicycle as evidence of violation of chapter.~~

~~The possession or custody of a bicycle without the license tag required by this division shall be prima facie evidence that the same was used or intended to be used in violation of the terms of this division. However, this shall not apply to any bona fide dealer in or salesman of bicycles, unless such vehicle is in use.~~

~~Secs. 19-1404-19-120. Reserved."~~

Section 3. Chapter 19, Section 121 of the Code of the City of Charleston is hereby amended by renumbering said section to Section 123.

Section 4. Chapter 19, Section 122 of the Code of the City of Charleston is hereby amended by renumbering said Section to Section 125 and by adding the following underlined text in 122(a) and by deleting the stricken text in 122(b) and replacing it with the underlined text, which shall read as follows:

"Sec. 19-122. Riding on sidewalks.

(a) No person shall ride or operate a bicycle upon any sidewalk in the city except:

(1) Children the age of twelve (12) and under may ride a bicycle having a wheel diameter of twenty-four (24) inches or less on any sidewalk except as otherwise herein prohibited.

(2) Where the sidewalk is designated by the traffic and transportation department as a shared-use path measuring at least eight (8) feet in width.

(3) Where the adjacent highway has a posted speed limit of thirty-five (35) miles per hour or more, adults and children may ride a bicycle on the adjacent sidewalk except as otherwise herein prohibited or if there is a dedicated bicycle lane on the adjacent highway.

(b) Unless designated otherwise, go upon any sidewalk ~~or roadway~~ in a school overlay zone or in ~~an area commercially zoned area within the area bounded on the north by the Crosstown, on the east by the Cooper River, on the south by Broad Street, and on the west by the Ashley River on the peninsula~~ as delineated on the zoning map of the city and as the zoning map may hereafter be amended by the ordinances of the city;"

Section 5. Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 124, which shall read as follows:

"Sec. 19-124. Abandoned Bicycles.

(a) It shall be unlawful for any person to abandon any bicycle on any public right-of-way or on any public property within the city. A bicycle shall be deemed abandoned if it:

(1) is in such a state of disrepair as to be incapable of being operated in its present condition, or

(2) has not been moved or used in more than seven days and bears physical indicia of having been abandoned.

(b) Any bicycle deemed abandoned pursuant to subsection A of this section shall have a notice affixed to it which informs the bicycle's owner that the bicycle appears to be abandoned. The notice shall indicate: (1) a telephone number for the owner to call to inform the City that the bicycle is not abandoned; and (2) the date after which the bicycle may be removed if it is not claimed by its owner. A bicycle shall not be deemed to be abandoned if the owner of the bicycle, within seven days of the affixing of a notice of abandonment, notifies the City that the bicycle is not abandoned.

(c) If a bicycle is not relocated or claimed by its owner within seven days of the affixing of a notice of abandonment, that bicycle may be removed and disposed of by discarding, donation, auction, or any other manner deemed appropriate by the city."

Section 6. Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 121, which shall read as follows:

"Sec. 19-121. Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this article and

except as to those provisions of laws and regulations which by their nature can have no application.”

Section 7. Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 122, which shall read as follows:

“Sec. 19-122. Obedience to Traffic Control Devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.”

Section 8. This Ordinance shall become effective upon ratification.

Ratified in City Council this 17th day of
AUGUST in the Year of Our Lord, 2010, in the
235th Year of Independence of the United States of
America.

By: _____

Joseph P. Riley, Jr.
Mayor, City of Charleston

ATTEST: _____

Vanessa Turner-Maybank
Vanessa Turner-Maybank
Clerk of Council