

**MEMORANDUM**

Agenda Item No. 7(B)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

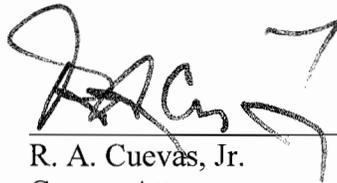
**DATE:** (Second Reading 4-8-08)  
February 19, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance requiring persons  
selling bicycles at retail not to  
sell a bicycle unless the buyer  
also purchases bicycle lights  
and reflectors

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The accompanying ordinance was prepared and placed on the agenda at the request of Senator  
Javier D. Souto.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** April 8, 2008

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance requiring persons selling bicycles at retail not to sell a bicycle unless the buyer also purchases bicycle lights and reflectors

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The proposed ordinance which is intended to regulate bicycle businesses by requiring the sale of lights and reflectors will not have a fiscal impact to Miami-Dade County.

Based on the County's experience in implementing comparable regulatory programs, consumers will be advised by media/outreach efforts and retailers will receive direct mailings. Random and complaint driven inspections by existing enforcement staff will ensure code compliance. Any costs relating to the proposed ordinance will be absorbed and included into existing operations of the Consumer Services Department.

It is estimated that approximately 112 retail establishments in Miami-Dade County sell bicycles. There is an amendment to Chapter 8CC establishing the fees in the proposed ordinance for Board consideration to support enforcement activities.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente". The signature is written in a cursive style and is positioned above a horizontal line.

Susanne M. Torriente  
Chief Assistant County Manager

fis02908



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 8, 2008

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
4-8-08

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REQUIRING PERSONS SELLING BICYCLES AT RETAIL NOT TO SELL A BICYCLE UNLESS THE BUYER ALSO PURCHASES BICYCLE LIGHTS AND REFLECTORS; PROVIDING EXCEPTIONS; AMENDING CHAPTER 8CC TO PROVIDE ENFORCEMENT UNDER THAT PROVISION; PROVIDING PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, much of Miami-Dade County has urbanized to the extent that it experiences sustained, constant traffic into the evening hours after the sun has set which presents a severe and deadly risk to adults and children who are riding bicycles intermixed in such traffic; and

**WHEREAS**, Section 316.2065 of Florida Statutes requires every bicycle in use between sunset and sunrise to be equipped with lights and reflectors; and

**WHEREAS**, this Board wishes to be proactive in ensuring that bicycles in traffic at such times are properly equipped, particularly when children may be riding such bicycles,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. A new section of the Miami-Dade County Code is created to read as follows:

**Sec. 8A-9. Lights and reflectors required to be sold with bicycles.**

- (1) Lights and reflectors required as part of the sale of a bicycle. A person engaged in the business of selling

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bicycles at retail shall not sell to any person any bicycle unless he or she also sells as part of the same transaction lights and reflectors that are capable of being used on the bicycle. One light must be able to attach to the front of the bicycle and exhibit a white light visible from a distance of at least 500 feet to the front. The other light and a reflector must be able to attach to the rear of the bicycle and to exhibit a red light visible from a distance of at least 600 feet to the rear.

- (2) Exceptions. This requirement will not apply to any sale in which the buyer signs a statement providing, to the best of the buyer's knowledge, that the buyer (or the person for whom the buyer is buying the bicycle): (1) intends to take the bicycle outside of Miami-Dade County and never use it in Miami-Dade County; (2) intends never to use the bicycle between sunset and sunrise; (3) already possesses such lights and reflectors that are suitable for the subject bicycles. Such statement shall also acknowledge that the buyer is aware that section 316.2065 of Florida Statutes requires every bicycle in use between sunset and sunrise to be equipped with such lights and reflectors. Such statements shall be kept by the person selling the bicycle for one year. Such statements shall be made available for inspection and copying, along with records reflecting sales of bicycles, to an enforcement officer of Miami-Dade County at a reasonable time and place after a written request to review them is delivered.
- (3) Penalty. The sale of a bicycle in violation of this section shall be punished by a civil fine of one hundred dollars. The failure to keep records required by this section shall be punished by a civil fine of one hundred dollars. The failure to make records available for inspection and copying shall be punished by a punished by a civil fine of one hundred dollars.
- (4) Applicability. The provisions of this ordinance shall apply throughout the incorporated and unincorporated area of Miami-Dade County, Florida.

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	* * *	
>>8A-9	<u>Sale of Bicycle without Selling Reflectors or Lights</u>	<u>\$100</u>
8A-9	<u>Failure to Keep Records</u>	<u>\$100</u>
8A-9	<u>Failure to Make Records Available for Copying and Inspection</u> <<	<u>\$100</u>
	* * *	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall sunset and shall lapse and become void and of no force and effect on January 1, 2018 unless reenacted by the Board of County Commissioners.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Thomas W. Logue

Sponsored by Senator Javier D. Souto