

Monday, August 22, 1983 - 6:00 P.M.

Commissioner Gordon advised that he still had concerns regarding the adjustment of pension contributions; whereupon,

Commissioner Gordon moved to defer the above motion to August 29, 1983.

City Auditor Randy Grover reported that he and two members of the Pension Review Committee, Dr. T. Craig Tapley and Sidney Knight, met with Director of Management and Financial Services Robert Lockridge and were satisfied with his calculations.

Vote on Motion,

CARRIED

The City Manager submitted the following communication:

Re: Bicycle License/Registration

See Page 1814-I for Communication and Attachments.

From the Communication:

"Recommendation

That the City of Gainesville adopt a mandatory Bike Registration and Licensing Program as proposed in the attached ordinance proposal."

City Manager Morgan noted: 1) the magnitude of stolen bicycles in terms of numbers and value; 2) the responsibility of the owner; 3) the reluctance of the Bicycle Advisory Board to make a recommendation at this time; 4) the need for more effective ways for the Police Department to control the stolen bike situation; and 5) the contribution of bicycle owners to the facilities designed for their use, e.g., bike paths.

Gainesville Police Department Chief Atkins Warren and Officer Larrell T. Thomas noted: 1) the need for a tool to control the problem of theft; 2) the statistics of bicycle theft in Gainesville; 3) registered bicycles are harder to sell, easier to identify, thereby increasing the recovery rate; 4) the cost-effectiveness of the proposed program; 5) the reasons why similar programs have not worked: a) lack of enforcement, b) too costly, and c) insufficient manpower; and 6) the total revenues from registration for the first year.

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Discussion ensued among the Commission, Police Chief Atkins Warren and Officer Thomas concerning: 1) the need for no new personnel at this time; 2) the one-time \$5.00 fee for the decal; 3) the possibility of making registration optional; 4) the possibility of the University of Florida police registering the University students, incorporating the charge into the student fees; 5) the suggestion that repair shops require bike registration; 6) the unusually high bike theft in Gainesville as compared to other cities; 7) clarification that registration is by decal and the serial number of the bike, stamped with heavy metal dye; 8) public demand for such a registration; and 9) the auctioning of stolen bikes.

Discussion continued among Commissioner Collier, Commissioner Goldstein, Chairman McEachern and citizens Lloyd Davis and Nicolas Britannia regarding: 1) paying for bike lane improvements rather than bike registration; 2) the responsibility of bike owners to protect their property; 3) maintaining and expanding the bike lane system with revenues from bike registration; 4) the need for improvements in the existing bike system; and 5) the inadequacy of existing bike racks and the need for placement of more bike racks in the City, especially in shopping areas.

Commissioner Collier moved to: 1) adopt the recommendation as outlined above; and 2) schedule a public hearing.

Commissioner Goldstein moved to amend the motion to include the use of the money raised by the program for high security bike racks.

Chairman McEachern expressed dissatisfaction with the amendment and suggested postponement of further action.

Commissioner Chalmers moved to defer action on the above two motions until August 29, 1983.

Vote on Motion to Defer,

CARRIED

BICYCLE REGISTRATION FORM

BICYCLE REGISTRATION CERTIFICATE

Owner _____ Lic. No. _____
Address _____ Date _____
Name of Bicycle _____ Serial No. _____
Color _____ Wheel Size _____
Phone _____

Boys
 Girls

REPORT OF TRANSFER

New Owner _____
Address _____
Date of Sale or Exchange _____
Signature of Licensee _____

Registration Fee _____

POLICE DEPARTMENT

SIGNED _____
Registrar

396

BICYCLE LICENSE DECAL



TENTATIVE BEGINNING REGISTRATION PROGRAM

John Kelly, Assistant City Manager, Perry Kirkland, Assistant Fire Chief, Jerry Jones, Recreation Director, and Larrell Thomas, Planning Officer, Gainesville Police Department, have tentatively scheduled an intensified Registration Program beginning September 24, 1983, and running through November 29, 1983.

The program has been designed to locate registration points strategically throughout the City to facilitate the registration effort at its beginning. Plans are to have fourteen (14) points conveniently located in neighborhoods and staff the points each Saturday from 8 a.m. through 12 p.m. on the dates stated above. The points will be staffed by Fire Department, Recreation Department, and Police Department personnel. To prevent the use of overtime, Reserve Police Officers and Police Explorers will be used to supplement the registration force.

Registration Points

A. City Fire Departments - Staffed by Firemen

1. Station #1 - 427 South Main Street
2. Station #2 - 2210 Southwest Archer Road
3. Station #3 - 900 Northeast Waldo Road
4. Station #4 - 10 Southwest 36th Street
5. Station #5 - 1244 Northwest 30th Avenue
6. Station #7 - 5601 Northwest 43rd Street

B. Recreation Centers - Staffed by Recreation Employees

1. McPherson Center - 1717 Southeast 15th Street
2. Westside Center - 1001 Northwest 34th Street
3. Wilhelmina Johnson Resource Center - 321 Northwest 10th Street

C. Other Locations - Staffed by Police Personnel

1. Reitz Union Colonnade, U. F. Campus - Assisted by University Police Dept.
2. YMCA - 5200 Northwest 34th Street
3. Rawlings Elementary School - 3500 Northeast 15th Street
4. Boys' Club - 2700 Northwest 51st Street
5. Police Department - 721 Northwest 6th Street

A Bike Coordinator will be selected from the present sworn officer strength within the Gainesville Police Department on a temporary basis. The Department feels the Bike Registration Program will be a great asset, both to the Department and the Community, and is willing to use existing manpower to test the need and cost effectiveness of the program. However, any funding or manpower taken from the present Departmental resources must be replaced, either from revenues generated from the Registration Program or additional funding.

Chapter

BICYCLES

Article I. In General

Sec. 1. "Bicycle" Defined.

Whenever used in this chapter, the term "bicycle" shall mean any device propelled by human power upon which any person may ride, having two tandem wheels either of which is twenty inches or more (51.28 cm) in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Sec. 2. Responsibility of Parents or Guardians.

The parents of any minor child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

Sec. 3. Rental.

No person shall rent or offer for rent any bicycle unless such bicycle is licensed, as required by section 6 and has a license decal attached thereto, as required by section 8.

Sec. 4. Offenses Involving Serial Numbers or Identification Numbers on Bicycles.

It is Unlawful:

- A. To sell or offer for sale in the City of Gainesville 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.
- B. 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 said bicycle.

Sec. 5. Penalty.

Any person violating or failing to comply with any of the provisions of this chapter shall be punished as provided in section 1-8 of this Code.

Article II. Licenses

Sec. 6. License Required; Registration; Exemption.

- A. It shall be unlawful for any person to operate, propel or park a bicycle or for the owner or custodian to permit the same to be done

on any street or upon any public way in the City unless such bicycle has been registered with the City, licensed and a license decal is attached to such bicycle as required by section 8. A person who can prove to the court that he is only passing through the City on a single occasion and whose bicycle shall not be nor has been in the City for more than three (3) days shall be exempt from these requirements, but in each such instance the burden of proof of the entitlement to such exemption shall be upon the person charged with such violation.

- B. The provisions of subsection (A) shall not apply to bonafide dealers of new or secondhand bicycles when the bicycles are kept by the dealers for sale to the public.

Sec. 7. Application; Fee.

Application for a bicycle license and license decal shall be made to the City Manager or his designee on a form provided by the City. A license fee of five dollars (\$5.00) shall be paid to the City before each license is granted.

Sec. 8. License Decals.

- A. The person to whom a bicycle license decal is issued shall cause such license decal to be firmly attached to the bicycle in such a position that the license decal is clearly visible from the left side of the bicycle affixed to the top portion of the seat post. The license decal shall continue to remain attached to the bicycle for which the license decal was issued, and shall not be removed from such bicycle.
- B. The City Manager or his designee is hereby authorized to confiscate and take possession or custody of any bike which has a decal attached for which it was not issued or when any person has made or is making any unlawful use thereof.
- C. License decals shall not be obscured or defaced in any manner and shall be kept clean of dirt or any other substance likely to impair their legibility. No person shall operate any bicycle within the corporate limits of the city under a license decal other than that issued for it by the city.
- D. It shall be unlawful for any person to remove or cause to be removed, destroy, mutilate or counterfeit any bicycle license decal or to use any license decal so mutilated or counterfeited.
- E. In the event any number on a bicycle license decal shall become obliterated or illegible, it shall be the duty of the person owning, or having in his possession the bicycle, to apply for a duplicate bicycle license decal for which decal the applicant shall pay a fee of one dollar (\$1.00). It shall be unlawful for any person to ride on, or to have in his possession, any bicycle having attached thereto, a bicycle license decal the number of which is obliterated or illegible.

Sec. 9. Reports of Sales and Transfers.

No bicycle license decal, issued pursuant to this chapter, shall be transferable from one bicycle to another, but is transferable only 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 as provided in this chapter.

Sec. 10. Transfer; Fee.

It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale, or transfer, by returning to the City Manager or his designee the registration card issued to such person as licensee thereof, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made within seven (7) days of the date of such sale or transfer. It shall be the duty of the purchaser, or transferee, of such bicycle to apply for a transfer of the registration thereof within seven (7) days of the sale or transfer. The license as stated in this article may be transferred when the ownership of the bicycle is transferred. The fee of one dollar (\$1.00) shall be paid for the registration of such transfer with the City Manager or his designee.

Sec. 11. Records.

The City Manager or his designee shall cause to be kept a record of the number of each license, the date issued, the name and address of the person to whom issued and the serial number on the frame of the bicycle for which issued and a record of all bicycle license fees collected by him.

Sec. 12. Proof of Ownership Required.

No license shall be issued for any bicycle without sufficient proof that the applicant is the owner and entitled to possession of such bicycle.

Sec. 13. Bicycle Dealers.

Every person engaged in the business of buying or selling new or second-hand bicycles shall register all new or unlicensed second-hand bicycles and make a report to the City Manager or his designee within ten (10) days of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make and the frame number thereof.

A supply of bicycle license decals and registration forms will be issued to each dealer. One dollar (\$1.00) of the five-dollar (\$5.00) total registration fee may be retained by the dealer. Four dollars (\$4.00) will be retained for the City Manager or his designee.

Sec. 14. Impoundment of Bicycle in Violation of this Chapter.

It shall be the duty of any police officer of the City of Gainesville to take into possession and to impound any bicycle being found in any of the public areas of the City or being operated upon any of the streets within

the City, when the bicycle does not have attached thereto a bicycle license decal as provided in this chapter.

The Police Department shall keep impounded the bicycle until the owner shall have obtained for the bicycle the proper bicycle license decal as provided in this chapter. An impounding fee of one dollar (\$1.00) shall be charged for the impounding of such a bicycle.

Sec. 15. Penalty for Violation of Article.

Any person convicted of violating the provision of this article shall be punished as provided by section 1-8 of the Gainesville Code of Ordinances.

Article III. Operation

Sec. 16. Bicyclists Subject to Traffic Laws.

Add Article IX (Bicycles), Sec. 27-41 of City Ordinance.

Monday, August 29, 1983 - 5:00 P.M.

Commissioner Collier moved a substitute motion to refer the issue of bicycle license and registration to the Urban Area Bicycle Advisory Board for a critique of the Bike Registration and Licensing Program and for suggestions.

There was discussion by Urban Area Bicycle Advisory Board Chairman Kermit Sigmon, Commissioner Collier, Chairman McEachern, Commissioners Chalmers and Goldstein, Bicycle Shop Manager Steven Bottomly and Bicycle Shop Owner Paul Corey about: 1) whether registration should focus on recovery; 2) the number of stolen bicycles recovered; 3) the need for a proposal to reduce the number of stolen bikes in the City; 4) \$5.00 as a prohibitive cost for bike registration; 5) the need for and effectiveness of bike racks; 6) 17.04 percent of grand thefts in the City being bicycle thefts; and 7) the inclusion of bicycle shop owners in committee meetings.

Vote on Motion,

CARRIED

Chairman McEachern and Commissioner Goldstein expressed appreciation to the Urban Area Bicycle Advisory Board members, the bicycle shop participants and the Gainesville Police Department.

(See Page 1855 of Instant Minutes for Consideration on Additional Unfinished Business Items.)

CITY ATTORNEY

Commissioner Chalmers submitted an ordinance entitled: 0-83-85

AN ORDINANCE OF THE CITY OF GAINESVILLE CLOSING
ABOLISHING AND VACATING A PORTION OF N.E. 7TH PLACE
LYING EAST OF N.E. 13TH STREET; RESERVING A PUBLIC
UTILITIES EASEMENT; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A REPEALING CLAUSE; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE (Petition No. 243-82 PB)

and moved that said ordinance on first reading be read by title only.

CARRIED

Whereupon the ordinance was read by title only.

Monday, January 23, 1984 - 6:00 P.M.

the Board of Adjustment, the Downtown Redevelopment Agency and the Gainesville Regional Airport (copy of ordinance attached).

As James F. Lang, attorney for the Gainesville Housing Authority, points out in the attached letter, the Gainesville Housing Authority has been in existence for 15 years and had entered into many contracts, indentures, leases, etc., involving substantial amounts of money and will continue to do so. Including the Gainesville Housing Authority in the category of the exempted boards would eliminate the possibility of a vote being taken on a vital issue involving substantial amounts of money when, in fact, one or more of the members may no longer be members and yet not be aware of that fact.

(See Minute Papers for a letter from Attorney James F. Lang, dated January 9, 1984.)

Commissioner Collier moved to approve the City Attorney's recommendation as outlined above.

CARRIED

REPORTS FROM ADVISORY BOARDS/COMMITTEES

Urban Area Bicycle Advisory Board Chairman Kermit Sigmon submitted the following communication:

Re: Referral Regarding Bicycle Registration

On August 29, 1983, the Commission referred to the Urban Area Bicycle Advisory Board (UABAB) for its recommendation the question of a local bicycle registration program. This referral was in response to a proposal by the Gainesville Police Department (GPD) of a mandatory registration program. Attached are our recommendations and a brief analysis of the question of bicycle registration which we, by unanimous vote, submit for your consideration.

Monday, January 23, 1984 - 6:00 P.M.

Both the UABAB and GPD support a bicycle registration program as well as implementation of certain bicycle theft prevention measures. The UABAB differs from the GPD, however, in its recommendation that the registration program be voluntary rather than mandatory.

This issue has received the most thorough consideration by the UABAB of any in my memory. The Board has reviewed the available literature on the subject as well as the experience of similar cities. It has invited and considered the comments of the GPD, bicycle retailers, and other interested citizens. It is our belief that the recommendations presented below represent the best interests and desires of the community as a whole.

The considerable effort of a subcommittee of the Board in analyzing background information and preparing numerous drafts of its findings for consideration by the full Board should be publicly acknowledged. Special thanks are due Ralph Swain, Chris Jones, and Beverly Pope.

(See Minute Papers for a Review of Bicycle Registration Programs with Recommendations for the City of Gainesville.)

Urban Area Bicycle Advisory Board Chairman Kermit Sigmon gave a report (reference Tape Side #3, Index 27-28).

(Commissioner Gordon entered the meeting room at 7:55 P.M.)

Urban Area Bicycle Advisory Board Member Chris Jones gave a report (reference Tape Side #3, Index 28 through Tape Side #4, Index 3).

There was discussion (reference Tape Side #4, Index 3-14).

Commissioner Collier moved to refer to the City Manager the question of mandatory registration of bicycles over \$100 sold through stores, new or used, with a fee of \$2, \$1 going to the store owner for his trouble, the other \$1 going to the City for the cost of the decal, and any other variations of that concept that the City Manager might want to present (originally, the motion was to refer the matter of bicycle registration to the City Manager for comment; however, the motion was later expanded).

Monday, April 16, 1984 - 6:00 P.M.

The City Manager submitted the following communication:

Re: Voluntary Bicycle License/Registration Program Referral
Recommendation

1. Advertise the attached ordinance and authorize its enactment.
2. Receive a report on Bicycle License/Registration and remove the item from the referral list.

Explanation

The City Commission's referral regarding bicycle license/registration has been reviewed by the City Manager's Office, the Police Department and members of the Urban Area Bicycle Advisory Board (UABAB). The general consensus of all is that any modifications to the mandatory registration (i.e., register only new bikes, etc.) as proposed would not accomplish the goals as outlined in the proposed program.

The Gainesville Police Department has altered its request for a mandatory registration program and will support, within current budgetary means, the recommendations made by the UABAB in their referral, dated January 16, 1984. The UABAB recommends that, rather than adopting a mandatory bicycle registration program, the City incorporate the following measures into its comprehensive bicycle program:

1. Improve the visibility and effectiveness of the current voluntary registration program.
2. Work to prevent bicycle thefts through:
 - a. Cyclist education
 - b. Increase safe bicycle parking
 - c. The use of bait bicycles and other appropriate techniques to apprehend bicycle thieves.

The recommendation of a voluntary education type program should only be implemented on a trial basis for twelve-to-eighteen (12-18) months. If, at the end of the trial period, the program does not accomplish the desired results of the Police Department's original proposal, i.e., reduce number of bicycle thefts, increase recovery of stolen bicycles, increase return rate of stolen bicycles to their owners, generate revenue for bicycle program, the mandatory registration program should be reconsidered.

Monday, April 16, 1984 - 6:00 P.M.

The Police Department feels that an additional tool, other than a voluntary education program, will be needed to combat the career bike thief who uses bicycles for the purpose of profit or as a means of transportation for their criminal activity. A supplement to the proposed voluntary program which would be of some assistance is an ordinance which would make it illegal to possess a bicycle with an altered or obliterated serial number. This would provide a tool for the police to use when probable cause existed that a bicycle was stolen. The bike and its rider could be stopped and, if the bike did have an altered or obliterated serial number, the bike could be seized and its rider subject to arrest depending on the circumstances involved.

Fiscal Impact

Funding for bicycling education programs is part of the City's comprehensive bicycle program and if additional funds are needed, they will be sought through normal budgetary channels.

Program Impact

A comprehensive education type program should be welcomed by the bicycling community and should be of great benefit to all present and future bicyclists.

Alternatives

Not applicable.

Commissioner Goldstein moved to: 1) approve the City Manager's recommendation as outlined above; and 2) refer to the Urban Bicycle Advisory Board to consider that bicycle shops keep records of names and serial numbers of bicycles sold and periodically forward these records to the police department (Item No. 2 added).

There was discussion (reference Tape Side #10, Index 9-11).

Vote on Motion,

CARRIED

Commissioner McEachern moved that the Ordinance: 0-84-29 (3009)

AN ORDINANCE OF THE CITY OF GAINESVILLE CREATING SECTION 18-19 OF THE CITY OF GAINESVILLE CODE OF ORDINANCES RELATING TO BICYCLES WITH ALTERED IDENTIFICATION NUMBERS, TO PROVIDE A CRIMINAL PENALTY FOR CERTAIN ACTIVITIES IN CONNECTION WITH SUCH BICYCLES; PROVIDING AN EFFECTIVE DATE

adopted on first reading May 21, 1984, be placed on second and final reading with the following modification: Page 1, Section 18-19(a), line 21, to read, "...a permanently affixed label. It is unlawful for any person to remove, deface, cover, alter, or destroy such identifying numbers for the purpose of..." (modification added).

There was discussion (reference Tape Side #1, Index 23-24).

Vote on Motion, CARRIED

There was discussion (reference Tape Side #1, Index 24-25).

Whereupon the ordinance was read by title only.

A copy of the Ordinance is filed in Ordinance Book No. 32 located in the Clerk of the Commission's office.

Commissioner McEachern moved to adopt the Ordinance on final reading as read with the following modification: Page 2, Section 18-19(b), add at the end of the paragraph, "...The City Manager or his designee shall be responsible for the recording/retrieval of the special identification numbers and the information relating to person and bicycle to which the number is issued (modification delineated in above discussion (Index 24-25); "retrieval" added).

There was discussion (reference Tape Side #1, Index 25-26).

Vote on Motion,

ROLL CALL

Commissioner	Collier	Aye
	Hill	Aye
	McEachern	Aye
	Chalmers	Absent
Chairman	Gordon	Aye

Ayes - 4

Nays - 0

ADOPTED

ORDINANCE NO. 3009
O-84-29

AN ORDINANCE OF THE CITY OF GAINESVILLE
CREATING SECTION 18-19 OF THE CITY OF
GAINESVILLE CODE OF ORDINANCES RELAT-
ING TO BICYCLES WITH ALTERED IDENTIFICA-
TION NUMBERS, TO PROVIDE A CRIMINAL
PENALTY FOR CERTAIN ACTIVITIES IN CON-
NECTION WITH SUCH BICYCLES; PROVIDING
AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. That Section 18-19 of the City of
Gainesville Code of Ordinances is hereby created to read
as follows:

Sec. 18-19. UNLAWFUL TO POSSESS BICYCLES FROM WHICH
IDENTIFICATION HAS BEEN REMOVED.

(a) It is unlawful for any person to knowingly
buy, sell, receive, dispose of, conceal or have in his
possession any bicycle the main or primary frame
of which does not bear a clearly distinguishable
manufacturer's serial number or other distinguishing
alpha numeric, including a number or alpha numeric on
a permanently affixed label. It is unlawful for
any person to remove, deface, cover, alter or
destroy such identifying number or marks for the
purpose of concealing or misrepresenting the identity
of the bicycle.

(b) The City Manager or his designee is hereby
authorized to permanently affix special identification

1 numbers to bicycles which come into the custody of or
2 are brought to the City of Gainesville which have altered
3 or obliterated identifying numbers. The city manager
4 or his designee shall be responsible for the recording
5 of and the retrieval of the special identification
6 numbers and the information related to the person and
7 bicycle to which the number is issued.

8 (c) The 90-day period immediately following the
9 passage of this ordinance shall be designated as an
10 official grace period. During the 90-day grace period,
11 all bicycles in violation of the provisions of para-
12 graph (a) may be brought to a location designated by
13 the City Manager to have an indentifying number per-
14 manently affixed at no cost to the owner.

15 (d) For the purposes of this section, bicycles
16 shall mean:

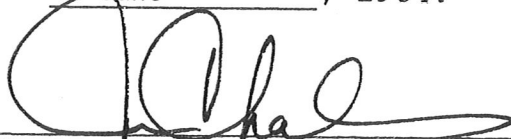
17 Every vehicle propelled solely by human
18 power, upon which any person may
19 ride, having two tandem wheels, and
20 including any device generally recognized
21 as a bicycle though equipped with two
22 front or two rear wheels. The term does
23 not include such a vehicle with a seat
24 height of no more than 25 inches from the
25 ground when the seat is adjusted to its
26 highest position or a scooter or similar
27 device.
28

1 Section 2. Any person convicted of violating any
2 of the provisions of this ordinance shall be punished as
3 provided in Section 1-8 of the Code.

4 Section 3. If any portion of this ordinance is
5 declared by a court of competent jurisdiction to be invalid
6 or unenforceable, such declaration shall not be deemed to
7 affect the remaining portions of this ordinance.

8 Section 4. This ordinance shall become effective
9 ninety (90) days after final adoption.

10 DATED this 4th day of June, 1984.

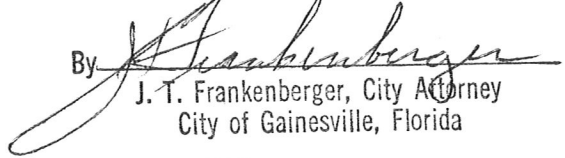
11 
12 _____
13 MAYOR-COMMISSIONER

14 ATTEST:
15 
16 _____
17 CLERK OF THE COMMISSION

18 This ordinance passed on first reading this 21st day of
19 May, 1984.

20 This ordinance passed on second and final reading this
21 4th day of June, 1984.

22 Approved as to form and correctness

23 By 
24 J. T. Frankenberger, City Attorney
25 City of Gainesville, Florida

26 JUN 6 1984