

Intro. Res. No. 1191-2021
Introduced by Legislators Hahn, Mazzarella and Cilmi

Laid on Table 3/16/2021

**RESOLUTION NO. 451 -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO DISCOURAGE RECKLESS
BIKING IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 16, 2021, a proposed local law entitled, "**A LOCAL LAW TO DISCOURAGE RECKLESS BIKING IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO DISCOURAGE RECKLESS BIKING IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County takes its commitment to protect the health and safety of County residents and visitors very seriously.

This Legislature finds that some people operating bicycles in Suffolk County are doing so in a manner that is dangerous to cars, pedestrians, and the bicyclists themselves.

This Legislature determines that some individuals are operating bicycles in a way that is meant to purposely scare, frighten, or otherwise terrorize drivers, other bicyclists, pedestrians, and other road users. Some tricks performed by such individuals are done to thrill onlookers, while others may be intended specifically to frighten.

This Legislature also finds and determines that such reckless bicycling has become a problem in Suffolk County, which puts the safety of many on County roadways at risk.

This Legislature finds that there have been unfortunate instances of minors being seriously injured or killed in accidents associated with reckless bicycling across the country in recent years.

This Legislature further finds and determines that in order to prevent harm to the people operating bicycles and those around them, rules must be put into place to ensure the safe operation of bicycles in Suffolk County.

Therefore, the purpose of this law is to regulate the manner in which people can ride and operate bicycles in Suffolk County and impose penalties on those who operate bicycles in a reckless manner.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

BICYCLE - every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

CHEMICAL ANALYSIS - a chemical test of the breath, blood, urine or saliva of an operator of a vehicle or bicycle that determines the percent of alcohol or drugs in the operator's system.

MOTOR VEHICLE - every vehicle operated or driven upon a public highway, which is propelled by any power other than muscular or human power. This term shall specifically include but shall not be limited to motorcycles, cars, and snowmobiles, as such terms are or may be defined by the New York Vehicle and Traffic Law.

TRICK RIDING – operating a bicycle on a roadway or occupied parking lot in a reckless manner or performing tricks or non-standard bicycling maneuvers. This definition includes, but is not limited to, having all or more than one of the wheels of the bicycle not touching the ground, weaving in and out of traffic, spinning the bicycle or any of its wheels outside of the customary rotations associated with the standard operation of a bicycle, and any stunts, including acrobatic maneuvering of the bicycle or handstands.

Section 3. Reckless Operation.

No person shall operate a 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 lawful use of the streets or sidewalks or any other public or private property.
- B. By weaving or steering in a zig-zagging course around motor vehicles in operation on the roadway, unless such irregular course is necessary for the safe operation in compliance with this law and New York Vehicle and Traffic Law.
- C. While trick riding on roads or parking lots which actively have motor vehicle or other road user traffic, including pedestrians and other bicyclists.

Section 4. Operation Under the Influence of Alcohol or Drugs.

- A. No person shall operate a bicycle while the person's ability to operate such bicycle is impaired by the consumption of alcohol.
- B. No person shall operate a bicycle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva.
- C. No person shall operate a bicycle while in an intoxicated condition or while the person's ability to operate such bicycle is impaired by the use of any drug(s).

- D. The provisions of this section shall apply upon public highways, roads open to motor vehicle and bicycle traffic, and any other parking lot. For the purposes of this section “parking lot” shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one- or two-family residence.

Section 5. Impounding.

- A. Whenever a person operates a bicycle in violation of Sections 3 or 4 of this law, the bicycle may be seized by any member of the Suffolk County Police Department or any enforcing law enforcement agency and impounded. A bicycle that is impounded shall be surrendered to the owner, or if the owner is a minor, to the parent or guardian of the minor. A full explanation of the reason for the impounding shall be made to the owner, parent or guardian. A complete record of impounded bicycles shall be kept by each police department where the impounding occurred.
- B. The SCPD or other agency will not charge for the return of the bicycle nor hold it (when the owner is attempting to retrieve it) for more than 24 hours on the first offense. Fee for bicycle recovery on the second or subsequent offense shall not exceed \$100.

Section 6. Penalties for Offenses.

Any person committing an offense enumerated in this law shall be guilty of a violation, punishable by a fine not to exceed \$250 per offense.

Section 7. Effects on Other Laws and Regulations.

This law will not prohibit or supersede any town or village within the County of Suffolk from enacting any ordinance, resolution, or local law which provides for the same or more restrictive regulations or penalties on the operation of a bicycle.

Section 8. Applicability.

This law shall apply to all persons operating bicycles on or after the effective date of this law.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 11. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: June 8, 2021

****VETOED BY THE COUNTY EXECUTIVE ON JULY 12, 2021****

****VETO OVERRIDEN ADOPTED ON JULY 27, 2021****