

City Hall
80 Broad Street
July 20, 2010
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation - Councilmember White

C. Pledge of Allegiance

D. Presentations and Recognitions:

1. Proclamation: Robert Dickson

E. Public Hearings:

1. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1611 Pinecrest Road (*Pinecrest Gardens - West Ashley*) (0.29 acre) (TMS #351-12-00-057), annexed into the City of Charleston June 15, 2010, be zoned Single & Two Family Residential (STR) classification.

2. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1215 Camelia Road (*Pinecrest Gardens - West Ashley*) (0.14 acre) (TMS #351-12-00-049), annexed into the City of Charleston June 15, 2010, be zoned Single-Family Residential (SR-2) classification.

3. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1277 Ashley Hall Road (*Fairfield Pines - West Ashley*) (0.13 acre) (TMS #351-12-00-117), annexed into the City of Charleston June 15, 2010, be zoned Single-Family Residential (SR-2) classification.

4. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that To zone 1253 Wisteria Rd (*Pinecrest Gardens - West Ashley*) (0.22 acre) (TMS #351-12-00-109), annexed into the City of Charleston May 25, 2010, be zoned Single-Family Residential (SR-2) classification.

5. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 3333 Maybank Hwy (*Johns Island*) (1.147 acres) (TMS #279-00-00-191), annexed into the City of Charleston May 25, 2010, be zoned General Office (General Office) classification.

6. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1943 Woodland Road (*West Ashley*) (9.048 acres) (TMS #355-16-00-001), be zoned Planned Unit Development (PUD) classification.

7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to update the reference to the "Official Zoning Map" to include digital zoning data stored in the City of Charleston Geographic Information System.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. June 15, 2010

H. Citizen Participation Period

I. Petitions and Communications:

1. Discussion and Report from the Rhodia Plant and Charleston Fire Department (*Councilmember Gallant's request*)
2. A Resolution relating to School Choice (*Councilmember Alexander's request*)
3. Discussion on Buy Local Preference (*Councilmember Seekings' request*)
4. Update on Charleston County's Aviation Authority Application Process by Corporation Counsel
5. Report on voting matters by Corporation Counsel
6. Appointments: Board of Zoning Appeals-Site Design
7. Appointments: Colonial Commons and Ashley River Embankment

J. Standing Committee Reports:

1. Recreation Commission: (Meeting held on Monday, June 28, 2010)
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department.
2. Committee on Recreation: (Meeting held on Monday, July 19, 2010 at 5:30 p.m.)
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department.

3. **Committee on Traffic and Transportation: (Meeting held on Tuesday, July 6, 2010)**
(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 123 to provide for the manner in which bicycles may be parked on public property; 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
(A Resolution to authorize the City's Traffic and Transportation Department to add an additional two tokens to the six month Rickshaw Pilot Program increasing the number of tokens from six to eight that may be issued exclusively during the evening and weekend hours during the Pilot Program which began on May 1, 2010 and ends on November 1, 2010.
(Applications for Original Certificate of Public Convenience Staff and Necessity Certificate for Taxi Cab/Public Car:
Gail C. Fisher DBA L G Taxi
4. **Committee on Public Works and Utilities: (Meeting held on Monday, July 19, 2010)**
(Staffordshire Subdivision- Needwood Forest Road (50' r/w), Chilhowee road (50' r/w), Thorpe Constantine Avenue (50' r/w), Sheen Drive (50' r/w), Waterfall Place (50' r/w).
(Carolina Bay Ph 5C (Ricefield)- Hockley Blvd. (50' r/w), Gallberry Street (50' r/w), Cornsilk Drive (50' r/w).
(Carolina Bay Drive Extension -(r/w varies), Conservancy Lane (50' r/w).
(Carolina Bay 7A (Cypress)- Amberhill Way (50' r/w), Pleasant Hill Drive (50' r/w), Pixley Street (50' r/w).
(Carolina Bay 5D (Ricefield)- Cornsilk Drive (50' r/w), Halfshell Lane (50' r/w), Hockley Blvd. (50' r/w).
(Carolina Bay (Saddles)-Marginal Road (50' r/w). "New Road Right of Way.
5. **Committee on Ways and Means:**
(Bids and Purchases
(Police Department: Community Based Violence Prevention Demonstration Program Grant Application \$2,216,838 (No City Match) *US Department of Justice Program, Office of Juvenile Justice and Delinquency Prevention*
(Police Department: 2009 Port Security Grant Application \$312,500 (City Match \$78,125) *US Department of Homeland Security*
(Fire Department: 2010 Port Security Grant Application \$329,925 (No City Match) *US Department of Homeland Security*

- (Office of Cultural Affairs: Concert to Commemorate the Sesquicentennial of the Civil War Grant Application \$10,000 (No City Match) *The Post and Courier Foundation*)
- (Office of Cultural Affairs: 2011 Piccolo Spoleto Festival Spotlight of Concert Series Grant Application \$5,000 (No City Match) *The Post and Courier Foundation*)
- (Office of Cultural Affairs: 2010 MOJA Arts Festival Grant Application \$5,000 (No City Match) *The Post and Courier Foundation*)
- (Police Department: Controlled Substance Analyst for the Forensic Services Division Grant Acceptance \$55,161 (City Match \$2,903) *South Carolina Department of Public Safety- Office of Justice Program*)
- (Police Department: Partnership for Drug-Free America Grant Acceptance \$5,000 (No City Match) *American Recovery and Reinvestment Act*)
- (Fire Department: Charleston Type II Search and Rescue Response Team Grant Acceptance \$25,000 (No City Match) *South Carolina Law Enforcement Division*)
- (Public Service: Church Creek Drainage Improvement Project Grant Acceptance \$144,000 (City Match \$117,818) *US Environmental Protection Agency Account #050342-52240*)
- (Office of Cultural Affairs: 2011 Piccolo Spoleto Spotlight on Concert Series Grant Acceptance \$6,000 (No City Match) *The Henry and Sylvia Yaschik Foundation*)
- (Office of Cultural Affairs: 2010 MOJA Arts Festival Grant Acceptance \$1,000 (No City Match) *The Henry and Sylvia Yaschik Foundation*)
- (Memorandum of Understanding for the Charleston Promise Neighborhood)
- (An ordinance to provide for the issuance and sale of \$19,000,000 General Obligation Bonds of 2010 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.)
- (Purchase Agreement and Acceptance of Deed of a portion of the southeastern quadrant of Bees Ferry and Glenn McConnell Intersection for the future right-of-way for the West Ashley Circle.)
- (Exclusive Storm Water Drainage Easement with SPC Investments, LLC (2010 Vendor Franchise Agreements) (*Ordinance*))
- (Consider the following annexations (2 ordinances))
1. 1459 Cecilia Drive TMS# 352-09-00-041
 2. 238 Nelliefield Creek Drive TMS# 269-01-04-016

Give first reading to the following bills and adopt resolutions coming from Ways & Means:

1. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston franchise agreements with Josh Kent d/b/a Charleston Ice, David Landy, Ping Li and Marvin Smith d/b/a Burrito Man for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices.
2. An ordinance to provide for the issuance and sale of \$19,000,000 General Obligation Bonds of 2010 of the City of Charleston, South Carolina, to prescribe the purposes

for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.

3. An ordinance to provide for the annexation of property known as 1459 Cecilia Drive (0.303 acres) (TMS#: 352-09-00-041), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 9.

4. An ordinance to provide for the annexation of property known as 238 Nelliefield Creek Drive (0.14 acres) (TMS#: 269-01-04-016), Cainhoy, Berkeley County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 4.

K. Bills up for Second Reading:

1. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 56 Halsey Blvd (Mason Preparatory School – Harleston Village - Peninsula) (0.15 acre) (a portion of TMS# 457-02-04-046), be rezoned so as to be included in the School Overlay Zone (S) classification.

2. An ordinance amending Ordinance No. 1993-416, as previously amended by Ordinances No. 1996-237, 1998-183 and 1999-04, in order to supplement the plan for the redevelopment of such area by describing the redevelopment projects and to extend the maximum term of maturity of obligations to be issued under the plan, each as established by Ordinance No. 1993-416, as amended. (***Gaillard Municipal Auditorium Redevelopment***)

3. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article III, Division I to provide maintenance standards for vacant structures.

4. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 7, Article IV, Housing, Section 71 through 115, to make certain administrative changes to the article to bring the requirements and notice procedures of the article into compliance with state law, to provide for criminal trespass, and to renumber certain sections of the article.

5. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department. (***As Amended***)

6. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 28, Article III, to reinsert the approval of permissive encroachments which was removed from the City's Code by ordinance amendment 1996-158

7. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 13, Section 10, to define and prohibit open burning.

8. An ordinance to amend the Code of the City of Charleston to add new Sections 2-183, 2-184, 2-185, 2-186, 2-187 and 2-188 therein to provide for the creation of the special

events committee and its duties and responsibilities; to establish the procedures and requirements for the issuance of special event and temporary use event permits. **(As Amended)**

9. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Article VIII, Division 3, Section 272 to increase the number of one day residential parking permits allowed to be purchased annually from one book of thirty (30) permits to two books of thirty (30) permits and to provide the specifications for how a permit is to be completed and displayed.

10. An ordinance to provide for the annexation of property known as 1632 Pinecrest Road (0.15 acres) (TMS#: 351-12-00-073), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7.

11. An ordinance to provide for the annexation of property known as 1634 Boone Hall Road (0.34 acres) (TMS#: 353-14-00-138), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7.

12. An ordinance to provide for the annexation of property known as 1943 Woodland Drive (9.00 acres) (TMS#: 355-16-00-001), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 2.

13. An ordinance to amend Chapter 17, Sections 92 and 101 of the Code of the City of Charleston to increase the age limit for a palmetto artisan's permit from 16 to 17 years of age and to authorize the denial of a palmetto artisan's permit for five or more documented violations of the City of Charleston's Youth Palmetto Art and Business Program, and to require bi-annual licensing of palmetto artisans. **(As Amended)**

L. Bills up for first reading:

1. An ordinance to designate the Country Club Neighborhood as an underground utility district for non-standard service in accordance with Sections 30-171 through 30-177 of the Code of the City of Charleston, said district being located in the City and County of Charleston, State of South Carolina, and being more fully described in Exhibit A, attached hereto and incorporated by reference herein.

M. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, August 17, 2010 at 5:00 p.m. at City Hall.



Ratification Number _____

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 123 TO PROVIDE FOR THE MANNER IN WHICH BICYCLES MAY BE PARKED ON PUBLIC PROPERTY; 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.

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. 19-11004-19-120. 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 and by deleting said Section and replacing it with the following text, which shall read as follows:

“Sec. 19-123. Manner of parking.

(a) Findings:

1. The parking of human powered, pedal cycles (“Bicycles”) by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause safety hazards to pedestrians and motorists using the public-right-of-ways; and
2. The parking Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-

ways can block or greatly impair the means of ingress and egress to public and private property; and

3. The parking Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause a disorderly appearance that diminishes the aesthetics of the surrounding area; and

4. The City supports and encourages the use of bicycle racks as a safe and secure manner of bicycle parking and to this end is working diligently to install bicycle racks on public property to provide adequate space for bicycle parking in known areas of heavy bicycle traffic; and

(b) Parking Prohibited:

1. Bicycles shall not be secured or otherwise locked to street trees, street lights, stop signs, boat docks, or other legal encroachments and public property located in the public right-of-ways.
2. City police or parking enforcement officers on Bicycles ("Enforcement Officer") shall be exempt from the above-described restriction when in the course and scope of their duties they determine in good faith that parking their bicycle in such a manner is necessary to perform their official duties.

(c) Penalties:

1. Owners or operators of Bicycles parked in violation of Paragraph (b) shall be subject to the following infractions:
 - i. A parking citation for parking in a prohibited zone; or
 - ii. A Code Enforcement Officer may confiscate the Bicycle by removal to their headquarters or by adding a City lock to the illegally parked Bicycle.
 - (A) A confiscated Bicycle shall be released upon proof of ownership and the payment of a \$45 fine.
 - (B) Bicycles remaining in City custody without identification of ownership and the payment of the fine as set forth in Paragraph (c)(A) after a period of 30 days, shall be deemed to be abandoned and shall be disposed of in accordance with Section 124(c).

(d) The City shall bear no responsibility to a Bicycle owner or operator for damage to a confiscated Bicycle in its enforcement of this section."

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 _____ day of _____ 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
Clerk of Council