


**Amendment in the Nature of a Substitution – Clerk Item #292-19**

**Introduced by: Legislators John R. Ferretti, Jr., Thomas McKeivitt**

LOCAL LAW 182019

A LOCAL LAW TO ADD A NEW TITLE TO THE MISCELLANEOUS LAWS OF NASSAU COUNTY TO AUTHORIZE THE IMPOUNDMENT OF BICYCLES THAT ARE OPERATED IN A DANGEROUS MANNER IN CONTROVENTION OF THE RULES OF THE ROAD

Passed by the Nassau County Legislature on September 23, 2019  
Voting: ayes: 18, naves: 0, abstained: 0 /  
Became a law on October 23, 2019 with the approval of the County Executive

APPROVED AS TO FORM  
  
Majority Counsel

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. A new Title \_\_ is added to the Miscellaneous Laws of Nassau County as follows:

TITLE \_\_

A LAW TO REQUIRE THE SAFE OPERATION OF BICYCLES

Section 1. **Legislative Intent.** The Legislature of Nassau County hereby finds that bicyclists that do not obey the rules of the road or ride their bicycles in a manner that presents a danger to themselves or others present a danger to themselves and other motorists, pedestrians and bicyclists. Such dangerous riding activities on roadways include weaving between automobiles, riding in between lanes, and performing tricks and stunts, or operating phones, cameras, or other devices while riding. It is the intent of this Local Law to curb these behaviors by empowering the Nassau County Police Department, in addition to police powers granted to it under the New York State Vehicle and Traffic Law and any other law, to impound the bicycles of riders that operate their bicycles in a manner that present a danger to both themselves and the public.

§2. **Reckless or uncontrolled operation of a bicycle.**

In addition to the requirements of any applicable law or rule, no person shall operate a bicycle on a roadway or sidewalk:

- A. Without due regard for personal safety or 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 the lawful use of the streets or sidewalks or any other public or private property. Violations of this law include the riding of a bicycle;
  - i. between road lanes or in-between vehicles;
  - ii. while performing tricks and stunts within two feet of an automobile or pedestrian;
  - iii. by weaving or swerving into road lanes or sidewalks with the intent of distracting or disturbing other motorists, pedestrians or bicycle riders;
- B. Without exercising reasonable and ordinary control over such bicycle or operating in a manner that is reckless without due regard for personal safety or the safety of the public.
- C. For the purposes of this Local Law, the term "bicycle" shall include bicycles, motorized bicycles, scooters, and motorized scooters.

### **§3. Penalties.**

Any person over the age of twelve (12) years that violates §2 of this Local Law shall be guilty of a misdemeanor punishable by a fine of not more than one hundred (\$100) dollars.

### **§4. Impounding.**

In addition to any fine or penalty that may be imposed by law, whenever a person operates a bicycle in violation of this Local Law, the bicycle may be seized by any member of the Nassau County Police Department and impounded. A bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor, only upon the final disposition of any charges or the payment of any fines levied for all violations of this Local Law.

### **§5. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its

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application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§6. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§7. This local law shall take effect immediately.

**APPROVED**

  
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**County Executive**

DATE 10-23-19