

New Biking Ordinances

373.01 CODE APPLICATION TO BICYCLES.

(a) Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle. Every person riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

(b) The provisions of this Traffic Code shall apply to bicycles, except those provisions which by their nature are not applicable.

(c) A violation of any traffic law by an operator of a bicycle shall be ticketed using the same procedure as is used for motor vehicle infractions, except that any violation committed while operating a bicycle shall not affect the status of the violator's motor vehicle operator's license. When a citation is issued to a bicycle operator, the fact that the violation involves a bicycle shall be clearly indicated on the citation.

(d) Whenever there is a violation of traffic law by a bicycle operator or a violation by a motorist that endangers a bicycle operator, the court may permit demonstration of successful completion of a court approved cycling knowledge course or test in lieu of or in addition to a fine or other penalty.

(e) "Bicycle" as defined in this chapter shall have the same meaning as in Section 301.04.

373.02 RIDING UPON SEATS; CARRYING PACKAGES.

(a) A person operating a bicycle or motorcycle shall not ride other than upon or astride the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) The provisions of parts (a) and (b) above shall not prohibit the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle.

(d) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. No operator shall know-

ingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This Section does not apply to the towing of a disabled vehicle, nor to a the towing of a trailer designed for this purpose.

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

Persons riding bicycles or motorcycles upon a roadway shall ride not more than two (2) abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

373.05 SIGNAL DEVICE ON BICYCLE.

A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle when in use at the times specified in Section 4513.03 of the Ohio Revised Code (from sunset to sunrise or when otherwise necessary), shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and 300 feet to the sides. A generator powered lamp, which emits light only when the bicycle is moving, may be used to meet this requirement;

(2) A red reflector on the rear of a type that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A light emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the reflector. If the red light performs as a reflector such that it is visible as specified in (2) above, it shall satisfy the requirement for a reflector.

(b) Additional lights and reflectors may be used in addition to those required under part (a) above except that red lights and reflectors shall not be used on the front of the bicycle nor shall white or colorless lights or reflectors be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

373.07 BICYCLE OPERATION ON ROADWAY.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, or surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) When a bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning or changing lanes. Such signals shall conform with the motor vehicle laws of Ohio. A signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

373.08 RECKLESS OPERATION; CONTROL, WEAVING COURSE.

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 the lawful use of the streets or sidewalks or any other public or private property;

(b) Without exercising reasonable and ordinary control over such bicycle;

(c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;

373.09 COMPLIANCE WITH TRAFFIC SIGNAL CONTROL DEVICES REQUIRED.

(a) Any person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected that no right or left or "U" turns are 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.

373.10 RIDING ON SIDEWALK

(a) Except as provided in section (b) below, it shall be legal to operate a bicycle upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle operator using the sidewalk shall walk the bicycle. At no time shall a bicyclist under the age of eight years operate a bicycle on Berea Road; Detroit Avenue; Madison Avenue; Warren Road between Franklin Boulevard and Detroit Avenue; or West 117 Street, unless while under the supervision of an adult.

(b) No person shall ride a bicycle upon a sidewalk, upon or along which signs have been erected by authority of the Director of Public Safety prohibiting such bicycle riding.

(c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle person or persons being overtaken and passed.

(d) A person operating a bicycle upon a sidewalk, before overtaking and passing a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot, if necessary for safety.

(e) A person shall not operate a bicycle from a sidewalk so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(f) No person shall operate a bicycle on a sidewalk at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway. This paragraph does not require reduced speeds for bicycles when other vehicles are not present.

373.11 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right of way to all pedestrians approaching on such sidewalk area and upon entering the street shall yield the right of way to all vehicles approaching on said street.

373.12 PARKING.

(a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or upon a roadway so as to unduly interfere with vehicular traffic.

(b) Bicycles shall be parked in such a manner as not to interfere with building entrances.

373.13 IMPOUNDING.

Whenever any minor under the age of eighteen years operates a bicycle or motorized bicycle in violation of any Section of this Traffic Code, the bicycle may be seized by any member of the police department and impounded. A bicycle or motorized bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor, and no charge shall be made. A full explanation of the reason for the impounding shall be made to the owner, parent or guardian. A complete record of each such impounding shall be kept in the records of the Division of Police.

373.14 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle, as defined in Section 301.04, upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license, as defined in Ohio R.C. 4507.01, issued after the person has passed the test provided by the Ohio Director of Public Safety pursuant to Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506 or a driver's license issued under Ohio R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed such test, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, he or she is not required to comply with the testing requirements provided for in this section.

(2) The motorized bicycle is equipped in accordance with the rules adopted and promulgated by the Ohio Director of Public Safety pursuant to Ohio R.C. 4511.521(B) and is in proper working order.

(3) The person, if he or she is under eighteen years of age, is wearing a protective helmet on his or her head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle in obedience with all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) No person shall operate a motorized bicycle upon any public sidewalk, lane or walkway intended for pedestrian travel.

(d) The protective helmet and rear-view mirror required by paragraph (a)(3) hereof shall, on and after the effective date of this legislation, conform with rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521(B).

(e) No person shall operate or be a passenger on a snowmobile, motorcycle or motorized bicycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle or motorized bicycle on a highway or be a passenger on a motorcycle or motorized bicycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle or motorized bicycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action. (ORC 4511.53)

373.15 PARENT'S RESPONSIBILITY.

The parents of any child and 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.

373.16 LICENSE REQUIRED.

No person who resides within the City, shall operate a bicycle within the City unless such bicycle has been licensed by the Chief of Police and the license plate or decal is attached thereto as provided herein.

This provision shall not apply to any bicycles in transit within the City; provided that such bicycles have been registered in some other municipality in accordance with the terms of an ordinance similar to the foregoing if such exists, or if the owner is a resident of another community.

373.17 LICENSE APPLICATION.

Application for registration of a bicycle shall be made to the Chief of Police upon forms provided by him, which shall contain the name and address of the applicant and the name, color and serial number or other identifying marks of the bicycle and other information as the Chief of Police shall deem pertinent.

All licenses sold before or after the effective date of this legislation shall be effective for as long as the applicant for such license remains the owner of the bicycle. The cost of such license shall be two dollars (\$2.00).

373.18 ISSUANCE OF LICENSE.

(a) The Chief of Police upon receipt of the proper application accompanied by the required fee, is authorized to issue a bicycle license which shall be effective for as long as the applicant remains the owner of such bicycle.

(b) The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner or entitled to the possession of such bicycle or that such bicycle is not in safe operating condition.

(c) The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the name and address of the owner's parents or guardian if the owner is a minor and the name of the manufacturer, color, serial number or other identifying marks of the bicycle for which issued, and other information as the Chief of Police shall deem pertinent, and a record of all bicycle license fees collected by him.

373.19 DISPOSITION OF FEES.

The Chief of Police shall pay monthly to the Director of Finance all fees received pursuant to the provisions of this chapter and shall take the Director of Finance's receipt therefor, which shall be kept as a part of the Police Division's record of such registrations.

373.20 ATTACHMENT OF LICENSE PLATES OR DECALS.

(a) At the time of registration the Chief of Police shall furnish to the applicant a license plate or decal bearing the license number assigned to the bicycle and the name of the City. He shall also issue a registration card to the applicant reciting that the bicycle has been registered in the name of the owner. Such registration card shall also recite the expiration date of the license and the serial number of such license.

(b) The Chief of Police shall direct the owner to attach such license plate or decal to the bicycle for which issued in such position as to be plainly visible from the rear. If such an attachment is not possible, the plate or decal must be attached in some other position where it will be plainly visible.

(c) The Chief of Police may furnish each registrant with a copy of the provisions of this chapter and other information as he may deem appropriate.

(d) No person shall maliciously remove, destroy, mutilate or alter any serial number of any bicycle licensed hereunder, or any license plate, decal or card issued hereunder.

(e) In the event the license plate or decal is lost, defaced or destroyed, the Chief of Police when satisfied of such fact shall issue a new license plate or decal upon application of the owner of such bicycle. A replacement fee of two dollars (\$2.00) shall be authorized.

373.21 LICENSING STATIONS AUTHORIZED.

The Chief of Police is hereby authorized to establish stations for the registration of bicycles hereunder as he may deem necessary for the convenience of applicants.

373.22 REPLACEMENT OF LICENSE PLATE OR DECAL.

In the event a licensed bicycle is stolen and recovered, and the license plate or decal is destroyed or defaced, the owner shall be issued a new license plate or decal without the payment of a fee.

373.23 TRANSFERABILITY OF OWNERSHIP.

Upon the sale or other transfer of a licensed bicycle the licensee shall remove the license plate or decal and shall destroy the same.

373.24 RENTAL AGENCIES.

A rental agency operating within the City shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached, as provided herein, and such bicycle is equipped with the lamps and the other equipment required by this chapter and is in safe operating condition.

373.99 PENALTY.

Whoever violates any provision of this Chapter for which no classification is otherwise provided is guilty of a minor misdemeanor.