

# Proposed Revision to the City of Bay Village Bicycle Ordinances

**Sponsors:** Village Bicycle Cooperative, Bay Skate and Bike Park Foundation, Bay Village Green Team, Bike Cleveland

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## **Why do the Ordinances Need to be Replaced?**

- 1) To increase safety of both motor vehicle drivers and cyclists.
- 2) To retire outdated ordinances that do not view bicycles as vehicles. (last revised in 1984 – nearly 30 years ago)
- 3) To restore Uniform Rules of the Road. The Ohio Revised Code, in [ORC 4511.07\(A\)\(8\)](#), specifically states that, “...no such regulation shall be fundamentally inconsistent with the uniform rules of the road prescribed by this chapter...” when addressing municipalities’ ability to regulate bicycles. Bay Village ordinances are currently inconsistent with state uniform rules of the road. (see additional document titled, *City of Bay Village Existing Bicycle Ordinance Issues* for a list of conflicts)
- 4) To allow our city to apply for “Bicycle Friendly Community” designation from the League of American Bicyclists.

## **Guiding Principles:**

- 1) Bicycles are a sustainable mode of transportation.
- 2) Bicycles are vehicles as defined by Ohio law.
- 3) Ordinances must encourage, not discourage, bicycling.
- 4) Safety must focus on preventing accidents.

## **Recommendation to Replace Title IX, Chapter 377 with the Following:**

## Title IX.

### **377.01 DEFINITIONS.**

- (a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter. (O.R.C. 4511.01 (g)) (Effective 07/01/2013)
- (b) "Bicyclist" means a person utilizing a bicycle.
- (c) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower. (O.R.C. 4511.01 (c)) (Effective 07/01/2013)
- (d) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. (O.R.C. 4511.01 (a)) (Effective 07/01/2013)

### **377.02 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.

### **377.03 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.

### **377.04 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 knowingly 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 the towing of a trailer designed for this purpose.

### **377.05 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.

### **377.06 SIGNAL DEVICE ON BICYCLE.**

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

## **377.07 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.

## **377.08 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, 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. The 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.

## **377.09 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) By trick riding or in a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law.

## **377.10 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 or unless the traffic signals are otherwise malfunctioning, including the failure of a vehicle detector to detect the vehicle. In the case of a malfunctioning light, operator must:
  - (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
  - (2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles, streetcars, or trackless trolleys will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;
  - (3) Exercise ordinary care while proceeding through the intersection.

- (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.

### **377.11 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.
- (b) No person shall ride a bicycle upon a sidewalk in a business district or 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.

### **377.12 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.

### **377.13 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.

## **377.14 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 office of the chief of police.

## **377.15 PROHIBITION AGAINST HARASSMENT OF BICYCLISTS.**

A person shall not do or attempt to do any of the following:

- (a) Physically assault or attempt to physically assault a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- (b) Threaten to physically injure a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- (c) Intentionally injure, attempt to injure, or threaten to physically injure, either by words, vehicle, or other object, a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- (d) Intentionally distract or attempt to distract a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- (e) Intentionally force or attempt to force a Bicyclist off a street for purposes unrelated to public safety.

## **377.16 REMEDIES FOR HARASSMENT OF BICYCLISTS.**

- (a) Any aggrieved person may enforce the provisions of section 377.15 by means of a civil lawsuit.
- (b) Any person who violates the provisions of section 377.15 shall be liable for treble the actual damages with regard to each and every such violation, or \$1,000, whichever is greater, and shall be liable for reasonable attorneys' fees and costs of litigation. In addition, a jury or a court may award punitive damages where warranted.

- (c) Violations of any of the provisions of section 377.15 shall not constitute a misdemeanor or infraction, except where such actions, independently section 377.15, constitute a misdemeanor or infraction.
- (d) The remedies provided by the provisions of section 377.15 are in addition to all other remedies provided by law, and nothing in section 377.15 shall preclude any aggrieved person from pursuing any other remedy provided by law.

## **377.99 PENALTY.**

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

## ***Replace: 301.04 BICYCLE; MOTORIZED BICYCLE.***

- (a) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having two tandem wheels or one wheel in the front and two wheels in the rear or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.
  - (a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.
- (O.R.C. 4511.01 (g)) (Effective 07/01/2013)

## ***Replace: 301.51 VEHICLE.***

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power.  
(ORC 4511.01(A))

"Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

(O.R.C. 4511.01 (a)) (Effective 07/01/2013)

## ***Amend Section 331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.***

(a)

(4) Except as provided in division (5) of this section, the operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle. The same requirements shall apply to the operator of a commercial motor vehicle, commercial truck, commercial unit, or bus, except that the safe distance shall not be less than six (6) feet. However, in the case of a bus operated by a transit authority that has implemented a training program that promotes safe bus operation while overtaking a bicycle, that safe distance shall not be less than three (3) feet.

(5) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall vacate the lane in which the bicycle user is located if the roadway has two or more marked lanes running in the same direction, unless the driver can meet the requirements of division (4) of this section.

## ***Amend Section 331.10 TURNING AT INTERSECTIONS:***

(a)

(5) The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle, including a bicycle, approaching from the opposite direction.

(6) When a motor vehicle and a bicycle are traveling in the same direction on any roadway, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at the intersection or at any alley or driveway until such vehicle has overtaken and is safely clear of the bicycle.

## ***Amend 351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.***

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, including bicyclists, nor shall any person leave a door open on the side of a vehicle available to moving traffic, including bicyclists, for a period of time longer than necessary to load or unload passengers.

**Sources of Ordinances:**

*These ordinance revisions are primarily made of the Model Municipal Bicycle Code authored by Fred Oswald of Middleburg Heights. It has been used with his permission. Fred is a Professional Engineer in Ohio and a certified bicycle safety instructor by the League of American Bicyclists. Additional sources include the City of Cleveland Municipal Code, City of Los Angeles Municipal Code, City of Cincinnati Municipal Code, and Ohio Revised Code. This draft was compiled by Patrick McGannon, a Bay Village resident for most of the past 33 years, a board member of the Village Bicycle Cooperative, an active member of the Bay Village Green Team, a member of the Bay Village Master Plan Rewrite Committee, and an avid road cyclist.*