

Ordinance No. 658-17

AN EMERGENCY ORDINANCE

To repeal various sections of Chapter 473 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 473.01 through 473.03, 473.05, 473.07 and 473.14, relating to bicycles and motorcycles.

Council Member Kelley

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 473.01, 473.03, 473.05 and 473.07, as amended by Ordinance No.1684-76, passed June 29, 1976,

Sections 473.02 as amended by Ordinance No. 91-96, passed March 18, 1996,
and

Section 473.14, as amended by Ordinance No. 835-03, passed June 10, 2003,

are repealed.

Section 2. That Section 473.04, as amended by Ordinance No.1684-76, passed June 29, 1976, relating to riding bicycles and motorcycles abreast, is repealed.

Section 3. That Section 473.06, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to lights and reflector on bicycles and brakes, is repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 473.01, 473.02, 473.03, 473.05, 473.07 and 473.14 to read as follows:

Section 473.01 **Code Application to Bicycles**

(a) The provisions of this traffic code that are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in division (d) of this section, a bicycle operator who violates any provision of this traffic code described in division (a) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under RC 4510.036.

(c) Except as provided in division (d) of this section, in the case of a violation of any provision of this traffic code described in division (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code or the Revised Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Revised Code for that violation.

(d) Divisions (b) and (c) of this section do not apply to violations of RC 4511.19 or Chapter 433.
(RC 4511.52)

Section 473.02 **Operation of Bicycles, Motorcycles and Snowmobiles**

(a) For purposes of this section, "snowmobile" has the same meaning as given that term in RC 4519.01.

(b) (1) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon such bicycle other than upon a firmly

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attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(2) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

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

(6) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(c) (1) Except as provided in division (c)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (c)(2) of this section, 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 RC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States department of transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the director of public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(2) Division (c)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(3) A. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the registrar of motor vehicles pursuant to RC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States department of transportation that conforms with rules adopted by the director.

B. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the registrar pursuant to RC 4507.05 in any of the following circumstances:

1. At any time when lighted lights are required by RC 4513.03 (A)(1);
2. While carrying a passenger;
3. On any limited access highway or heavily congested roadway.

(d) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(e) Except as otherwise provided in this division, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a misdemeanor of the third degree.

(RC 4511.53)

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Section 473.03 Prohibition Against Attaching Bicycles and Sleds to Vehicles

(a) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or self to any streetcar, trackless trolley, or vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle to attach the same or self to any streetcar, trackless trolley, or vehicle while it is moving upon a roadway.

(c) This section does not apply to towing a disabled vehicle.
(RC 4511.54)

Section 473.05 Bicycle Signal Device, Lights, Reflector and Brakes

(a) Every bicycle when in use at the times specified in section 437.02, 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 three hundred (300) feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp 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 red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under division (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(d) Every bicycle shall be equipped with an adequate brake when used on a street or highway.
(RC 4511.56)

Section 473.07 Operating Bicycles and Motorcycles 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 (1) proceeding in the same direction.

(b) 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.

(c) 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 otherwise is 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.
(RC 4511.55)

Section 473.14 Motorized Bicycle Operation, Equipment and License

(a) No person shall operate a motorized bicycle 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 (14) or fifteen (15) years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is sixteen (16) years of age or older and holds either a valid commercial driver's license issued under RC Chapter 4506 or a driver's license issued under RC Chapter 4507 or a valid motorized bicycle

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license issued after the person has passed the test provided for in this section, except that if a person is sixteen (16) years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person 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 under division (b) of this section and is in proper working order;

(3) The person, if under eighteen (18) years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rearview mirror.

(4) The person operates the motorized bicycle when practicable within three (3) feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) The Ohio Director of Public Safety, subject to RC Chapter 119, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under RC 4507.11. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(c) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four (4) years.

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

(e) The protective helmet and rearview mirror required by division (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (b) of this section.

(f) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(g) Whoever violates division (a), (d) or (e) of this section is guilty of a minor misdemeanor. (RC 4511.521)

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns
5-22-17

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Council Member Kelley

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To repeal various sections of Chapter 473 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 473.01 through 473.03, 473.05, 473.07 and 473.14, relating to bicycles and motorcycles.

READ FIRST TIME on MAY 22, 2017
and referred to DIRECTORS of Public Safety, Finance, Law;
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after Second Reading

**PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE
