

ORDINANCE NO. 25-85

BY:

An Ordinance to amend Chapter 478 of the Codified Ordinances of the City of Bexley and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Chapter 478 Motor Bicycles be, and it hereby is, amended to read as follows:

478.01 DEFINITIONS.

As used in this Traffic Code, except where the context clearly indicates a different meaning:

- (a) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.
- (b) "Motorized bicycle license" means the vehicle identification license plate issued by the Ohio Bureau of Motor Vehicles for motorized bicycles.
- (c) "Motorized bicycle operator's license" means the license issued under Ohio R.C. 4511.521 to any person to operate a motorized bicycle including a "probationary motorized bicycle operator's license."
- (d) "Probationary motorized bicycle operator's license" means the license issued under Ohio R.C. 4511.521 to any person between fourteen and sixteen years of age to operate a motorized bicycle.

478.02 OPERATION; LICENSE REQUIRED; EQUIPMENT.

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

- (1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle operator's license after the person has passed the test provided for in Ohio R.C. 4511.521 or the person is sixteen years of age or older and holds either a valid operator's license issued under Ohio R.C. Chapter 4507 or a valid motorized bicycle operator's license.
- (2) The motorized bicycle is equipped in accordance with the rules adopted by the Director of Highway Safety and is in proper working order.
- (3) The motorized bicycle displays a valid motorized bicycle license.

(b) No person who owns or is in possession of a motorized bicycle shall permit the operation of such motorized bicycle upon any public or private property used by the public for purposes of vehicular travel or parking knowing that the operator does not hold a valid operator's license under Ohio R.C. Chapter 4507, a valid motorized bicycle operator's license or a valid probationary motorized bicycle operator's license as required under Section 478.02(a)(1).

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense involving the operation of a motorized bicycle, and a misdemeanor of the third degree for a third or subsequent offense involving the operation of a motorized bicycle. Punishment shall be as provided in Section 408.01.

478.03 RESTRICTIONS ON OPERATION.

(a) No person operating a motorized bicycle shall ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle.

(b) A person shall ride upon a motorized bicycle only while sitting astride the seat, facing forward, with one leg on each side.

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

(d) No person shall operate a motorized bicycle while using earphones.

(e) No person under eighteen years of age shall operate a motorized bicycle in the City unless such person 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. Such helmet and rear-view mirror shall conform with regulations prescribed and promulgated by the Director of Highway Safety.

(f) No person riding upon any motorized bicycle shall attach the same or himself or herself to any vehicle upon a roadway. No operator of a motorized bicycle shall knowingly permit any person riding upon a motorcycle, motorized bicycle, bicycle, coaster, roller skates, skate board, sled or toy vehicle to attach the same to himself or herself or to any motorized bicycle operated by him or her while it is moving upon a roadway.

(g) Every person shall operate a motorized bicycle when practical within three feet of the right edge of the roadway, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(h) No person shall operate a motorized bicycle at a speed greater than is reasonable and prudent under existing conditions, nor shall any person operate a motorized bicycle upon the streets or highways at a speed exceeding twenty miles per hour.

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

(j) No person shall operate a motorized bicycle on a sidewalk.

(k) Whoever violates or fails to comply with any of the foregoing subsections (a) through (j) of this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense involving the operation of a motorized bicycle, and a misdemeanor of the third degree for a third or subsequent offense involving the operation of a motorized bicycle. Punishment shall be as provided in Section 408.01.

(l) Every person shall operate a motorized bicycle in accordance with all provisions of the Bexley Traffic Code governing the operation of motor vehicles, except to the extent that such provisions are in conflict with this Chapter. The punishment of any such violation of the Bexley Traffic Code shall be as provided in Sections 408.01 and 408.02.

478.04 COMPLIANCE WITH EQUIPMENT REGULATIONS.

(a) Every motorized bicycle operated or used within the City shall conform in all respects to the regulations regarding equipment promulgated by the Ohio Director of Highway Safety, including, but not limited to, the following:

- (1) Brakes;
- (2) Tires and wheel rims;
- (3) Steering;
- (4) Fuel systems;
- (5) Exhaust systems;
- (6) Seat or saddle;
- (7) Chain and belt guard;
- (8) Vehicle stand;
- (9) Controls;
- (10) Audible signaling device;
- (11) Width;
- (12) Lighting equipment;
- (13) Headlamp indication light; and
- (14) Dual rear-view mirrors.

(b) Whoever fails to comply with this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense involving the operation of a motorized bicycle, and a misdemeanor of the third degree for a third or subsequent offense involving the operation of a motorized bicycle. Punishment shall be as provided in Section 408.01.

478.05 REMOVAL OF OR INJURY TO IDENTIFICATION MARKS, DECALS, ETC.

(a) No person shall willfully or maliciously remove, mutilate or alter the frame, serial number or other identifying mark of any motorized bicycle, or any registration certificate, decal or motorized bicycle license plate. No person shall possess a motorized bicycle with a mutilated or altered frame or serial number.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense involving the operation of a motorized bicycle, and a misdemeanor of the third degree for a third or subsequent offense involving the operation of a motorized bicycle. Punishment shall be as provided in Section 408.01.

478.06 LICENSES; FICTITIOUS OR UNLAWFUL USE.

(a) No person shall display, or cause or permit to be displayed or possessed, any motorized bicycle license or motorized bicycle operator's license knowing the same to be fictitious, cancelled, revoked, suspended or altered.

(b) No person shall lend to a person not entitled thereto, or knowingly permit such other person to use, any motorized bicycle license issued to the person so lending or permitting the use thereof.

(c) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense involving the operation of a motorized bicycle, and a misdemeanor of the third degree for a third or subsequent offense involving the operation of a motorized bicycle. Punishment shall be as provided in Section 408.01.

Section 2. That this Ordinance is an emergency Ordinance necessary for the immediate preservation of the public peace, health and safety; and, therefore, such Ordinance shall go into effect upon its passage and its approval by the Mayor.

Passed: May 14, 1985

ATTEST:

John W. Hays
Clerk of Council

John W. Hays
President of Council

APPROVED: May 23, 1985

David H. Madison
David H. Madison, Mayor

May 14, 1985 - Susp. Adopted