

BY: John Offenberg

An ordinance to license motorized bicycles, to regulate the operation of motorized bicycles in the City of Bexley, to modify, amend Ordinance number 44-82 and to declare an emergency.

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

Section 1. Definitions:

(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. (Ohio Revised Code, Section 4511.01 (H)).

(B) "Motorized Bicycle Operator's License" means the license issued to any person by the Ohio Bureau of Motor Vehicles fourteen years of age or older, pursuant to the authority of Section 4511.521 Revised Code and the rules promulgated thereunder, to operate a motorized bicycle whenever the person does not hold a valid operator's license.

(C) "Motorized Bicycle License" means the vehicle license issued by the City of Bexley to residents of the City of Bexley for motorized bicycles used or operated upon the streets of the City of Bexley or upon public or private property within the City of Bexley used by the public for the purpose of vehicular travel or parking.

Section 2. Operation of Motorized Bicycles: Licenses:

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

(1) The person is fourteen years of age or older and holds either a valid operator's license issued under Chapter 4507, Revised Code of Ohio, or a valid motorized bicycle operator's license issued by the Bureau of Motor Vehicles after the person has passed the test established under the authority of Section 4511.521 Revised Code and provided for in Rules 4501-23-20 through 4501-23-33 issued by the Director of Highway Safety, State of Ohio;

(2) The motorized bicycle is equipped in accordance with the rules adopted by the Director of Highway Safety, specifically Rules 4501-23-01 through 4501-23-19, and is on the approved list of "motorized bicycles" issued by the Ohio Department of Highway Safety. In addition, if the

motorized bicycle is owned by or being used by a resident of the City of Bexley, who is subject to the conditions of this ordinance, then said motorized bicycle must also be licensed in accordance with the provisions set forth below.

Section 3. Issuance of "Motorized Bicycle License":

(A) No person, who resides in the City of Bexley shall operate or use, or cause to be operated or used, a motorized bicycle upon the streets of the City of Bexley, or upon public or private property within the City of Bexley used by the public for the purposes of vehicular travel or parking, without first obtaining a "motorized bicycle license" for such vehicle as provided herein;

(B) Such applicant must present the motorized bicycle to the Bexley Police Department for inspection and pay a license fee of one dollar (\$1.00) in advance. The Bexley Police Department will inspect the motorized bicycle to determine that (1) it is on the approved list of motorized bicycles issued by the Ohio Department of Highway Safety, and (2) that it conforms in all respects to the equipment requirements, adopted pursuant to Section 4511.521, Revised Code and promulgated as Rules 4501-23-01 through 4501-23-19, issued by the Director of Highway Safety;

(C) If the motorized bicycle is approved, the Bexley Police Department shall issue a decal or plate bearing a distinctive identification number to the applicant and shall maintain as a permanent record all information regarding the applicant, the vehicle(s) involved and the license issued. For the license to be effective, the decal or plate must be securely attached to the motorized bicycle and must be so attached whenever such vehicle is operated or used within the City of Bexley.

(D) All motorized bicycle licenses shall remain in effect until such time as the applicant sells, transfers, or otherwise disposes of the licensed vehicle. No person shall sell or transfer a motorized bicycle without removing and destroying the registration license, decal or plate.

Section 4. Restrictions on operation of motorized bicycles:

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

(B) No motorized bicycle shall be used to carry more persons at one time than the number for which it was designed and equipped, by the manufacturer. (See Rule 4501-23-11). 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 who is under 18 years of age shall operate or be a passenger on a motorized bicycle in the City of Bexley unless wearing a protection helmet on his head. Such helmet 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 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, sled or toy vehicle to attach the same to himself or to any vehicle while it is moving upon a roadway.

(G) Persons riding motorized bicycles upon a roadway shall ride not more than two (2) abreast in a single lane.

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

(I) No person shall operate a motorized bicycle:

(1) At a speed greater than is reasonable and prudent under conditions then existing.

(2) Upon the streets of highways at a speed exceeding 20 m.p.h.

(J) 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.

(K) No person shall operate a motorized vehicle on a sidewalk.

Section 5. Every motorized bicycle operated or used within the City of Bexley, Ohio, shall conform in all respects to the regulations regarding equipment promulgated by the Director of Highway Safety and including, but not limited to the following:

- (A) Brakes
- (B) Tires and Wheel Rims
- (C) Steering
- (D) Fuel systems
- (E) Exhaust systems
- (F) Seat or Saddle
- (G) Chain and Belt Guard
- (H) Vehicle Stand
- (I) Controls
- (J) Audible Signalling Device
- (K) Width
- (L) Lighting equipment
- (M) Headlamp Indication Light
- (N) Dual Rear-View Mirrors

Section 6. No person shall willfully or maliciously remove, mutilate, or alter the frame, serial number, or other identifying marks of any motorized bicycle or any regulation certificate, decal or plate issued under the provisions of the Bexley City Code. No person shall possess a motorized bicycle with a mutilated or altered frame or serial number.

Section 7. Possession of License.

(A) The motorized bicycle license issued by the Bureau of Motor Vehicles shall be in the immediate possession of the operator of the motorized bicycle while operating such vehicle upon the City streets of Bexley.

Section 8. (A) No person shall display or cause or permit to be displayed or possessed any motorized bicycle 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.

Section 9. Penalties.

(A) Whoever violates any section of this Ordinance shall be guilty of a minor misdemeanor and may be punished by a fine not to exceed \$100.00;

(B) Anyone convicted of violating any section of this Ordinance, having previously been convicted of a violation of this Ordinance, or of another traffic offense involving the operation of a motorized bicycle, shall be guilty of a misdemeanor of the fourth degree;

(C) Anyone convicted of a violation of any section of this Ordinance, having previously been convicted of any combination of two or more violations of this Ordinance, or of other traffic offenses involving the operation of a motorized bicycle, shall be guilty of a misdemeanor of the third degree.

Section 10. License Suspension or Cancellation.

(A) The license issued to any motorized vehicle pursuant to the authority of this Ordinance can be suspended by the Court for periods of up to six (6) months, if such vehicle is involved in repeated violations of the provisions of this Ordinance, or in repeated traffic offenses involving the operation of such motorized bicycle, or if such vehicle is involved in the offense of reckless operation, or driving under the influence of alcohol or any drug of abuse.

(B) If the license for any motorized bicycle has been previously suspended, and such vehicle is then involved in activity, described in paragraph (A), which could result in further suspension of such license, the Court can, in its discretion, impose such further suspension or cancel the license permanently.

Section 11. This Ordinance shall become operative and go into effect upon its passage by Council and approval by the Mayor as provided by law.

Passed: Dec 13, 1983

Carolee Thomas Christy
President of Council

ATTEST:

J. H. H. H. H.
Clerk of Council

APPROVED: Dec 13, 1983

David H. Madison
DAVID H. MADISON, Mayor