

Minutes of a Meeting of
ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

held January 27, 2014

6:30 p.m.

Present: Councilman Steve Lee, Chair
Councilwoman Karen Lieske
Councilman Dwight Clark

Also Present: Law Director Ebert, President of Council Paul Koomar, Councilman Henderson, Councilman Vincent, Service Director Thomas, Assistant Service Director Sears, Fire Chief Lyons, Police Chief Spaetzel, Recreation Director Enovitch, Operations Manager Landers, Pat McGannon, Jacob VanSickle of Bike Cleveland, Jennifer Smillie of the Village Bicycle Cooperative.

Audience: Conda Boyd, Marty Mace, Susan Murnane, Carol Baker, Michael Roach

Chairman Lee called this first meeting of the Environment, Safety and Community Services Committee of 2014 to order at 6:30 p.m. Mr. Lee thanked everyone for their attendance this evening.

Bicycle Ordinances, Codified Ordinance Chapter 377

At the meeting of the Environment, Safety and Community Services Committee held October 28, 2013, Pat McGannon and members of the Village Bicycle Cooperative presented recommendations to update the existing City of Bay Village Chapter 377. Mr. Lee expressed appreciation for this work, and noted that Bay Village is a very bike friendly community with families enjoying the city on bikes. The Bike-to-School month in May is an example of the outstanding success in our community of promoting bicycle use for recreation and commuting purposes.

Mr. Lee referenced the following documents which will be used this evening to prepare draft legislation to the bicycle ordinance:

- 1) City of Bay Village Existing Bicycle Ordinance Issues by Patrick McGannon and Jacob Van Sickle revised June 8, 2013
- 2) Proposed Revision to the City of Bay Village Bicycle Ordinances revised June 8, 2013 sponsored by the Village Bicycle Cooperative, Bay Skate and Bike Park Foundation, Bay Village Green Team, Bike Cleveland

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3) Memorandum from Gary A. Ebert dated January 23, 2014 to Mayor Sutherland, Members of Council, Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, with copy to Patrick McGannon, subject matter: "Establishing the City of Bay Village as a Bicycle Friendly Community"

Mr. Ebert stated that he does not believe the City of Bay Village will be able to meet the criteria to receive the "Bicycle Friendly Community" designation from the League of American Bicyclists. In addition to the need to develop a comprehensive plan, the City will need to revise its existing ordinances as they relate to bicyclists in order to comply with state law and promote bicycling as a means of transportation. As such, Mr. Ebert set forth proposed revisions to the city's current bicycle ordinances in order for Bay Village to become a Bicycle Friendly Community. He suggested going through these proposed revisions with the committee for further discussion.

There is not a designated area in Bay Village streets for bicycles. This was done deliberately to accommodate sidewalks, sewers and gutters, versus bicycle lanes when Lake Road was resurfaced. There are other designated bike routes in the city. Some are marked, and through the efforts of the committee, signs were posted indicating bicycle routes. Section 377.06, Riding on Streets, should be repealed.

Police Chief Spaetzel commented that he rides his bike back and forth to work during the summertime and rides closer to the curb. Codified Ordinance 377.06 states that every person operating a bicycle or tricycle upon a roadway shall ride "within three feet of the right edge of the roadway, when practicable, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding the same direction." This would be replaced with "as near to the right 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."

Chief Spaetzel stated that he also notices bicyclists riding abreast going down Lake Road, which creates another hazard.

Mr. McGannon stated that riding abreast is legal in state code. Mr. Lee noted that the current ordinance of the City of Bay Village states "single file." The state law, as of 2006, states no more than two abreast. Mr. Lee stated that he shares the concern of the Police Chief in regard to people riding two abreast on the main roads, which in addition to being a safety concern, causes harassment from motorists. On country roads, riding two abreast may make sense, but in heavy traffic it does cause concern. He asked if there is a way to discourage this on busier streets.

Mr. McGannon stated that they recommend that people not ride two abreast under certain conditions. But, at the same time, riding close to the curb can be dangerous because bicycles are susceptible to road hazards. The recommendation at the national level is to ride at the location near the right tire of the car. He noted that in order to pass in lanes that are not big enough to share the bike with the car, the car should be waiting for safe passage as they would when passing a slow moving vehicle.

Mr. Ebert noted that he also circulated model bicycle ordinances from the Walter Drane Company. Walter Drane Company revised the ordinances to be compatible with state code for the City of Rocky River, and cities near Columbus, Ohio. Charter cities can be a little more restrictive than state code.

Mr. McGannon stated that 80% of their recommendations are mirroring the Ohio Revised Code. They use a Model Municipal Bicycle Code that was written by Fred Oswald of Middleburg Heights, with his permission. Mr. Oswald is a Professional Engineer in Ohio and a certified bicycle safety instructor by the League of American Bicyclists.

Mr. Lee noted that the model referred to by Mr. McGannon includes motorcycles. The Bay Village code does not include motorcycles.

377.02 DEFINITIONS

As used in this chapter, certain words are defined as follows:

- (a) "Bicycle" has the same meaning as defined in Section 301.04(a) of the Traffic Code.
- (b) "Tricycle" means a three wheel adult vehicle propelled by human power, having a single front wheel and two parallel wheels measuring over twenty inches in diameter.

Mr. McGannon stated that the definition at the state level of a "bicycle" is having two or more wheels. Mr. Lee noted that this picks up tricycles, recumbent bikes, and bicycles other than the two-wheel traditional bicycle.

Another difference between the ordinances is that Mr. Ebert's draft has a restriction on children ages 7 and under not riding on streets. Mr. Ebert stated that he is open to suggestions from a safety standpoint. Discussion followed concerning the difference between a child riding with his family or riding alone.

Jacob VanSickle of Bike Cleveland commented that other cities regulate the riding on the street of children under a certain age. He stated that in Bay Village he does not think a police officer is going to ticket a child riding to school on the sidewalk. Many of the children in the community do ride to school on the sidewalk. A lot of these changes just come through public awareness and education, such as courtesy and safety when cyclists are riding two abreast. There is an education piece that accompanies children riding on the street, which is why there are programs such as the offerings of the Village Bicycle Cooperative. Mr. Henderson noted that children under the age of seven might not be well-versed on traffic laws. It seems that parents would want to keep their children safe by keeping them off the streets.

In regard to Section 377.01, Mr. Lee stated that his preference was for the definitions recommended by Mr. McGannon, which mirrors the Ohio Revised Code.

Mr. Henderson referred to Section 377.01 on the draft by Mr. Ebert, strikes out that "All bicycles and tricycles shall be licensed by the City as provided in this chapter." He asked the rationale for removing this regulation.

Chief Spaetzel stated that registration of bicycles is to assist in recovering lost or stolen bicycles. Mr. McGannon suggested eliminating the requirement of registration, but not the registration procedure itself which could continue on a voluntary basis, without the payment of a fee. Jennifer Smillie of Village Bicycle Cooperative suggested using the National Registry for Bicycles. Mr. Lee suggested leaving in the registration process but deleting the language that is in the current chapter on transfers which states that anytime a bike is sold or given away the Police Department is to be notified.

Section 377.04 Traffic Code Application shall be deleted as application of the traffic code is now addressed in Section 377.01. Mrs. Lieske asked the Police Chief how many violations are cited per year relating to bicycles, and if they are issued to children under the age of 18. Chief Spaetzel stated that he cannot imagine that this has been done, unless it is late at night with someone out after curfew and on a bicycle where ownership is in question.

Section 377.02 (d) of Mr. McGannon's recommendations stating that 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 whenever there is a violation of traffic law by a bicycle operator, or a violation by a motorist that endangers a bicycle operator, is similar to the recommendation of Mr. Ebert in Section 377.01 (b).

Mr. McGannon noted that the Village Bicycle Cooperative offers a cycling knowledge course.

Section 377.03, Riding Upon Seats, Carrying Package will be added to Bay Village Code 377.03, Parent's Responsibility.

Section 377.04 Attaching Bicycle or Sled to Vehicle is included in Bay Village current Chapter 377.06. The last sentence of Mr. McGannon's copy, "This Section does not apply to the towing of a disabled vehicle, nor to the towing of a trailer designed for this purpose" shall be added. Mr. Ebert noted that the Walter Drane version is more specific.

Mr. Henderson asked how the balance between Charter cities' code and the Ohio Revised Code works. Mr. Ebert stated that we can become more specific that the Ohio Revised Code as long as there is no deviation from the general purpose and intent of the Ohio Revised Code. Bay Village has always done that because there are certain things that may apply directly to Bay Village that do not apply to other areas. It makes it easier for the police officer when there is a violation to cite sections of the city's code than the Ohio Revised Code. If someone challenges a city code it is easier to negotiate or plea out in Rocky River court than an Ohio Revised Code violation.

Section 377.05 Riding Bicycles and Motorcycles Abreast. Our current Chapter 377.06 states single file. Chief Spaetzel stated that this is a concern. Mr. Lee stated that he would expect that experienced cyclists would be very cognizant of the traffic and drop back. Younger riders such as teenagers may not have the sophistication and understanding of the safety and concern of motorists.

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Mr. Michael Roach, Osborn Road resident, stated that he is an avid bicyclist and the Vice President of the Lake Erie Wheelers. He stated that one instance for riding abreast would be that the car that is passing has to make less passes than if passing only one rider at a time in a group. If a rolling pace line is being done, one person is in front and then peels off to the back. At any point there are two riding abreast.

Mr. McGannon noted that people riding to work may be riding two abreast in one community where it is permitted and do not know that it is not permitted in Bay Village. Riders may know the laws of the state but are unaware of the intricacies of the law in individual cities. Mr. Clark noted that a lot of the bicycle traffic on Lake Road is coming from Lorain County. Chief Spaetzel noted that the drivers do not always have the patience required and create a dangerous situation with not only bicyclists but with oncoming traffic. Chief Spaetzel stated that he is not looking to restrict the bicyclists, but the situation created by riding two abreast.

Mr. Ebert noted that the Walter Drane version is identical to the version suggested by Mr. McGannon in that “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.”

Section 377.06 Signal Device on Bicycle. differs from the city’s Section 377.12, which requires everyone to have a bell. Mr. McGannon stated that his recommendation of this code which reads, “A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle” is from the Ohio Revised Code. He noted that if you are commuting from Avon Lake and do not have a bell on your bike, it becomes a violation when you get to Bay Village if Bay Village requires a bell.

Section 377.07 Lights and Reflector on Bicycle Brakes. The only difference between this code and the city’s code is the use of the word “light” instead of “lamp.”

Section 377.08 Bicycle Operation on Roadway. Mr. Lee stated that this section pertains to the previous discussion at the beginning of this meeting concerning riding as near to the right side of the roadway as practicable. Mr. Ebert stated that he would rather use the title of the Walter Drane Version for this regulation which is for their Section 373.07 “Riding Bicycles on the Right Side of the Roadway; Obedience to Traffic Rules; Passage.

Hand Signals – Language was summarized from the state code.

Section 377.09 Reckless Operation: Control, Waving Course. Mr. Lee stated that this language comes from our current code. Mr. Ebert referred to Section 377.08 of the Walter Drane version. Mr. McGannon stated that item (4) of Mr. Ebert’s version conflicts with ORC 4511.53 (b) which states that one hand must be on the handlebar. Mr. Ebert will check the state code.

Section 377.10 Compliance with Traffic Signal Control Devices Required. Mr. Lee stated that much of this language comes from the current Section 377.05 (a) except for the language regarding malfunctioning traffic signals. Mr. McGannon stated that one of the recommendations

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is that if you arrive at a traffic sensor that doesn't work if you put your bike sideways against the ground it might trip the signal. Section (b) of this section is the same as the city's Section 377.05 (b).

Section 377.11 Riding on Sidewalk. Paragraph (a) follows the current Section 377.07. This permits operation on sidewalks except in a business district if signs have been erected. Mr. McGannon stated his version is more detailed than the city's current version.

Mr. Henderson asked if there is a recommendation for bicyclists to use the path that goes along Wolf Road on the north side, rather than the street. Mr. McGannon stated that the streets are not considered unsafe for cyclists. There might be more of a threat in adopting that philosophy because you have to get off the road, and then come back on the road if you are traveling the entire length of Wolf Road. Commuter cyclists are probably traveling faster than what is appropriate on a multi-purpose trail.

Jennifer Smillie asked if children are to get off their bikes at intersections and walk their bikes across, or are they allowed to ride across the intersection. The concern is the many children riding their bikes during the Bike-to-School Challenge. It was noted by Mr. Von Sickle that in the City of Cleveland if you are riding on the sidewalk you are supposed to get off your bike and walk the bike across the intersection. If you are riding on a designated bicycle route you can ride across the intersection.

Conda Boyd noted that Section 377.07 of the Bay Village code states that you must walk the bike across the intersection.

Mr. Lee asked if Mr. McGannon's group had any objections to including this provision in the code. Mr. Clark suggested leaving this in place.

Section 377.12 Emerging from Alley or Driveway. This carries over from the city's current Section 377.09 (a).

Section 377.13 Parking. There are differences between Mr. McGannon's proposal and the Law Director's proposal. The Law Director's proposal states that if there are designated parking areas the bicycles are to park in those areas. If the bike rack is full or not provided, bicycles shall be parked in such a manner as not to interfere with building entrances.

Section 377.14 Impounding. Mrs. Lieske asked if there needs to be a clause inserted as how to deal with the situation if a bicycle is not claimed within a certain amount of time. Chief Spaetzle stated that the property section of the city's code of the city covers the disposal of unclaimed property.

Section 377.15 Prohibition against Harassment of Bicyclists.

Section 377.16 Remedies for Harassment of Bicyclists. Mr. Von Sickle stated that this was discussed to be added as an opportunity for a cyclist that is harassed by a motorist to enter a civil

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suit against a motorist with liability for damages and attorneys' fees. Mr. Ebert stated that he has concerns about this section. He will study this further.

Mr. Lee expressed appreciation for all the work done to address the updating of the city's bicycle code. An additional meeting to address this issue will be scheduled in the near future.

There being no further business to discuss this evening, the meeting adjourned at 7:30 p.m.

Steve Lee, Chair

Joan Kemper, Secretary