

ORDINANCE NO. 14-11
INTRODUCED BY: Mr. Lee

First Reading 3-3-14
Second Reading 3-10-14

AN ORDINANCE
AUTHORIZING THE ADOPTION OF NEW CODIFIED ORDINANCE
CHAPTER NO. 377 CONCERNING BICYCLES FOR INCREASED
SAFETY FOR MOTOR VEHICLES AND BICYCLISTS
IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY

WHEREAS, in the interest of uniformity with the bicycle safety codes of the City of Bay Village and the State of Ohio, it is necessary to replace Codified Ordinance Chapter 377 concerning bicycles.

BE IT ORDAINED, by the Council of the City of Bay Village, Ohio:

SECTION 1: That Council hereby adopts replacement Chapter 377 concerning bicycles for increased safety for motor vehicles and bicyclists in the City of Bay Village.

CHAPTER 377
Bicycles

REGULATIONS

- 377.01 Code Application to Bicycles.**
- 377.02 Definitions.**
- 377.03 Parent's responsibility.**
- 377.04 Obedience to traffic control devices.**
- 377.05 Riding Bicycle on Right Side of Roadway; Obedience to Traffic Law; Passing.**
- 377.06 Riding on sidewalks.**
- 377.07 Riding upon seats; Handlebars.**
- 377.08 Emerging from alley or driveway.**
- 377.09 Attaching bicycle or sled to vehicle.**
- 377.10 Riding bicycles abreast.**
- 377.11 Lights and reflector on bicycle; Brakes.**
- 377.12 Signal device on bicycle**
- 377.13 Impounding of bicycles.**
- 377.14 Reckless operation; Control, course and speed.**
- 377.15 Parking of bicycle.**

PENALTY

- 377.99 Penalty.**

CROSS REFERENCES

- Bicycle defined - see TRAF. 301.04(a)
- Bicycles prohibited on freeways - see TRAF. 303.06
- Motorized bicycles (Mopeds) - see TRAF. Ch. 379

REGULATIONS

377.01 CODE APPLICATION TO BICYCLES.

These regulations are applicable to bicycles whenever a bicycle is operated upon any sidewalk or street, subject to those exceptions stated herein.

- (a) Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all 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) Except as provided in subsection (c) of this section, a bicycle operator who violates any section of this Code described in subsection (d) 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 Ohio R.C. 4510.036.
- (c) Subsection (b) of this section does not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)
- (d) The provisions of this Traffic Code shall apply to bicycles except those provisions, which by their nature are not applicable.

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 this Traffic Code.
- (b) "Bicyclist" means a person utilizing a bicycle.

377.03 PARENT'S RESPONSIBILITY.

The parent and/or guardian of any child, under the age of 18, or of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

377.04 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other traffic 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 lines, 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 in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways; and

(3) Exercise ordinary care while proceeding through the intersection.

(b) Whenever authorized signs are erected that no right, 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.

377.05 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES.

It shall be legal to ride a bicycle upon a street or public way, subject to the following:

(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) At no time shall a bicyclist under the age of seven operate a bicycle on a street, unless accompanied by a parent or legal guardian.

(d) A person riding a bicycle upon a street shall yield the right of way to any pedestrian.

(e) 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.

377.06 RIDING ON SIDEWALKS.

It shall be legal to ride a bicycle upon a sidewalk or public way, or upon any path set aside for the exclusive use of bicycles, subject to the following:

(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 along which signs have been erected by authority of the Mayor or 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 an 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 a distance and in such a manner as not to startle a person 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.

(f) No person shall operate a bicycle on a sidewalk at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway.

377.07 RIDING UPON SEATS; HANDLEBARS.

(a) A person operating a bicycle shall not ride other than astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle 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 be construed as prohibiting the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle.

(d) Every person operating a bicycle shall maintain at least one (1) hand on the handle bars at all times and 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.

377.08 EMERGING FROM ALLEY OR DRIVEWAY.

(a) 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 such street.

~~(Ord. 73-166. Passed 10-4-73.)~~

377.09 ATTACHING BICYCLE OR SLED TO VEHICLE

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

(b) No operator shall knowingly permit any person riding upon any bicycle, coaster, scooter, roller skates, sled or toy vehicle to attach the same or self 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.

377.10 RIDING BICYCLES ABREAST.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast in a single lane, however, persons riding on Lake Road shall ride single file only.

377.11 LIGHTS AND REFLECTOR; BRAKES.

(a) Every bicycle when in use at the times specified in Section 4513.03 of the Ohio Revised Code 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, 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 (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; and

(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 red reflector. If the light performs as a reflector such that it is visible as specified in subsection (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, sidewalk or highway.

377.12 SIGNAL DEVICE ON BICYCLE.

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

377.13 IMPOUNDING OF BICYCLES.

(a) Whenever any person operates a bicycle in violation of any section of this Traffic Code, the bicycle may be seized by any member of the Police Department and the Chief of Police shall have the authority to impound any bicycle at the police station. An impounded bicycle shall not be released to a minor.

(b) When any bicycle has been seized and so impounded, notice shall be made forthwith by the officer in charge to the owner of the bicycle or, in the event the person is a minor under the age of eighteen years, such notice shall be made to the parent or guardian of the licensee of the bicycle. The notice shall contain a full explanation of the reason for seizing and impounding the bicycle.

(c) Any bicycle impounded under the provisions of this Traffic Code shall be surrendered to the owner or to the parents or guardian of any minor upon showing sufficient proof of ownership of the bicycle, but nothing herein shall relieve the offender of any penalty that may be imposed under the general penalty section of this chapter.

(d) It shall be the duty of the police officer or the person in charge of records to keep in an appropriate book or file the names and addresses of all owners of bicycles impounded, the name and address of the violator if he is not the owner, the license number and the serial number of the bicycle, together with the nature and circumstances of each violation, as well as the disposition of each case.

377.14 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

(a) No person shall operate a bicycle:

- (1) Without due regard for the safety and rights of pedestrians, 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;
- (2) Without exercising reasonable and ordinary control over such bicycle;
- (3) In a weaving or zigzag course unless such irregular course is necessary for the safe operation in compliance with law;
- (4) While wearing more than one earphone attached to a radio, tape player, MP3 player, mobile telephone or other audio device.; **and**
- (5) While using a handheld electronic communications device to write, send or read text-based communications.

377.15 PARKING OF BICYCLE.

(a) A bicycle shall be parked in a designated bicycle parking area when provided. 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) When a designated parking area is not provided, bicycles shall be parked in such a manner as not to interfere with building entrances.

PENALTY

377.99 PENALTY.

(a) Whoever violates any provision of Sections 377.01 to 377.15, inclusive is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree, on each subsequent offense within one year of the first offense, the person is guilty of a misdemeanor of the third degree, and

shall be punished as provided in Section 303.99(b), and the court may prohibit such violator from riding a bicycle for a period not to exceed six months. Whoever violates any provision of this chapter may be punished by having his bicycle impounded for a period not exceeding thirty days.

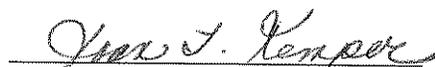
(b) Except as provided in subsection (c) of Section 377.01, in the case of a violation of any section of this Traffic Code described in subsection (d) of Section 377.01 by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator or the bicycle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic 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 the Traffic Code for that violation.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

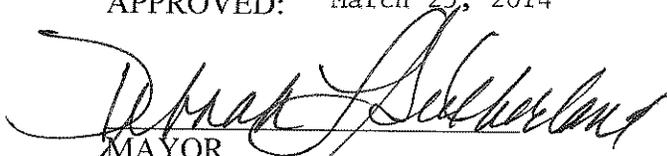
SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: March 25, 2014


MAYOR

II Amended 3-20-14

1. At the end of 377.08, the old 1973 ordinance reference was deleted
2. A period, rather than a semicolon, was inserted at the end of section 377.11 (a) (3).
3. Item 377.14(a)(4) is now followed with "; and" rather than a period.

ORDINANCE NO. 14-12
INTRODUCED BY: Mr. Lee

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 331.03 REGARDING
VEHICLES OVERTAKING, PASSING TO LEFT; DRIVERS DUTIES,
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Chapter 331.10 regarding overtaking, passing to left and driver's duties.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 331.03 which presently reads as follows:

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) Except as otherwise provided in this subsection, whoever violates 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 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 this section is guilty of a misdemeanor of the third degree.

be and the same is amended to read:

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(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.**

(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 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.

(b) Except as otherwise provided in this subsection, whoever violates 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 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 this section is guilty of a misdemeanor of the third degree.
(ORC 4511.27)

and present 331.03 is hereby repealed.

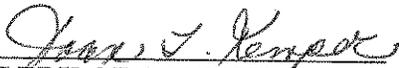
SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare,

and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: March 25, 2014


MAYOR

ORDINANCE NO. 14-13
INTRODUCED BY: Mr. Lee

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 331.10 REGARDING
VEHICLES TURNING AT INTERSECTIONS,
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Chapter 331.10 regarding turning at intersections.

BE IT ORDAINED, by the Council of Bay Village, Ohio:

SECTION 1: That Codified Ordinance Subsection 331.10 which presently reads as follows:

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b) Except as otherwise provided in this subsection, whoever violates 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 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 this section is guilty of a misdemeanor of the third degree.

be and the same is amended to read:

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(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.

(b) Except as otherwise provided in this subsection, whoever violates 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 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 this section is guilty of a misdemeanor of the third degree.

(ORC 4511.36)

and present 331.10 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this

Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED: March 25, 2014

MAYOR

ORDINANCE NO: 14-14
INTRODUCED BY: Mr. Lee

First Reading 3-3-14
Second Reading 3-10-14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 301.04 "BICYCLE; MOTORIZED BICYCLE"
OF THE TRAFFIC CODE OF THE CITY OF BAY VILLAGE AND DECLARING AN
EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 301.04, which is the definition of "Bicycle; Motorized Bicycle";

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 301.04 which presently reads as follows:

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.

(ORC 4511.01(G))

(b) "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.

(ORC 4511.01(H))

be and the same is amended to read:

301.04 BICYCLE; MOTORIZED BICYCLE.

(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.

and present 301.04(a) is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: March 25, 2014


MAYOR

ll Amended 3/20/14

The first line of the new 301.04 definition of "Bicycle" was missing two words to make it match ORC. It now reads "(a) "Bicycle" means every device, other than **a device** that is designed solely "

Also, a space was deleted after the word "wheels" in that definition (before the comma).

ORDINANCE NO. 14-15
INTRODUCED BY: Mr. Lee

First Reading 3-3-14
Second Reading 3-10-14

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE 301.51 "VEHICLE" OF THE TRAFFIC CODE
OF THE CITY OF BAY VILLAGE AND DECLARING AN EMERGENCY**

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 301.51, which is the definition of "Vehicle";

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 301.51 which presently reads as follows:

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. (ORC4511.01(A))

be and the same is amended to read:

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 highway, except that "vehicle" does not include any motorized wheelchair, 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 (ORC4511.01(A))

and present Section 301.51 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: March 25, 2014


MAYOR

II 2/28/14

ORDINANCE NO. 14-16
INTRODUCED BY: Mr. Lee

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 351.08 “OPENING VEHICLE DOOR ON TRAFFIC SIDE” OF THE TRAFFIC CODE OF THE CITY OF BAY VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 351.08 of the Traffic Code of the City of Bay Village regarding the Opening of the Vehicle Door on the Traffic Side;

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 351.08 which presently reads as follows:

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, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(ORC 4511.70 (C))

be and the same is amended to read:

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.
(ORC 4511.70(C))

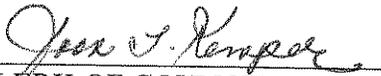
and present 351.08 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: March 24, 2014


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: March 25, 2014


MAYOR