



Legislation Details (With Text)

File #: 0950-2008 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/30/2008 **In control:** Rules & Reference Committee

On agenda: 7/14/2008 **Final action:** 7/21/2008

Title: To amend Chapter 2173 of the Columbus City Codes, 1959, to require that all children between the ages of 1 and 18 wear a protective helmet when operating a bicycle or children's non-motorized vehicle and to maintain consistency between state laws and city ordinances governing bicycle operation.

Sponsors: Charleta B. Tavares

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/21/2008	2	MAYOR	Returned Unsigned	
7/14/2008	1	Columbus City Council	Amended as submitted to the Clerk	Pass
7/14/2008	2	Columbus City Council	Approved as Amended	Pass
7/14/2008	2	Columbus City Council	Taken from the Table	Pass
7/14/2008	1	COUNCIL PRESIDENT	Signed	
6/23/2008	1	Columbus City Council	Tabled to Certain Date	Pass
6/16/2008	1	Columbus City Council	Read for the First Time	
6/13/2008	1	CITY ATTORNEY	Reviewed and Approved	
6/13/2008	1	Council Drafter	Sent to Clerk's Office for Council	
6/12/2008	1	Council Drafter	Sent for Approval	
6/12/2008	1	Auditor Reviewer	Reviewed and Approved	
6/12/2008	1	CITY AUDITOR	Reviewed and Approved	
6/12/2008	1	Council Drafter	Sent for Approval	
6/10/2008	1	Council Drafter	Sent for Approval	

This legislation is necessary to increase the use of safety helmets and reduce the number of children suffering from head injuries. ~~This legislation also updates city code to reflect directives made by Ohio Revised Code in regards to the operation of a bicycle.~~

Bicycles are associated with more childhood injuries than any consumer product except the automobile.

- Each year, approximately 400,000 children under age 14 are treated for bike-related injuries;
- Approximately 10,700 children are hospitalized annually for a bicycle-related injury in the U.S. with an average length of stay of three days in the hospital;
- One-third of children hospitalized for a bicycle-related injury were diagnosed with traumatic brain injury;

- In 2006, children accounted for overbicycle related fatalities nationwide;
- In 2006, bicyclists accounted for 14 percent of all bicyclists killed and 28 percent of those injured in traffic crashes;

It is because of these statistics that cities and states nationwide have enacted bicycle helmet laws. These laws are designed to significantly increase the number of children wearing helmets and reduce the number of head injuries and deaths among children.

As of January 2006, 20 states, the District of Columbia, and at least 148 municipal localities have enacted age-specific bicycle helmet laws, including 21 in Ohio.

A helmet is the single most effective safety device for reducing the severity of head injuries and the likelihood of death following a bicycle crash. Studies have shown that bicycle helmets decrease the risk of head injury by as much as 88 percent. Studies have also demonstrated that helmet laws have resulted in an 18.4% increase in the use of helmets by children, even when the laws are not rigorously enforced.

The economic impact of not wearing a helmet is enormous. Head injuries cause extraordinarily expensive, long-term impact to taxpayers. Moreover, a study conducted by researchers at the Center for Injury Research and Policy at Nationwide Children's Hospital and published in October 2007 estimates that bicycle-related injuries among children and adolescents result in nearly \$200 million in hospital inpatient charges annually.

To amend Chapter 2173 of the Columbus City Codes, 1959, to require that all children between the ages of 1 and 18 wear a protective helmet when operating a bicycle or children's non-motorized vehicle and to maintain consistency between state laws and city ordinances governing bicycle operation.

WHEREAS, the City of Columbus has the ability to enforce all local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio pursuant to Article XVIII, Section 3 of the Ohio Constitution, and

WHEREAS, the major cause of death and permanent disability in bicycle accidents is head injury, and

WHEREAS, A study published in Injury Prevention in October 2007 that was conducted by researchers at the Center for Injury Research and Policy at Nationwide Children's Hospital in Columbus, OH, concludes that bicycle-related injuries among children and adolescents in the U.S. may be a more significant public health concern than previously estimated. The study revealed that bicycle-related injuries result in more emergency department visits for children than any other recreational sport, with approximately 10,700 children hospitalized annually for a bicycle-related injury in the U.S. with an average length of stay of three days. Moreover, one-third of children hospitalized for a bicycle-related injury were diagnosed with traumatic brain injury, a statistic that is significant for its correlation to the number of injuries that may be preventable through the use of bicycle helmets, and

WHEREAS, helmets and child carrying devices which meet nationally recognized standards have been demonstrated to significantly reduce the numbers of head injuries in accidents, and

WHEREAS, the Council is desirous of adopting new regulations to protect persons under the age of 18 from such injuries, and

~~**WHEREAS**, the Ohio General Assembly has enacted HB 389 effective 9/21/06 which consists of a revision of certain portions of Ohio's bicycle regulations, and~~

~~**WHEREAS**, the enactment of HB 389 has created disparity between existing City bicycle regulations and general laws of the State of Ohio, which inconsistencies, in some instances, has caused the city ordinances to potentially be in conflict with the general laws of the State of Ohio, now therefore~~

WHEREAS, it is the intent of these regulations to encourage the use of safety helmets among youth, and to increase education and awareness of the importance of wearing safety helmets among all persons, and

WHEREAS, while it is the duty of Department of Public Safety and the Columbus Division of Police to enforce all

traffic laws within the City of Columbus, including the issuance of a summons where these laws are violated, discretion and professional judgment shall, as in all other enforcement actions, be afforded the Columbus Division of Police in enforcing the youth safety helmet requirement, and

WHEREAS, it shall be the responsibility of all City departments, in coordination with the not-for-profit and private sectors, to develop and implement the outreach, education, and awareness programs designed to increase youth safety helmet usage, therefore

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

Section 1. That Chapter 2173 of the Columbus City Codes, 1959, shall be amended to read as follows:

CHAPTER 2173 - BICYCLES, MOTORCYCLES, AND *CHILDREN'S* NON-MOTORIZED VEHICLES

2173.01 Code application to bicycles, *children's* non-motorized vehicles.

(A) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles or however specifically provided for in Chapter 2173.

(B) A person operating a bicycle or a non-motorized vehicle upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

The provisions of this Traffic Code, except those that by their nature are inapplicable shall apply to bicycles except those which by their nature are not applicable, and any person operating a bicycle on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic.

(C) Except as provided in division (E) of this section, a bicycle operator who violates any section of the Traffic Code 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 Chapter 4510 of the Ohio Revised Code.

(D) Except as provided in division (E) of this section, in the case of a violation of any section of the Traffic Code 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 the Revised Code or the Columbus City 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 for that violation.

(E) Divisions (C) and (D) of this section do not apply to violations of section 2133.01 of the Columbus City Traffic Code.

The provisions of this Traffic Code, except those that by their nature are inapplicable shall apply to bicycles except those which by their nature are not applicable, and any person operating a bicycle on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic. (ORC 4511.52) (Ord. 1579-72; Ord. 2120-03 § 1 (part).)

2173.015 Definitions

(A) For purposes of this Chapter:

(1) "Snowmobile" means any self propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(2) "Non-motorized vehicle" means any wheeled device, excluding a bicycle, that is operator propelled by human power in, upon, or by which any person may be transported upon a street, highway, sidewalk, or public or private property used for vehicular or pedestrian travel or parking; except that "non-motorized vehicle" does not include any wheelchair, any personal assistive mobility device, or any device that is used exclusively upon stationary rails or tracks. "Non-motorized vehicle" would include, but is not limited to, roller skates, in-line skates, rollerblades, skateboards, unicycles, tricycles, quad cycles, and scooters.

(2) "Children's Non-motorized vehicle" means any child's wheeled device, including a bicycle that is under 30 inches of handlebar height and operating at less than 5 miles per hour, that is operator-propelled by human power in, upon, or by which any person may be transported upon a street, highway, sidewalk, or public or private property used for vehicular or pedestrian travel or parking; except that "non-motorized vehicle" does not include any wheelchair, any personal assistive mobility device, or any device that is used exclusively upon stationary rails or tracks. "Non-motorized vehicle" would include,

but is not limited to, children's bicycles with or without training wheels, roller skates, in-line skates, rollerblades, skateboards, unicycles, tricycles, quad cycles, and scooters.

(3) "Operate" means to cause or have caused movement of a vehicle or a non-motorized vehicle.

~~2173.02-Riding upon seats; motorcycle handlebars; helmets, and glasses. Rules for bicycles, motorcycles, snowmobiles, and children's non-motorized vehicles~~

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

A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

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.

No bicycle or motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a street or highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his 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 regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(b) For purposes of this section "snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

~~(A) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat. No person operating a bicycle or motorcycle shall carry more persons at one (1) time than the number for which the vehicle is designed and equipped.~~

~~No person operating a bicycle shall allow a child the age of one (1) or older but under the age of four (4), or weighing forty pounds or less, to ride or be carried as a passenger on the bicycle in other than a properly fastened seat or trailer which is designed for carrying children, is being used according to the manufacturer's instructions, and is firmly attached to the bicycle. No person operating a bicycle shall allow a child under the age of one (1) to ride or be carried as a passenger on the bicycle or in a trailer affixed to the bicycle.~~

~~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.~~

~~A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle. A person shall not operate a motorcycle on a street or highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.~~

~~No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on~~

~~a highway, or be a passenger on a motorcycle, unless wearing a 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 regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.~~

~~(B)(1) No person under the age of eighteen (18) shall operate a bicycle or **children's** non-motorized vehicle within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC).~~

~~No person the age of one (1) or older but under the age of eighteen (18) shall ride as a passenger on a bicycle or non-motorized vehicle equipped with a firmly attached passenger seat or astride a regular seat on a tandem bicycle, within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC).~~

~~Failure to wear a protective helmet as required in this division shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.~~

~~(2) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen (18) years of age shall authorize or knowingly permit such child to violate any provision of this division.~~

~~(C) (1) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

~~(2) Whoever violates division (B) of this section shall be fined **no more than** twenty-five (25) dollars, **or the least amount allowable under the Ohio Revised Code.**~~

~~**(D) The Director of Public Safety and the Chief of Police shall be responsible for enforcing division (B) of this section, and shall, as in all other enforcement actions, be afforded discretion and professional judgment in determining the appropriate enforcement action, including a verbal or written warning or the issuances of a summons.**~~

~~(E) All fines collected for violations of division (B) of this section shall be deposited into the Bicycle Safety Fund. (ORC 4511.53) (Ord. 1317-78; Ord. 2120-03 § 1 (part).)~~

~~(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

2173.03 Attaching bicycle or sled to vehicle.

~~(A) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or **himself** to the any person to any vehicle upon a roadway.~~

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled, or toy vehicles to attach the same or **the operator self** to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

~~(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.54) (Ord. 1579-72; Ord. 2120-03 § 1 (part).)~~

2173.04 Bicycle to be ridden near right side of roadway; Riding bicycles and motorcycles abreast.

(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.

(a) ~~(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.

(b) ~~(D)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55(B)) (Ord. 1050-77; Ord. 2120-03 § 1 (part).)

2173.05 Signal devices on bicycle; brake.

(A) Every bicycle when in use at the times specified in Section 2137.02 of the Columbus City 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 that emits lights only when the bicycle is moving may be used to meet this requirement;

(2) A red reflector on the rear of a type approved by the Ohio Director of Public Safety 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 a 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.;

(4) An essentially colorless reflector on the front of a type approved by the Ohio Director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Ohio Director.

(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.

(B) No person shall operate a ~~(C)~~ A bicycle unless it is may be equipped with a bell or other device capable of giving a signal an audible signal, for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(C) ~~(D)~~ Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(D) ~~(E)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56) (Ord. 1170-75; Ord. 2120-03 § 1 (part).)

2173.06 Lights and reflector on bicycle; brakes.

(Repealed by Ord. 2120-2003.)

2173.07 Riding bicycle on right side of roadway; traffic control devices; hand and arm signals; yield right of way Bicycle yields right-of-way to pedestrians.

(a) ~~(A)~~ Any person operating a bicycle or children's non-motorized vehicle shall:

(1) Ride as near to the right-hand 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.

(2) ~~(1)~~ Yield the right of way to a pedestrian upon a sidewalk or a crosswalk;

(3) ~~(2)~~ Give a timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.

(b) ~~(B)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55) (Ord. 1579-72; Ord. 2120-03 § 1 (part).)

2173.08 Reckless operation; control, course and speed.

(a) ~~(A)~~ No person shall operate a bicycle or children's non-motorized vehicle :

(1) Without due regard for the safety and rights of pedestrians and 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 safe operation or in compliance with law;

(4) Without keeping at least one both hands upon the handle grips **except when necessary to give the required hand and arm signals**;

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

(b) ~~(B)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (Ord. 1579-72; Ord. 2120-03 § 1 (part).)

2173.09 Parking of bicycle.

(a) ~~(A)~~ 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) ~~(B)~~ Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1579-72; Ord. 2120-03 § 1 (part).)

2173.10 Riding bicycles on sidewalks.

(a) No person shall operate a bicycle upon a sidewalk, except, at locations that the Columbus city council designates as bikeways or paths.

(b) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1050-77; Ord. 2120-03 § 1 (part).) Repealed.

2173.105 Driving motor vehicles and riding motorcycles on sidewalks, bike paths or bike lanes.

(a) ~~(A)~~ No person shall operate a motor vehicle, ~~snowmobile, all-purpose vehicle,~~ or motorcycle upon a sidewalk, **bike path** set aside for the exclusive use of bicycles when an appropriate sign giving notice of such use is posted on the path, or in a bike lane.

(b) ~~(B)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.711) (Ord. 1050-77; Ord. 2120-03 § 1 (part).)

2173.11 Impounding for violations.

Whenever any bicycle shall be operated by any person, including minors under the age of **twenty-one (21)** ~~eighteen~~ years, in violation of any of the provisions of this chapter, or the provisions of Chapter 571 of the Business Regulation and Licensing Code, such bicycle may be seized by any member of the police department and impounded for not more than thirty (30) days in a pound which shall be established by the chief of police for such purpose. Such bicycle, so impounded, shall be surrendered upon order of the police chief to the parent or guardian of any minor without charge after full explanation to such parent or guardian of the reason for such impounding, and after the expiration of the impounding period. A complete record of each such impounding shall be kept in the office of the chief of police. (Ord. 1579-72.)

2173.12 Right-of-way bike crossings.

(a) ~~(A)~~ If neither vehicular traffic nor bicycle traffic at a "bike crossing" is controlled by a stop or yield sign, or a traffic signal, the operator of a bicycle shall yield the right-of-way at bike crossings to all vehicles on the road or street unless otherwise directed by a police officer.

(b) ~~(B)~~ Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1050-77; Ord. 2120-03 § 1 (part).)

2173.13 Motorized bicycle operation, equipment and license.

(a) ~~(A)~~ No person shall operate a motorized bicycle upon any street or 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 Section 4511.521 of the Ohio Revised Code, or the person is sixteen (16) years of age or older and holds either a valid commercial driver's license issued under Chapter 4506 of the Ohio Revised Code, or a driver's license issued under Chapter 4507 of the Ohio Revised Code, or a valid motorized bicycle license issued after the person has passed the test provided for in Section 4511.521 of the Ohio Revised Code, 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 Section 4511.521 of the Ohio Revised Code;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of Section 4511.521 of the Ohio Revised Code 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 rear-view mirror.

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

(b) ~~(B)~~ No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) ~~(C)~~ The protective helmet and rear-view mirror required by division (a) (3) of this section shall conform to the rules adopted by the Ohio Director of Public Safety under division (B) of Section 4511.521 of the Ohio Revised Code.

(d) ~~(D)~~ Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521) (Ord. 2083-84; Ord. 2120-03 § 1 (part).)

Section 2. That existing Chapter 2173 of the Columbus City Codes, 1959, is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, but the protective helmet requirements contained in the amendments to Section 2173.02(B)(1) shall not be enforced until twelve (12) months from the date of final passage.