

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1983-17

~~Passed:~~

Rejected
See 1-17-84

19__

AN ORDINANCE AMENDING CHAPTER 75, ENTITLED BICYCLES AND MOTORCYCLES, OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

WHEREAS, it is in the public health, safety, and welfare to amend Chapter 75, entitled Bicycles and Motorcycles, by providing for the restrictions and conditions for the operation of mopeds and penalties for violation thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION I:

The Code of Ordinances of the Municipality of Brookville Ohio, Chapter 75, entitled Bicycles and Motorcycles, is hereby ordered amended by providing for the following amendments:

SECTION 75.01 BICYCLES AND MOPEDS.

(a) The provisions of the Title which are applicable to Bicycles and/or Mopeds whenever a Bicycle and/or Moped is operated upon any highway or upon any path set aside for the exclusive use of Bicycles and/or Mopeds.

(b) Every person operating a Bicycle and/or Mopeds shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

See O.R.C. 4511.52; Penalty, See Section 70.99.

SECTION 75.02 OPERATION OF MOPED:

(a) No person shall operate a Moped upon a highway or any public or private property used by the public for the purposes of vehicular travel or parking, unless all of the following conditions are met.

(1) The person is 16 years of age or older and holds either a valid operator's license issued under R.C Chapter 4507, or a valid Moped License issued after the person has passed the test provided for in this section.

(2) The Moped is equipped in accordance with the rules adopted under division (b) of this Section and is in proper working order.

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(3) A person operating a Moped shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other passenger upon such Moped regardless of whether or not another seat is provided.

(4) No person shall operate on a moped without using safety glasses or other protective eye devices. No person who is under the age of 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 4507.05 of the Ohio Revised Code, shall operate a Moped on a highway or road unless wearing a protective helmet on his or her head, and no other person shall be a passenger on a Moped operated by such a person. The helmet, safety glass or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Highway Safety. The provisions of this subsection or a violation thereof, shall not be used in the trial of any civil action.

(b) The Director of Highway Safety, subject to R.C. 119.01 through 119.13, shall adopt and promulgate rules concerning the equipment of motorized bicycles and the testing and qualification of persons who do not hold a valid operator's license issued under R.C. Ch. 4507. The test shall include at least a vision and knowledge of rules of the road.

(c) Every moped license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any moped license be issued for a period longer than four years.

SECTION 75.04 PROHIBITION AGAINST ATTACHING BICYCLES, MOPEDS, AND SLEDS TO VEHICLES.

(a) No person riding upon any Bicycle, coaster, roller skates, sled, moped or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any Bicycle, coaster, roller skates, sled, moped, or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway.

(c) This section does not apply to the towing of a disabled vehicle.

R.C. Section 4511.54; Penalty see Section 70.99.

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SECTION 75.05 (RIDING BICYCLES, MOTORCYCLES ABREAST)
RIDING MOPED, MOTORCYCLES AND/OR BICYCLES ON RIGHT SIDE OF
ROADWAY AND ABREAST.

(a) Every person operating a moped, motorcycle or 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) Persons riding mopeds, motorcycles or bicycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of mopeds and motorcycles.

SECTION 75.06 SIGNAL DEVICES ON MOPEDS, MOTORCYCLES AND/OR BICYCLES.

(a) No person operating a moped shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the streets or public places in the Municipality.

(b) The operator of a moped emerging from any alley, driveway or building, shall, upon approaching a sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway yield the right of way to all vehicles approaching on such roadway.

SECTION 75.11 SUSPENSION OF RIDING PRIVILEGES; IMPOUNDING OF BICYCLES.

In addition to the penalties provided in Section 70.99, a court may prohibit any person who violates or fails to comply with any of the provisions of this chapter relating to bicycles and/or mopeds from riding a bicycle and/or moped for a period not to exceed three months. In addition, any person violating or failing to comply with any of the provisions of this chapter relating to bicycles and/or moped may be punished by having his bicycle and/or moped impounded for a period not exceeding 30 days.

SECTION 75.12 SIGNAL DEVICES ON MOPEDS, MOTORCYCLES AND/OR BICYCLES

(a) Every moped when in use shall be equipped with a lamp on the front that shall admit a white light visible from a distance of at least 500 feet to the front

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and with a red reflector on the rear of a type approved by the Ohio Director of Highway Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of a lawful lower beams of head-lamps on a motor vehicles and a lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector.

(b) Every moped shall be equipped with an adequate brake when used on a street or highway (O.R.C. 4511.56).

SECTION 75.13 SAFE RIDING REGULATIONS FOR MOPEDS.

(a) No person operating a moped shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the streets or public places in the Municipality.

(b) The operator of a moped emerging from an alley, driveway or building, shall, upon approaching a sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on such roadway.

(c) No person shall ride a moped upon a sidewalk within a business district where such sidewalk extends from store front to curb.

(d) Whenever any person is riding a moped upon a sidewalk, such person shall yield the right of way to any pedestrian.

(e) No person shall operate a moped:

(1) Without due regard for the safety and 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 moped.

3) In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with the law.

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(4) Without 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.

(6) Upon any designated bikeway path.

SECTION 75.14 PARKING OF MOPED.

No person shall park a moped upon a street or sidewalk in such a manner so as to obstruct pedestrian or vehicular traffic.

SECTION 75.15 IMPOUNDING OF MOPED.

Members of the Police Department are hereby authorized to seize and impound any moped which is parked in violation of Section 75.14 of this Chapter. Any moped so seized and impounded shall be held by the Department until the owner thereof, or, if the owner is a minor, the owner and such owner's parent or guardian, shall appear at the Department and give assurance that such violation shall not be repeated.

Sections 75.06, 75.07, 75.08, 75.09, and 75.10 shall all remain in full force and effect.

Underscoring indicates new matters. (Brackets indicate omitted matters.)

This Ordinance shall take effect and be in effect from and after the earliest period allowed by law.

Passed this _____ day of _____, 1983.

ATTEST:

APPROVED:

E. EUGENE ROESER, CLERK

ROBERT N. APGAR, MAYOR

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1983-17 passed by the Council of said Municipality on the _____ day of _____, 1983.

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1983-17 was posted at the Municipal Building, U. S. Post Office and the Brookville National Bank, Brookville, Ohio on the _____ day of _____, 1983 to the _____ day of _____, 1983 both days inclusive.

E. Eugene Roeser, Clerk