

ORDINANCE NO 632

AN ORDINANCE DEFINING PROPER USE OF NON-MOTORIZED VEHICLES WITHIN THE CITY, DEFINING VIOLATIONS AND PRESCRIBING PENALTIES

The City of Amity ordains as follows:

Section 1 Definitions:

Non-Motorized Vehicle: For the purpose of this ordinance, a non-motorized vehicle includes any bicycle, roller skates, coaster, rollerblades, skateboard, scooter or any other non-motorized device designed to be ridden.

Sections 2 Violations:

A. Failure to use bicycle lane or path; exceptions; penalty.

- (1) A person commits the offense of failure to use a bicycle lane or path if the person operates a non-motorized vehicle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.
- (2) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:
 - (a) Overtaking and passing another non-motorized vehicle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.
 - (b) Preparing to execute a left turn at an intersection or into a private road or driveway.
 - (c) Avoiding debris or other hazardous conditions.
 - (d) Preparing to execute a right turn where a right turn is authorized.
 - (e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle must turn right.
- (3) The offense described in this section, failure to use a bicycle lane or path, is a Class D violation.

B. Improper use of lanes; exceptions; penalty.

- (1) A person commits the offense of improper use of lanes by a bicycle if the person is operating a bicycle on a roadway at less than the normal speed of traffic and the person does not ride as close as practicable to the right curb or edge of the roadway.
- (2) A person is not in violation of the offense under this section if the person is not operating a bicycle as close as practicable to the right curb or edge of the roadway under any of the following circumstances:
 - (a) When overtaking and passing another bicycle or vehicle that is proceeding in the same direction.
 - (b) When preparing to execute a left turn.
 - (c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or other conditions that make continued operation along the right curb or

edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a bicycle and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a bicycle from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.

(d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A bicycle that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a bicycle is operating along the right curb or edge of the roadway.

(e) When operating a bicycle alongside not more than one other bicycle as long as the bicycles are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.

(f) When operating on a bicycle lane or path.

(3) The offense described in this section, improper use of lanes by a bicycle, is a Class D violation.

C. Failure to signal turn; exceptions; penalty.

(1) A person commits the offense of failure to signal for a bicycle turn if the person does any of the following:

(a) Stops a bicycle the person is operating without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.

(b) Executes a turn on a bicycle the person is operating without giving the appropriate hand and arm signal for the turn for at least 100 feet before executing the turn.

(c) Executes a turn on a bicycle the person is operating after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.

(2) A person is not in violation of the offense under this section if the person is operating a bicycle and does not give the appropriate signal continuously for a stop or turn because circumstances require that both hands be used to safely control or operate the bicycle.

(3) The appropriate hand and arm signals for indicating turns and stops under this section are those provided for other vehicles under ORS 811.395 and 811.400.

(4) The offense described under this section, failure to signal for a bicycle turn, is a Class D violation.

D. Unlawful passengers on bicycle; penalty.

(1) A person commits the offense of unlawful passengers on a bicycle if the person operates a bicycle and carries more persons on the bicycle than the number for which it is designed or safely equipped.

(2) The offense described in this section, unlawful passengers on a bicycle, is a Class D violation.

E. Failure to use bicycle seat; penalty.

- (1) A person commits the offense of failure to use a bicycle seat if the person is operating a bicycle and the person rides other than upon or astride a permanent and regular seat attached to the bicycle.
- (2) A person operating an electric personal assistive mobility device is not subject to this section.
- (3) The offense described in this section, failure to use bicycle seat, is a Class D violation.

F. Non-motorized vehicle clinging to another vehicle; penalty.

- (1) A person commits the offense of non-motorized vehicle clinging to another vehicle if the person is riding upon or operating a non-motorized vehicle and the person clings to another vehicle upon a roadway or attaches that which the person is riding or operating to any other vehicle upon a roadway.
- (2) The offense described in this section, non-motorized vehicle clinging to another vehicle, is a Class D violation.

G. Failure to wear protective headgear; penalty.

- (1) A person commits the offense of failure of a non-motorized vehicle operator or rider to wear protective headgear if the person is under 16 years of age, operates or rides on a non-motorized vehicle on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.
- (2) Exemptions from this section are provided in ORS 814.487.
- (3) The offense described in this section, failure of a non-motorized vehicle operator or rider to wear protective headgear, is a Class D Violation.

H. Endangering non-motorized vehicle operator or passenger; penalty.

- (1) A person commits the offense of endangering a non-motorized vehicle operator or passenger if:
 - (a) The person is operating a non-motorized vehicle on a highway or on premises open to the public and the person carries another person on the bicycle who is under 16 years of age and is not wearing protective headgear of a type approved under ORS 815.052.
 - (b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and the child operates or rides on a non-motorized vehicle on a highway or on premises open to the public without wearing protective headgear of a type approved under ORS 815.052.
- (2) Exemptions from this section are provided in ORS 814.487.
- (3) The offense described in this section, endangering a bicycle operator or passenger, is Class D violation.

I. Violation of non-motorized vehicle equipment requirements; penalty.

- (1) A person commits the offense of violation of non-motorized vehicle equipment requirements if the person does any of the following:
 - (a) Operates on any highway a non-motorized vehicle in violation of the requirements of this section.

- (b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a non-motorized vehicle on any highway in violation of the requirements of this section.
- (2) A non-motorized vehicle is operated in violation of the requirements of this section if any of the following requirements are violated:
 - (a) A bicycle must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.
 - (b) A person shall not install or use any siren or whistle upon a non-motorized vehicle.
 - (c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:
 - (i) The lighting equipment must be used during limited visibility conditions.
 - (ii) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.
 - (iii) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
- (3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any non-motorized vehicle consistent with this section.
- (4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in ORS 815.284.
- (5) The offense described in this section, violation of non-motorized vehicle equipment requirements, is a Class D violation.

J. Passing stopped vehicle at *crosswalk*; penalty.

- (1) The operator of any non-motorized vehicle commits the offense of passing a stopped vehicle at a crosswalk if the driver:
 - (a) Approaches from the rear another vehicle that is stopped at a marked or an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway; and
 - (b) Overtakes and passes the stopped vehicle.
- (2) The offense described in this section, passing a stopped vehicle at a crosswalk, is a Class D violation.

K. Improper operation of non-motorized vehicle on sidewalk; penalty.

- (1) The operator of any non-motorized vehicle commits the offense of improper operation of non-motorized vehicle if:
 - (a) the operator does not yield the right of way to any pedestrian on a sidewalk.
 - (b) the operator parks a bicycle upon a street or sidewalk except in a rack. If no rack is provided, the bicycle shall be parked in such a manner as to afford the least obstruction to pedestrian and vehicular traffic and located outside the through pedestrian zone.
 - (c) the operator rides or operates a non-motorized vehicle upon a sidewalk in a designated design district.
- (2) Exemptions from this section include police officers and police reserve officers in the furtherance of their duties.

(3) The offense described in this section, improper operation of non-motorized vehicle on sidewalk, is a Class D violation.

L. Failure to stop and remain stopped for pedestrian; penalty.

(1) The operator of any non-motorized vehicle commits the offense of failure to stop and remain stopped for a pedestrian if the operator does not stop and remain stopped for a pedestrian when the pedestrian is:

(a) Proceeding in accordance with a traffic control device as provided under ORS 814.010 or crossing the roadway in a crosswalk, as defined in ORS 801.220; and

(b) In any of the following locations:

(i) In the lane in which the operator vehicle is traveling;

(ii) In the lane into which the operator's vehicle is turning;

(2) This section does not require a driver to stop and remain stopped for a pedestrian under any of the following circumstances:

(a) Upon a roadway with a safety island, if the operator is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or

(b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

(3) The offense described in this section, failure to stop and remain stopped for a pedestrian, is a Class D violation.

M. Unsafe operation of non-motorized vehicle on sidewalk; penalty.

(1) A person commits the offense of unsafe operation of a non-motorized vehicle on a sidewalk if the person does any of the following:

(a) Operates the non-motorized vehicle 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.

(b) Operates a non-motorized vehicle upon a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.

(c) Operates a non-motorized vehicle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

(d) Operates the non-motorized vehicle at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp. This paragraph does not require reduced speeds for bicycles at places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic.

(e) Operates an electric assisted bicycle on a sidewalk.

(2) Except as otherwise specifically provided by law, a non-motorized vehicle operator on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.

(3) The offense described in this section, unsafe operation of a non-motorized vehicle on a sidewalk, is a Class D violation

N. Failure to obey traffic control device; penalty.

(1) A non-motorized vehicle commits the offense of failure to obey traffic control devices if the non-motorized vehicle operator does any of the following:

(a) Fails to obey any traffic control device specifically applicable to:

(i) Vehicles if operating on a roadway

(ii) Pedestrians if operating on a sidewalk or crosswalk.

(b) Fails to obey any specific traffic control device described in ORS 814.010 in the manner required by that section.

(2) The offense described in this section, non-motorized vehicle failure to obey traffic control devices, is a Class D violation

This ordinance will take effect 30 days from the date of its passage.

FIRST READING: October 3, 2012

SECOND READING: November 7, 2012

SUBMITTED AND APPROVED THIS 7th DAY OF November, 2012.

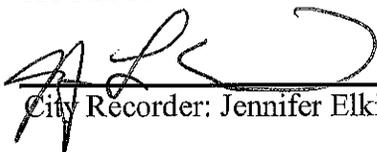
Ayes: Ball, Dahl, Homen, King, van Soolen, ~~Cap~~
Nays:

SIGNED:



Mayor: Michael Cape

ATTEST:



City Recorder: Jennifer Elkins