

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2023-31**

**REPEALING AND REPLACING CHAPTER 444: "BICYCLES"
OF THE YELLOW SPRINGS ZONING CODE AND DECLARING AN EMERGENCY**

Whereas, The Village of Yellow Springs legislation pertaining to bicycles, which regulates the operation and parking of bicycles, needs to be updated to include the plethora of other wheeled devices which are now common on village streets and sidewalks,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

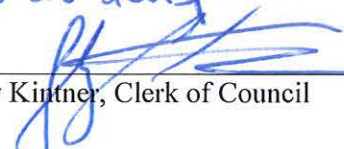
Section 1. Chapter 444 "Bicycles" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. The new Chapter 444 entitled "Bicycles and Other Non-Motorized Wheeled Devices " of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, with deletions in ~~strike through~~, and additions **bolded and underlined**.

Section 3. This ordinance is hereby declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the Village, wherefore, this ordinance shall be in effect immediately upon its adoption by Council.


Kevin Stokes, Vice President of Council

Passed: 6-20-2023

Attest: 
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Kevin Stokes __Y__ Marianne MacQueen __Y__

~ Carmen Brown __Y__ Gavin DeVore Leonard __Y__

Exhibit A to Ordinance 2023-31

Exhibit A to Ordinance 2023-31

CHAPTER 444

Bicycles and Other Non-Motorized Wheeled Devices

[444.01](#) Definitions.

[444.02](#) Use of sidewalks.

[444.03](#) Use of bicycle paths.

[444.04](#) Use of multi-use paths.

[444.05](#) Manner of operation.

[444.06](#) Right-of-way.

[444.07](#) Signs and markings.

[444.08](#) Destruction of bicycles or identifying marks.

[444.09](#) Impounding; disposition of unclaimed bicycles.

[444.10](#) Operation of motorized bicycles.

[444.99](#) Penalty.

CROSS REFERENCES

Bicycle regulations to be consistent with State law - see Ohio R.C. 4511.07(A)(8)

Bicycle defined - see TRAF. [402.05](#)

Bicycles on freeways - see TRAF. [412.05](#)

Operation of vehicles on bicycle paths - see TRAF. [432.41](#)

Lights and brakes for motorized bicycles - see TRAF. [438.02](#), [438.19](#)

444.01 DEFINITIONS.

As used in this chapter:

(a) "Bicycle" means a wheeled device propelled by pedals and operated by foot power.

(b) **"Other Non-Motorized Wheeled Device" means any wheeled device which is worn by or otherwise operated by a person or persons**

(b) "Bicycle path" means that portion of the street right-of-way for bicycle use, generally paralleling but separate from the motor vehicular traveled portion of the street right-of-way and usually constructed of asphaltic concrete and black in color.

(c) "Marked bicycle crossing" means the extension of a bicycle path or multi-use path through an intersection or across a street and indicated on the street surface by approved pavement markings and by approved warning signs.

(d) "Multi-use path" means that portion of the street right-of-way designated by Council for shared use of pedestrians and bicycles, generally paralleling but separate from the motor vehicular traveled portion of the street right-of-way and usually constructed of asphaltic concrete and black in color.

(e) "Sidewalk" means that portion of the street closest to the edge of the street right-of-way for pedestrian use, generally paralleling but separate from the motor vehicular traveled portion of the street right-of-way and usually constructed of concrete and white in color.

(Ord. 72-11. Passed 6-5-72; Ord. 2004-8. Passed 3-1-04.)

444.02 USE OF SIDEWALKS.

(a) Sidewalks are primarily for the use of pedestrians, and pedestrians shall have the right-of-way thereon.

(b) The riding of bicycles and other non-motorized wheeled devices on sidewalks where there is no bicycle path on the same side of the street shall be permissible, except as hereinafter prohibited, but subject to the right-of-way of pedestrians.

(c) The parking of bicycles and other non-motorized wheeled devices on sidewalks, except in areas specifically set aside therefor, and the parking of them in a disorderly manner, shall be prohibited.

(d) The riding of bicycles and other non-motorized wheeled devices on sidewalks shall be prohibited as follows:

(1) When a bicycle path exists on the same side of the street; or

(2) In the downtown business area, defined as and including the following streets:

- A. Xenia Avenue from Limestone Street to Corry Street;
- B. Short Street from Walnut Street to Xenia Avenue;
- C. Glen Street from Xenia Avenue to an alley;
- D. Corry Street from Dayton Street to an alley;
- E. Dayton Street from Walnut Street to Corry Street.

(Ord. 72-11. Passed 6-5-72; Ord. 2004-8. Passed 3-1-04.)

444.03 USE OF BICYCLE PATHS.

(a) Bicycle paths are for the exclusive use of bicycles which shall have the right-of-way thereon but which shall be operated with due care towards other users thereof.

(b) The parking of bicycles and other non-motorized wheeled devices on a bicycle path, except in areas specifically set aside therefor, and parking them in a disorderly manner, shall be prohibited.

(c) When a bicyclist or operator of any other non-motorized wheeled device elects to use a bicycle path or multi-use path, and such path exists on both sides of the street, the bicyclist or operator of any other non-motorized wheeled device shall use the path on the right side of the road.

444.04 USE OF MULTI-USE PATHS.

(a) Multi-use paths are for the use of pedestrians, ~~and~~ bicyclists or operators of any other non-motorized wheeled device alike, each exercising due regard for the other, but with pedestrians having the right-of-way.

(b) The parking of bicycles or any other non-motorized wheeled device on a multi-use path, except in areas specifically set aside therefor, and parking them in a disorderly manner, shall be prohibited.

(c) When a bicyclist or operator of any other non-motorized wheeled device elects to use a bicycle path or multi-use path, and such path exists on both sides of the street, the bicyclist shall use the path on the right side of the road.

444.05 MANNER OF OPERATION.

(a) No operator of a bicycle or operator of any other non-motorized wheeled device within the motor vehicular traveled portion of a street right-of-way shall violate any provision of this Traffic Code applicable to the operation of motor vehicles, except those provisions which by their nature would have no application to bicycles.

(b) Bicycles and other non-motorized wheeled devices shall be operated as closely as possible to the right side of the motor vehicular traveled portion of a street or on a sidewalk, bicycle path or multi-use path.

(c) No person shall operate a bicycle or other non-motorized wheeled device which is not equipped with an adequate and operable braking system and an operable bell or other soft-toned warning device capable of giving an audible warning signal, except that no bicycle or other non-motorized wheeled device shall be equipped with, nor shall any person use upon a bicycle or any other non-motorized wheeled device, a siren or whistle.

(d) No person shall operate or park a bicycle or any other non-motorized wheeled device upon any street, sidewalk, bicycle path or multi-use path during the period beginning thirty minutes after sunset and ending thirty minutes before sunrise, or whenever, by reason of fog or otherwise, visibility is rendered difficult, unless such bicycle or other non-motorized wheeled device is equipped with a headlight displaying a beam of white light in the direction in which the bicycle or other non-motorized wheeled device is heading or proceeding, clearly visible at a distance of not less than 200 feet, which headlight shall be firmly attached to the bicycle or other non-motorized wheeled device and properly lighted, and also a red tail light or reflector displaying a red light or reflection clearly visible in the rear of the bicycle or other non-motorized wheeled device, and attached thereto, at a distance of at least 200 feet. However, no light other than a red light or reflector on the rear of the bicycle or other non-motorized wheeled device shall be required when such a ~~bicycle device~~ is parked.

(e) Bicycles or other non-motorized wheeled devices shall not be ridden as follows:

(1) More than two abreast;

(2) Two abreast on a sidewalk or multi-use path;

(3) Two abreast on a bicycle path or in the motor vehicular traveled portion of a street if such riding interferes with other traffic.

(f) No person shall, while riding a bicycle or other non-motorized wheeled device on a public right-of-way, engage in trick riding or acrobatics of any kind or operate such ~~bicycle~~ device without maintaining full control.

(g) Before stopping, turning, decreasing speed or changing the course of any bicycle or other non-motorized wheeled device, the operator thereof shall first determine that any such movement can be made in safety, and then use the following hand signals to give notice of intention:

(1) Right turn: hold left arm in upward vertical position.

(2) Left turn: hold left arm in horizontal position.

(3) Slow or stop: hold left arm extended in downward direction.

(h) The operator of a bicycle or other non-motorized wheeled device shall at all times operate such bicycle with due regard to his or her own safety and the safety of others.

(i) The operator of a bicycle or other non-motorized wheeled device shall yield the right-of-way to pedestrians within crosswalks.

(j) No bicycle or other non-motorized wheeled device shall start or pull away from a curb while another vehicle is passing abreast of such ~~bicycle~~ device.

(k) The operator of a bicycle or other non-motorized wheeled device shall give a timely and audible signal when overtaking a pedestrian and shall pass to the left. Bicyclists or operators of any other non-motorized wheeled device riding abreast shall pass pedestrians to the left and in single file after giving an audible signal.

(l) No more than one person shall ride upon a bicycle or other non-motorized wheeled device unless such ~~bicycle~~ device is designed and constructed to be ridden by the number of persons conveyed.

(m) No person traveling upon any bicycle or other non-motorized wheeled device shall cling to or attach himself or herself or his or her bicycle or other non-motorized wheeled device to any other bicycle, device or vehicle, moving or stationary, upon a street.

(n) No operator of any bicycle shall ride upon other than the permanent and regular seat attached thereto, or carry any other person upon the operator's seat, package carrier, handle bar, frame or fenders of such bicycle, and no person shall so ride upon any bicycle, except that a baby seat used for its designed purpose shall be permitted. Only children under seven years of age may be carried on a bicycle on such a baby seat and only by persons sixteen years of age or older, with a special seat for the passenger and wheel covers or other devices to prevent the passenger's feet from getting into the spokes.

(o) No person operating a bicycle or other non-motorized wheeled device shall carry any passenger, package, bundle or other article which prevents the operator from maintaining full control, or which

interferes with or obstructs the forward view of the operator of the bicycle or other non-motorized wheeled device.

(p) No person shall operate or park a bicycle or other non-motorized wheeled device in such a manner as to unduly interfere with the safety or movement of any vehicular or pedestrian traffic.

444.06 RIGHT-OF-WAY.

(a) An operator of a bicycle or other non-motorized wheeled device in a bicycle path or multi-use path shall stop at each stop sign painted on or mounted adjacent to the path.

(b) An operator of a bicycle or other non-motorized wheeled device on a bicycle path or multi-use path shall obey any traffic control signal controlling an intersection of the street adjacent to the path with a street crossing the bicycle path or multi-use path.

(c) A motorist turning right or left from the motor vehicular traveled portion of a street across a bicycle path, multi-use path or sidewalk shall yield the right-of-way to bicycles or other non-motorized wheeled device lawfully being operated thereon.

(d) Motorists shall yield the right-of-way to bicycles or other non-motorized wheeled device in crosswalks or in marked bicycle crossings.

444.07 SIGNS AND MARKINGS.

The Village Manager shall cause to be erected such signs and shall cause to be placed such pavement markings as are necessary and as authorized by Council to control bicycle or other non-motorized wheeled device traffic within the Village in accordance with the regulations prescribed by this chapter.

444.08 DESTRUCTION OF BICYCLES OR IDENTIFYING MARKS.

No person shall willfully or maliciously remove, mutilate or alter the serial number, registration certificate, card, plate or license required herein, or other identifying mark, nor willfully or maliciously remove, mutilate or alter components of a bicycle or other non-motorized wheeled device of another.

444.09 IMPOUNDING; DISPOSITION OF UNCLAIMED BICYCLES.

(a) Whenever any bicycle or other non-motorized wheeled device is impounded under the provisions of this chapter, it shall be surrendered at the expiration of the impoundment period to the owner of record and without charge for storage.

(b) Whenever any bicycle or other non-motorized wheeled device is found abandoned, it shall be immediately impounded.

(c) If a bicycle or other non-motorized wheeled device impounded under any provisions of this chapter is not reclaimed by the owner of record within six months, such bicycle or other non-motorized wheeled device shall be sold at public auction after publication of a notice of the sale at least ten days prior to the date of sale. Sale proceeds shall be deposited in the General Fund.

(d) A complete record of each impoundment of a bicycle shall be kept in the office of the Director of Public Safety.

444.10 OPERATION OF MOTORIZED BICYCLES.

(a) No person shall operate a motorized bicycle upon a 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 or fifteen years of age and holds a valid probationary motorized bicycle license, as defined in Ohio R.C. 4507.01, issued after the person has passed the test provided by the Ohio Director of Public Safety pursuant to Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506 or a driver's license issued under Ohio R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed such test, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, he or she is not required to comply with the testing requirements provided for in this section.

(2) The motorized bicycle is equipped in accordance with the rules adopted and promulgated by the Ohio Director of Public Safety pursuant to Ohio R.C. 4511.521(B) and is in proper working order.

(3) The person, if he or she is under eighteen years of age, is wearing a protective helmet on his or her 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 feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

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

(c) No person shall operate a motorized bicycle on a sidewalk, bicycle path or multi-use path, except for those vehicles being used for snow removal or maintenance work thereon.

(d) The protective helmet and rear-view mirror required by paragraph (a)(3) hereof shall, on and after January 1, 1985, conform with rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521(B).

(e) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section [408.01](#), in addition to the revocation of probationary motorized bicycle licenses for violations of divisions (a) and (b) of this section, as provided in Ohio R.C. 4507.163.

444.99 PENALTY.

(a) Any person under the age of eighteen years who violates any of the provisions of this chapter, for which no penalty is otherwise provided, shall, for the first offense, be reprimanded by the witnessing public safety officer at the time of the violation. In addition, the Director of Public Safety shall notify the parents or guardian of the offender, in writing, of such offense, stating the nature of the violation, warning said parents or guardian that a repetition of the violation, or any other violation, should be prevented or impoundment of the bicycle for a period of ten days could result, and enclosing a copy of

this chapter. The witnessing officer, in his or her discretion, may impound the bicycle immediately at the time of the violation. A violation of this chapter by any person under the age of eighteen years shall not be considered a criminal offense and shall not be a matter of a court record.

(b) Any person eighteen years of age or older who violates any provision of this chapter is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section [408.01](#).