

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE 72-2018

TO AMEND CODIFIED ORDINANCE CHAPTER 301. – DEFINITIONS, BY AMENDING **SECTION 301.02 – DEFINITIONS (D—H)**, SECTION 301.03 – DEFINITIONS (I—N) AND SECTION 301.05 – DEFINITIONS (S—Z); AND TO AMEND CHAPTER 383. – BICYCLES, MOTORIZED BICYCLES, AND MOTORCYCLES, BY **AMENDING SECTION 383.02 – RULES FOR BICYCLES, MOTORIZED BICYCLES AND MOTORCYCLES AND SECTION 383.14 – MOTORIZED BICYCLES** ENACTING SECTION 383.16 – APPLICATION OF THE TRAFFIC CODE TO ELECTRONIC SCOOTERS, RELATIVE TO THE TRAFFIC CODE.

WHEREAS, the City takes note of the increased use of “electronic scooters”, within the City and surrounding areas; and

WHEREAS, the current definitions in the traffic code do not account for these stand-up “electronic scooters;” and

WHEREAS, Council seeks to clarify that the operation of “electronic scooters” is regulated within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Chapter is being amended.

SECTION 2. That the following definition be added to **SECTION 301.02 – DEFINITIONS (D—H)** as follows:

Electronic Scooter is a vehicle consisting of a 2-wheeled device with handlebars and a floorboard that is designed to be stood upon while riding, and is powered by an electric motor.

SECTION 23. That the following definitions in SECTION 301.03 – DEFINITIONS (I—N) are amended as follows:

Motorcycle: means every motor vehicle other than a tractor having a saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including, but not limited to, motor vehicles known as motor-driven cycle, motor scooter or motorcycle without regard to weight or brake horsepower. Motorcycle does not include stand-up electric scooters.

Motorized bicycle: means any vehicle having either two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty (50) cubic centimeters piston displacement which produces no more than one (1) brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty (20) miles per hour on a level surface. Motorized bicycle includes electric scooters consisting of a 2-wheeled device with handlebars and a floorboard that is designed to be stood upon while riding, and is powered by an electric motor.

SECTION 34. That the following definition in SECTION 301.05 – DEFINITIONS (S—Z) is amended to read as follows:

Vehicle: means every device, including a motorized bicycle and electronic scooter, 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 wheelchairs, electric personal assistive mobility devices, or any device used exclusively upon stationary rails or tracks or any devices other than bicycles moved by human power.

SECTION 45. That Section 383.02 – RULES FOR BICYCLES, MOTORIZED BICYCLES AND MOTORCYCLES continues is amended to read as follows:

(A)

(1)

No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon the bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon a firmly attached and regular seat.

(2)

No person operating a motorized bicycle or motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon the motorized bicycle or motorcycle other than upon a firmly attached and regular seat thereon, and no person shall ride as a passenger upon a motorized bicycle or motorcycle other than upon a firmly attached and regular seat or saddle.

(3)

No bicycle, motorized 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 or motorized bicycle 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.

(4)

No person shall ride upon a bicycle, motorized bicycle or motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one (1) leg on each side of the bicycle, motorized bicycle or motorcycle.

(B)

No person operating a bicycle, motorized bicycle or motorcycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

(C)

No person shall operate a motorized bicycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking, other than stand-up electric scooters, unless both of the following conditions are met:

(1)

The person, is fourteen (14) years of age or older and holds either a valid operator's license issued under ORC ch. 4507.

(2)

A valid motorized bicycle license is issued after the person has passed the test provided for in ORC § 4511.521.

(D)

No person shall operate or be a passenger on a motorcycle without using safety glasses or other protective eye device.

(E)

When required, a signal of intention to move right or left shall be made not less than once 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 safe operation of the bicycle or motorized bicycle.

(F)

Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or motorized bicycle.

Section 56.

That SECTION 383.14 – MOTORIZED BICYCLES continues is amended to read as follows:

Every motorized bicycle shall be equipped in accordance with the rules concerning the equipment of motorized bicycles promulgated by the Ohio Director of Public Safety and shall be operated pursuant to ORC § 4511.521, except to the extent that electric scooters are excluded from these regulations.

SECTION 7.

That Section 383.16 – APPLICATION OF THE TRAFFIC CODE TO ELECTRONIC SCOOTERS be enacted to read as follows:

(A) The following sections of the traffic code shall apply whenever an electronic scooter is operated upon any street, highway, any path set aside for the exclusive use of bicycles or electronic scooters, or any public or private property used by the public for purposes of vehicular travel or parking:

- (1) C.O. § 315.02;
- (2) C.O. § 315.03;
- (3) C.O. § 351.25;
- (4) C.O. § 353.01;
- (5) C.O. § 353.02;
- (6) C.O. § 353.03;
- (7) C.O. § 357.01;
- (8) C.O. § 357.02; or
- (9) C.O. § 357.03.

(B) An electronic scooter operator who violates any section of this traffic code as described in subsection (A) of this section 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.

(C) The following sections of this chapter shall apply to the use of electronic scooters:

- (1) C.O. § 383.03;
- (2) C.O. § 383.06;
- (3) C.O. § 383.08.

SECTION 8.

That C.O. Section 503.06 applies to electronic scooters.

SECTION 69.

That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other

provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

SECTION 710: That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 811: That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

SECTION 912: That this Ordinance shall take effect at the earliest date allowed by law.

SECTION 10: ~~That the provisions of this Ordinance shall automatically expire on the date ninety days after the effective date of this Ordinance absent further legislative action by City Council.~~