

ORDINANCE NO. 2021-25

Introduced by Mark Claus

AN ORDINANCE AMENDING CODIFIED ORDINANCES IDENTIFIED HEREIN AND CONTAINED IN PART THREE-TRAFFIC CODE OF THE CODIFIED ORDINANCES PERTAINING TO, AND REGULATING THE USE AND OPERATION OF, ELECTRIC SCOOTERS (“E-SCOOTERS”) IN THE CITY OF HURON AND DECLARING AN EMERGENCY

WHEREAS, the use of e-scooters within the City is permitted and the City, by and through its Safety Committee, has recommended amendments and modifications to various Codified Ordinances to ensure the ongoing preservation of the public peace, health, and safety of the community; and

WHEREAS, Council desires to ensure relevant Sections of the Codified Ordinances are modified to ensure the ongoing preservation of the public peace, health and safety of the community relating to the use and operation of e-scooters in the City.

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

SECTION 1. That the title of Section 301.04 be eliminated in its entirety and replaced with the following:

“301.04 BICYCLE; MOTORIZED BICYCLE; MOPED; ELECTRIC BICYCLE; E-SCOOTER.”

SECTION 2. That a new Section 301.04(d) be added to the Codified Ordinances, which shall state as follows:

“(d) “E-scooter” means an electric scooter consisting of a long steering handle connected to a footboard that is mounted on two wheels and is propelled by an electric motor (or another type of motor), designed such that the rider of an e-scooter is able to keep both feet on the footboard while traveling. An “e-scooter” shall not be considered a “motor scooter,” “motorcycle,” or “non-motorized scooter” (propelled or drawn by muscular power only) as may be defined in these Ordinances or in the Ohio Revised Code.”

SECTION 3. That a new sentence be added to the end of Section 301.19, which sentence shall state:

“A “motorcycle” shall not be considered an e-scooter as defined in Section 301.04.”

SECTION 4. That the existing provisions contained in Section 301.20 shall be eliminated in its entirety and replaced with the following:

“301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, e-scooters, road rollers, traction engines,

power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B)).”

SECTION 5. That the existing provisions contained in Section 301.361 shall be eliminated in its entirety and replaced with the following:

“301.361 SHARED-USE PATH.

“Shared-use path” means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, e-scooters, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP)).”

SECTION 6. That the existing provisions contained in Section 301.51 shall be eliminated in its entirety and replaced with the following:

“ 301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, an electric bicycle, and an e-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 wheelchair, any electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A)).”

SECTION 7. That the existing provisions contained in Section 303.06(a)(2) shall be eliminated in its entirety and replaced with the following:

“(2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; an e-scooter; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.”

SECTION 8. That a new sentence be added to the end of Section 311.03, which sentence shall state:

“An e-scooter is not considered a toy vehicle for purposes of this Section.”

SECTION 9. That the existing provisions contained in this first two full paragraphs of Section 331.14(a) shall be eliminated in their entirety and replaced with the following:

“(a) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle, electric bicycle, or e-scooter, the signal shall be made not less than one time but is not required to be continuous. A bicycle, electric bicycle, or e-scooter operator is not required to make a signal if the bicycle, electric bicycle, or e-scooter is in a designated turn lane, and a signal shall not be given when the operator’s hands are needed for the safe operation of the bicycle, electric bicycle, or e-scooter.”

SECTION 10. That the existing provisions contained in Section 331.15(b) shall be eliminated in their entirety and replaced with the following:

“(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle, electric bicycle, or e-scooter may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle, electric bicycle, or e-scooter.”

SECTION 11. That the existing provisions contained in Section 331.37(a) shall be eliminated in its entirety and replaced with the following:

“(a) No person shall drive any vehicle (including, but not limited to, an e-scooter), other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This Section is intended to supersede ORC 4511.514(A)(1) pertaining to the use of low-speed micromobility devices on sidewalks. (ORC 4511.711).”

SECTION 12. That a new sentence be added to the end of Section 331.44(a), which sentence shall state:

“However, a person may operate an e-scooter on any path set aside for the exclusive use of bicycles.”

SECTION 13. That the existing provisions contained in Section 373.01 shall be eliminated in its entirety and replaced with the following:

“373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles, electric bicycles, and e-scooters apply whenever a bicycle, electric bicycle, or e-scooter is operated upon any street or upon any shared-use path or path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator, electric bicycle, or e-scooter operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles, electric bicycles, or e-scooters 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, electric bicycle, or e-scooter shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator, electric bicycle operator, e-scooter operator, motor vehicle or vehicle operator when the trier of fact finds that the violation by the bicycle operator, electric bicycle operator, e-scooter operator, motor vehicle or vehicle operator endangered the lives of bicycle riders, electric bicycle riders, or e-scooter riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, electric bicycle operator, e-scooter operator, motor vehicle or 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 by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles, electric bicycles, and e-scooters except those which by their nature are not applicable.”

SECTION 14. That the existing provisions contained in Section 373.02(f) and (g) shall be eliminated in their entirety and replaced with the following:

“(f) No person operating a bicycle, electric bicycle, or e-scooter shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(g) No bicycle, electric bicycle, e-scooter, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.”

SECTION 15. That the existing provisions contained in Section 373.03(a) shall be eliminated in its entirety and replaced with the following:

“(a) No person riding upon any motorcycle, bicycle, electric bicycle, e-scooter, coaster, roller skates, sled, skateboard or toy vehicle shall attach the same or self to any vehicle upon a roadway.

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

SECTION 16. That the title to Section 373.04, and provisions in Section 373.04(a), shall be eliminated in their entirety and replaced with the following:

**“373.04 RIDING BICYCLES, E-SCOOTERS, AND MOTORCYCLES
ABREAST.**

(a) Persons riding bicycles, electric bicycles, e-scooters, or motorcycles 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 bicycles, electric bicycles, e-scooters, or motorcycles.”

SECTION 17. That the title to Section 373.05, and provisions in Section 373.05(a), shall be eliminated in their entirety and replaced with the following:

“373.05 SIGNAL DEVICE ON BICYCLE, E-SCOOTERS.

(a) A bicycle, electric bicycle, or e-scooter may be equipped with a device capable of giving an audible signal, except that a bicycle, electric bicycle, or e-scooter shall not be equipped with, nor shall any person use upon a bicycle, electric bicycle, or e-scooter any siren or whistle.”

SECTION 18. That the title of Section 373.06 and the existing provisions contained in Section 373.06 shall be eliminated in its entirety and replaced with the following:

**“373.06 LIGHTS AND REFLECTOR ON BICYCLE, E-SCOOTER;
BRAKES.**

(a) Every bicycle, electric bicycle, or e-scooter when in use at the times specified in Section 337.02, shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle, electric bicycle, or e-scooter or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle, electric bicycle, or e-scooter is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred 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 red light visible from a distance of five hundred 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 subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle, electric bicycle, or e-scooter and white lamps and white reflectors shall not be used on the rear of the bicycle, electric bicycle, or e-scooter.

(c) Every bicycle, electric bicycle, or e-scooter shall be equipped with an adequate brake when used on a street or highway.

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

(ORC 4511.56).”

SECTION 19. That the title to Section 373.07, and provisions in Section 373.07(a) and (b), shall be eliminated in their entirety and replaced with the following:

“373.07 RIDING BICYCLE, E-SCOOTER ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle, electric bicycle, or e-scooter 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) This section does not require a person operating a bicycle, electric bicycle, or e-scooter 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, electric bicycle, or e-scooter and an overtaking vehicle to travel safely side by side within the lane.”

SECTION 20. That the existing provisions contained in Section 373.08(a) shall be eliminated in its entirety and replaced with the following:

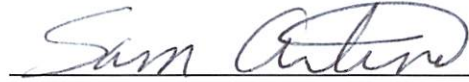
- “(a) No person shall operate a bicycle, electric bicycle, or e-scooter:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb, or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle, electric bicycle, or e-scooter;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.”

SECTION 21. That the existing provisions contained in Section 373.09(a) shall be eliminated in its entirety and replaced with the following:

“(a) No person shall park a bicycle, electric bicycle, or e-scooter 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.”

SECTION 22. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 23. That this Ordinance is hereby declared to be an emergency measure, necessary for the public health, safety and welfare and for the further reason that the safety of residents, visitors, and travelling public are of prime importance and, therefore, emergency passage is necessary for the immediate preservation of public peace, health, safety, and public welfare, particularly in light of ongoing “e-scooter” operations within the City. **WHEREFORE,** in accordance with 3.06 of the Charter of the City of Huron, Ohio, the ordinance shall be in full force and effect immediately following its adoption.



Sam Artino, Mayor

ATTEST: 

Clerk of Council

ADOPTED: 13 JUL 2021.

