

RECORD OF ORDINANCES

Ordinance No. 09-42- 2021Passed 9-7-, 2021

AN ORDINANCE ESTABLISHING SECTION 301.57 AND 373.13 AND AMENDING PROVISIONS IN CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF CIRCLEVILLE TO INCLUDE PROVISIONS RELATING TO LOW SPEED MICROMOBILITY DEVICES OR ELECTRIC SCOOTERS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has adopted certain rules and regulations relating to the use of low speed micromobility devices such as electric scooters; and

WHEREAS, due to the presence of low speed micromobility devices including electric scooters on the public streets, sidewalks and shared use paths, it is necessary to amend certain provisions of the codified ordinances to address the use of these devices within the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio, as follows:

SECTION I: That there is hereby enacted a Section 301.57 to the codified ordinances of the City of Circleville to provide as follows:

301.57 – Low Speed Micromobility Device – means a device weighing less than one hundred pounds that has handlebars, is propelled by an electric motor or human power and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor which includes electric scooters.

SECTION II. That Section 373.01(a) and (e) of the codified ordinances of the City of Circleville are hereby amended so as to provide as follows:

373.01: Code Application to Bicycles and Micromobility Devices Including Electric Scooters:

- a. The provisions of this Traffic Code that are applicable to bicycles, electric bicycles and low speed micromobility devices including electric scooters apply whenever a bicycle, electric bicycle or low speed micromobility device (including electric scooters) is operated upon any street or upon any path set aside for the exclusive use of bicycles.
- e. The provisions of this Traffic Code and this Section of the Code shall apply to bicycles, electric bicycles and low speed micromobility devices including electric scooters except those which by their nature are not applicable.

SECTION III: That Section 373.03(a) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

373.03(a) Attaching Bicycle or Sled to Vehicle.

- a. No person riding upon any motorcycle, bicycle, electric bicycle, low speed micromobility device (including electric scooters), 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, low speed micromobility (including electric 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.

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SECTION IV: That Section 373.04(a) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

373.04(a) Riding Bicycles, Motorcycles and Low Speed Micromobility Devices (Including Electric Scooters) Abreast.

- a. Persons riding bicycles, electric bicycles, motorcycles or low speed micromobility devices (including electric scooters) 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, motorcycles, or low speed micromobility devices.

SECTION V. That Section 373.07(a) and (b) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

373.07 Riding Bicycles and Low Speed Micromobility Devices (Including Electric Scooters) on Right Side of Roadway: Obedience to Traffic Rules; Passing:

- a. Every person operating a bicycle, electric bicycle or low speed micromobility device (including electric scooters) 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 low speed micromobility (including electric scooters) 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 is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle, electric bicycle or low speed micromobility device (including electric scooters) and an overtaking vehicle to travel safely side by side within the lane.

SECTION VI. That Section 373.08(a) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

373.08 Reckless Operation; Control, Course and Speed.

- a. No person shall operate a bicycle, electric bicycle or low speed micromobility device including electric 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 low speed micromobility device (including electric scooters);
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with the 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 circumstances then existing.

SECTION VII. That Section 373.09(a) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

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373.09 Parking of Bicycle or Low Speed Micromobility Device (Including Electric Scooters).

- a. No person shall park a bicycle, electric bicycle or low speed micromobility device (including electric scooters) 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 VIII. That Section 373.10(a) of the Codified Ordinances of the City of Circleville is hereby amended so as to provide as follows:

373.10 Riding on Sidewalks.

- a. No person shall operate a bicycle, skateboard, or low speed micromobility device (including electric scooters) upon a sidewalk within the immediate downtown business district.

SECTION IX. That there is hereby enacted a Section 373.13 to the Codified Ordinances of the City of Circleville to provide as follows:

Operation of Low-Speed Micromobility Devices (Including Electric Scooters).

A(1) A low speed micromobility device (including an electric scooter) may be operated on the public streets, highways, sidewalks, bicycle paths, and other shared-use paths and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

2. Except as otherwise provided in this section, those sections of this chapter that by their nature could apply to a low-speed micromobility device (including electric scooters) do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, bicycle path or other shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

B. No operator of a low-speed micromobility device (including electric scooters) shall do any of the following:

1. Fail to yield the right-of-way to all pedestrians at all times;
2. Fail to give an audible signal before overtaking and passing a pedestrian;
3. Operate the device at night unless the device or its operator is equipped

with or wearing both of the following:

a. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;

b. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

C(1) No person who is under sixteen years of age shall rent a low-speed micromobility device, including an electric scooter.

2. No person shall knowingly rent a low-speed micromobility device including an electric scooter to a person who is under sixteen years of age.

3. No person shall knowingly rent a low-speed micromobility device including an electric scooter on behalf of a person who is under sixteen years of age.

D. No person shall operate a low-speed micromobility device at a speed greater than twenty miles per hour.

E.(1) Whoever violates this section is guilty of a minor misdemeanor.

2. Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of that offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (R.C. 4511.514)

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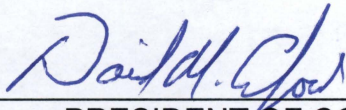
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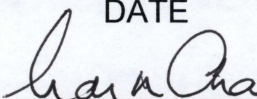
SECTION X. That all other provisions of these sections of Chapter 373 of the Codified Ordinances of the City of Circleville not otherwise amended by this Ordinance shall remain in full force and effect and unchanged by this Ordinance.

SECTION XI. That any Ordinance, Resolution or part thereof pertaining to the subjects treated in this ordinance and which are inconsistent therewith be, and hereby are, repealed to the extent so inconsistent.

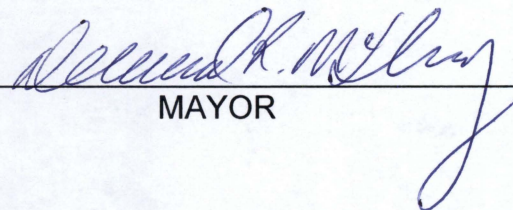
SECTION XII. That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of health, safety and welfare of the citizens of the City of Circleville, such emergency arising out of the immediate need to establish provisions relating to the operation of low-speed micromobility devices including electric scooters on the public streets, highways, sidewalks, bicycle paths and other shared paths within the City for the protection of the public, so that this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: 9-7-2021
DATE

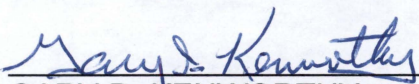

PRESIDENT OF COUNCIL

ATTEST: 
CLERK OF COUNCIL

APPROVED: 9-7-2021
DATE


MAYOR

APPROVED AS TO FORM:


GARY D. KENWORTHY
CITY LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM