City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 **Ordinance/Resolution#** 2670

For Meeting of October 15, 2012 (Ordinance First Reading Date) **For Meeting of** November 5, 2012 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE REPEALING AND REPLACING VARIOUS SECTIONS OF ARTICLES I AND VI AND ALL OF ARTICLE VIII OF THE LAS CRUCES MUNICIPAL TRAFFIC ORDINANCE. SUBMITTED BY THE CITY OF LAS CRUCES.

PURPOSE(S) OF ACTION:

Update bicycle laws.

COUNCIL DISTRICT: All		
Drafter/Staff Contact: Andy Hume	**Department/Section:** Community Development/MPO	**Phone:** 528-3047
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In 2009, a group of citizens and City staff began meeting as the Bicycle Friendly Community Task Force (BFC). Since that time, the City has moved forward with a "Share the Road" campaign and, in 2011, achieved Bronze status as a Bicycle Friendly Community from the League of American Bicyclists (LAB). The Bronze status is awarded through 2015.

As part of the Bicycle Friendly Community review process, LAB includes feedback they gather that will help the community improve their bicycle friendly status. The 2011 LAB feedback stated:

> Make stronger connections between bicycling community and law enforcement. Ensure that police officers are educated on the "Share the Road" message and have general knowledge regarding traffic law as it applies to bicyclists. The City should implement regular training for officers on this like an Enforcement for Bicycle Safety seminar. This is a great continuing education opportunity for law enforcement.

Updating the Las Cruces bicycle laws provides simple and clear language which is a necessary first step in accomplishing the feedback mentioned above.

One of the tasks that the BFC has undertaken is a review of the City of Las Cruces bicycle laws. The enforcement work group, consisting of Officer Wallace Downs, George Pearson, and Mark Courtney, gathered bicycle laws from several Gold and Platinum level cities and states and

compared them to those of Las Cruces. After a thorough review of the existing laws and development of recommendations, the proposed laws were refined with the assistance of Deputy Chief Chris Miller and Attorney Harry "Pete" Connelly from the City of Las Cruces. The proposed bicycle laws were also discussed at Metropolitan Planning Organization meetings open to the public. The discussions were held on January 17 and September 18, 2012.

Here are highlights of the attached draft of recommendations:

- Overall: Simpler, clearer language
- New definitions, including "electrical-assisted bicycle," "pedicab," and "vulnerable user of a public way"
- Include bicycle lane and multi-use path in list of prohibited parking places
- New section outlining passing distances and threats to vulnerable users
- Clarification of sidewalk riding
- Removal of bicycle registration requirements
- New language regarding impaired bicyclists
- Updated hand signal laws
- New language matching New Mexico's helmet laws

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", CLC Bicycle Laws Proposed Draft 11-05-2012.
3. Exhibit "B", CLC Bicycle Laws Legislative Draft 11-05-2012.

SOURCE OF FUNDING:

Is this action already budgeted?	**Not Applicable**		
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____ for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will repeal various sections of Articles I and VI and all of Article VIII of the Las Cruces Municipal Traffic Ordinance, as amended, and replace them with the proposed amendments contained in Exhibit "A".
2. Vote "No"; this will keep the existing language/regulations. This action would retain the older language and may prevent an improvement in the status of Las Cruces as a bicycle friendly community.
3. Vote to "Amend"; this would allow the City Council to modify the Ordinance as it deems appropriate.
4. Vote to "Table"; this would allow the City Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

COUNCIL BILL NO. 13-015
ORDINANCE NO. 2670

AN ORDINANCE REPEALING AND REPLACING VARIOUS SECTIONS OF ARTICLES I AND VI AND ALL OF ARTICLE VIII OF THE LAS CRUCES MUNICIPAL TRAFFIC ORDINANCE. SUBMITTED BY THE CITY OF LAS CRUCES.

The City Council is informed that:

WHEREAS, the City of Las Cruces is progressing as a nationally recognized bicycle friendly community; and

WHEREAS, the City of Las Cruces has received a Bronze status as a bicycle friendly community designated by the League of American Bicyclists; and

WHEREAS, the League of American Bicyclists provide recommendations for cities to enhance their national bicycle friendly reputation; and

WHEREAS, among the recommendations provided include build stronger ties between the bicycle laws and the officers enforcing them; and

WHEREAS, the City of Las Cruces is proposing to adopt new sections and articles to the Las Cruces Municipal Traffic Code to provide simple and clear bicycle laws; and

WHEREAS, the amendments adopt the bicycle laws necessary to continue to promote and enforce safe bicycling in the City of Las Cruces.

NOW, THEREFORE, Be it ordained the governing body of the City Las Cruces:

(I)

THAT sections of Articles I and VI and all of Article VIII of the Las Cruces Municipal Traffic Ordinance are hereby repealed and replaced as shown on attached Exhibit "A."

(II)

THAT an education period from the date of adoption will be in place to aid

bicyclists, motorists, and law enforcement officials until January 1, 2013.

(III)

THAT bicycle laws will be fully enforced starting January 1, 2013.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2012.

APPROVED:

_____
Mayor

ATTEST:

(SEAL)

_____
City Clerk

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

CLC Bicycle Laws

Proposed Draft 11-05-2012

Article I – Definitions

27-12-1-6.1 Bicycle - "Bicycle" means a device upon which any person or persons may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

27-12-1-6.2 Electrical-assisted bicycle - "Electrical-assisted bicycle" means a vehicle primarily propelled by human power applied to pedals upon which a person may ride having two or more wheels and a supplemental electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour.

27-12-1-6.3 Pedicab – "Pedicab" means either of the following: (a) A bicycle that has three or more wheels, that transport, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire. (b) A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.

27-12-1-6.4 Bicycle facility – A "bicycle facility" includes a wide variety of physical infrastructure including: bicycle lanes, shared-use lanes, multi-use paths or trails, bicycle boulevards, or cycle tracks. The definitions for these facilities can be found in the Manual on Uniform Traffic Control Devices, as amended, and the American Association of State Highway and Transportation Officials - Guide for the Development of Bicycle Facilities, as amended.

27-12-1-89 Vulnerable user of a public way – "Vulnerable user of a public way" or "vulnerable user" means a pedestrian, a person with disabilities, a highway worker, tow truck operator, utility worker, any other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger. This definition also includes a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway: (1) A farm tractor or implement of husbandry; or (2) A bicycle.

27-12-1-90 Any other term

Article VI – Traffic Regulations

27-12-6-5.8.B	Whenever a motorist is turning across a bicycle facility, such motorist shall yield the right of way to any bicyclist traveling in that bicycle facility which is so close as to constitute an immediate hazard.
	[NOTE: The rest of 27-12-6-5.8 will be renumbered as needed.]
27-12-6-6.1	Stopping, standing or parking prohibited in specified places.
A	No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
	(1) On a sidewalk; ...
	(16) Between a curb and sidewalk or between a curb or lateral line of a roadway, and the adjacent property line.
	(17) Bicycle lane or multi-use path
	Vulnerable User of a Public Way Laws
27-12-6-7.9	Passing a vulnerable user
9.1	An operator of a vehicle passing a vulnerable user operating on a highway or street shall:
A	Vacate the lane in which the vulnerable user is located if the highway or street has two or more marked lanes running in the same direction; or
B	Pass the vulnerable user at a safe distance.
9.2	For the purpose of Subsection B, when road conditions allow, safe distance is at least:
A	Three feet if the operator's vehicle is a passenger car, light truck, or bicycle; or
B	Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by the New Mexico Uniform Traffic Ordinance, or when passing any other vulnerable user not already identified in Subsections A or B.
27-12-6-10	Intimidating or harassing a vulnerable user
	An operator of a vehicle may not maneuver the vehicle in a manner that:
A	Is intended to cause intimidation or harassment to a vulnerable user; or
B	Threatens a vulnerable user.
27-12-6-11	Due care – Vulnerable users
	An operator of a vehicle shall exercise due care to avoid colliding with any vulnerable user in the public right-of-way.

Article VIII – Operation of Bicycles

27-12-8-1	Effect of regulations
A	These regulations shall apply whenever a bicycle, pedicab, or electric-assisted bicycle is operated upon any highway or upon any path.
B	The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978].
27-12-8-2	Traffic ordinance applies to persons riding bicycles
	Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within sections 27-12-8-1 through 27-12-8-15.
27-12-8-3	Riding bicycles
A	A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
B	No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
27-12-8-4	Clinging to vehicles
	No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
27-12-8-5	Riding on streets
A	Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:
A.1	When overtaking and passing another bicycle or vehicle proceeding in the same direction
A.2	When preparing for a left turn at an intersection or into a private road or roadway
A.3	When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane.
B	Persons riding bicycles upon a roadway shall not ride more than two abreast.
27-12-8-6	Carrying articles
	A person operating a bicycle shall keep at least one hand on the handlebars at all times.
27-12-8-7	Lamps and other equipment on bicycles
A	Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front

and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector

B A bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren, whistle, or air horn. This subsection does not prohibit the use of a siren by the police department or person(s) or entity(s) who obtain written approval from the police chief or designee.

C Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

27-12-8-8 Obedience to traffic-control devices

A Any person operating a bicycle shall obey the instructions of official traffic-control devices, unless otherwise directed by a police officer

B Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

27-12-8-9 Parking

No person shall park a bicycle in such manner as to obstruct pedestrian or other traffic or parking.

27-12-8-10 Speed

No person shall operate a bicycle at a speed greater that is reasonable and prudent under the conditions then existing.

27-12-8-11 Emerging from alley, driveway, private road or building

A The operator of a bicycle emerging from an alley, private road, driveway, or building shall yield the right-of-way to all pedestrians on the sidewalk or sidewalk area.

B Upon entering the street, the driver of a bicycle shall yield the right-of-way to all vehicles approaching on the street.

27-12-8-12 Riding on sidewalks

A Operation of an electric-assisted bicycle or pedicab on a sidewalk is prohibited.

B A person riding or walking a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

C A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, and shall observe all the rules and regulations applicable to pedestrians.

D Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.

27-12-8-13 Authority to impound bicycle

The law enforcement officer shall impound the bicycle operated by an intoxicated bicycle rider if the officer determines that impoundment is necessary to reduce a threat to public safety, and there are no reasonable alternatives to impoundment. The bicyclist will be given a written notice of when and where the impounded bicycle may be reclaimed. The bicycle may be reclaimed from the police department by the bicycle rider when the bicycle rider no longer appears to be intoxicated, or by an individual who can establish ownership of the bicycle. The bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within thirty days, it will be subject to sale or disposal consistent with agency procedures.

27-12-8-14 Required hand signals

A All hand signals required of persons operating bicycles shall be given in the following manner:

A.1 Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;

A.2 Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

A.3 Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

A.4 The hand signals required by this section shall be given before initiation of a turn.

A.5 A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle before turning and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

D When passing a vulnerable user, the bicycle operator shall alert the vulnerable user by giving an audible signal at least 100' prior to passing.

27-12-8-15 Helmet laws for minors

A It is unlawful for a parent or legal guardian of a minor to knowingly permit that minor to operate or be a passenger on a bicycle, skates, scooter or skateboard unless that minor wears a well-fitted protective bicycle helmet, fastened securely upon the head with the straps of the helmet.

B Except as provided in Subsection C of this section, a parent or legal guardian found guilty of violating Subsection A of this section shall pay a civil penalty of not more than ten dollars ($10.00). Magistrate and municipal courts shall have concurrent jurisdiction.

C If a violation of Subsection A of this section is a first offense, the magistrate or municipal court may issue a verbal warning or require, in lieu of the fine imposed in Subsection B of this section, that the person found in violation provide proof that a protective helmet has been purchased for use by the minor found on the bicycle, skates, scooter or skateboard without a protective helmet.

D The municipal court may issue a written warning for a first violation and any subsequent violation.

EXHIBIT "B"

CLC Bicycle Laws

Legislative Draft 11-05-2012

Article I – Definitions

27-12-1-6.1 Bicycle - "Bicycle" means ~~every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices (NMSA 1978, 66-1-4.2)~~ a device upon which any person or persons may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

27-12-1-6.2 Electrical-assisted bicycle - "Electrical-assisted bicycle" means a vehicle primarily propelled by human power applied to pedals upon which a person may ride having two or more wheels and a supplemental electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour.

27-12-1-6.3 Pedicab – "Pedicab" means either of the following: (a) A bicycle that has three or more wheels, that transport, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire. (b) A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.

27-12-1-6.4 Bicycle facility – A "bicycle facility" includes a wide variety of physical infrastructure including: bicycle lanes, shared-use lanes, multi-use paths or trails, bicycle boulevards, or cycle tracks. The definitions for these facilities can be found in the Manual on Uniform Traffic Control Devices, as amended, and the American Association of State Highway and Transportation Officials - Guide for the Development of Bicycle Facilities, as amended.

27-12-1-89 Vulnerable user of a public way – "Vulnerable user of a public way" or "vulnerable user" means a pedestrian, a person with disabilities, a highway worker, tow truck operator, utility worker, any other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger. This definition also includes a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway: (1) A farm tractor or implement of husbandry; or (2) A bicycle.

27-12-1-90 Any other term

Article VI – Traffic Regulations

27-12-6-5.8.B	Whenever a motorist is turning across a bicycle facility, such motorist shall yield the right of way to any bicyclist traveling in that bicycle facility which is so close as to constitute an immediate hazard.
	[NOTE: The rest of 27-12-6-5.8 will be renumbered as needed.]
27-12-6-6.1	Stopping, standing or parking prohibited in specified places.
A	No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
	(1) On a sidewalk; ...
	(16) Between a curb and sidewalk or between a curb or lateral line of a roadway, and the adjacent property line.
	(17) Bicycle lane or multi-use path
NEW	Vulnerable User of a Public Way Laws
27-12-6-7.9	Passing a vulnerable user
9.1	An operator of a vehicle passing a vulnerable user operating on a highway or street shall:
A	Vacate the lane in which the vulnerable user is located if the highway or street has two or more marked lanes running in the same direction; or
B	Pass the vulnerable user at a safe distance.
9.2	For the purpose of Subsection B, when road conditions allow, safe distance is at least:
A	Three feet if the operator's vehicle is a passenger car, light truck, or bicycle; or
B	Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by the New Mexico Uniform Traffic Ordinance, or when passing any other vulnerable user not already identified in Subsections A or B.
27-12-6-10	Intimidating or harassing a vulnerable user
	An operator of a vehicle may not maneuver the vehicle in a manner that:
A	Is intended to cause intimidation or harassment to a vulnerable user; or
B	Threatens a vulnerable user.
27-12-6-11	Due care – Vulnerable users
	An operator of a vehicle shall exercise due care to avoid colliding with any vulnerable user in the public right-of-way.

Article VIII – Operation of Bicycles

27-12-8-1 Effect of regulations

~~A~~ B The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978].

~~B~~ A These regulations shall apply whenever a bicycle, pedicab, or electric-assisted bicycle is operated upon any highway or upon any path ~~set aside for the exclusive use of bicycles subject to those exceptions stated herein~~.

27-12-8-2 Traffic ordinance applies to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within sections 27-12-8-1 through 27-12-8-~~23~~ 15.

27-12-8-3 Riding bicycles

A A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

27-12-8-4 Clinging to vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

27-12-8-5 Riding on streets ~~and bicycle paths~~

A Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:

A.1 When overtaking and passing another bicycle or vehicle proceeding in the same direction

A.2 When preparing for a left turn at an intersection or into a private road or roadway

A.3 When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane.

~~A.4 When operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.~~

B Persons riding bicycles upon a roadway shall not ride more than two abreast ~~except on paths or parts of roadways set aside for the exclusive use of bicycles~~.

27-12-8-6 Carrying articles

~~No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar.~~ A person operating a bicycle shall keep at least one hand on the handlebars at all times.

27-12-8-7 Lamps and other equipment on bicycles

A Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector

B ~~No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle~~. A bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren, whistle, or air horn. This subsection does not prohibit the use of a siren by the police department or person(s) or entity(s) who obtain written approval from the police chief or designee.

C Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

27-12-8-8 Obedience to traffic-control devices

A Any person operating a bicycle shall obey the instructions of official traffic-control devices, unless otherwise directed by a police officer

B Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

27-12-8-9 Parking

No person shall park a bicycle ~~upon a street other than upon the street against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb,~~ in such manner as to ~~afford the least~~ obstruct~~ion to~~ pedestrian or other traffic or parking.

27-12-8-10 Speed

No person shall operate a bicycle at a speed greater that is reasonable and prudent under the conditions then existing.

27-12-8-11 Emerging from alley, driveway, private road or building

A The operator of a bicycle emerging from an alley, private road, driveway, or building shall yield the right-of-way to all pedestrians on the sidewalk or sidewalk area.

B Upon entering the street, the driver of a bicycle shall yield the right-of-way to all vehicles approaching on the street.

27-12-8-12 Riding on sidewalks

A ~~No person shall ride a bicycle upon the sidewalk within a business district.~~ Operation of an electric-assisted bicycle or pedicab on a sidewalk is prohibited.

B ~~No person shall ride a bicycle on any sidewalk or street when signs are posted prohibiting bicycles on the sidewalk or street.~~ A person riding or walking a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

C ~~When signs are posted requiring bicycles to use sidewalks or paths adjacent to a street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.~~ A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, and shall observe all the rules and regulations applicable to pedestrians.

D Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.

~~27-12-8-13 License required~~

~~A No person who resides within this municipality shall ride or propel a bicycle on any street or upon and public path set aside for the exclusive use of bicycles unless the bicycle has been licensed and a license plate is attached thereto as provided in sections 27-12-8-13 through 27-12-8-16.~~

~~B Any bicycle owner who resides within this municipality shall be required to secure and display a license for the bicycle within ten days from the date upon which the ownership is secured.~~

~~27-12-8-14 License application~~

~~A Application for a bicycle license and license plate shall be made upon a form provided by the municipality and shall be made to the police department.~~

~~B An annual license fee of $1.25 shall be paid to the municipality before the license is granted.~~

~~27-12-8-15 Issuance of license~~

~~A The police department upon receiving proper application for a license is authorized to issue a bicycle license which shall be permanently effective~~

~~B The police department shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of the bicycle.~~

~~C The police department shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the number of the frame of the bicycle for which issued, and a record of all bicycle license fees collected.~~

~~27-12-8-16 Attachment of license plate~~

~~A The police department upon issuing a bicycle license shall also issue a license plate or decal bearing the license number assigned to the bicycle. License plates or decals shall be furnished by the municipality to the police department.~~

~~B The police department, or a designated representative, shall cause the license plate or decal to be firmly attached to the rear mudguard or frame of the bicycle for which issued in such a position as to be plainly visible from the rear.~~

~~C No person shall remove a license plate or decal except upon transfer of ownership as provided herein or in the vent the bicycle is dismantled and no longer operated upon any street in this municipality.~~

~~D In the event of loss or destruction of the original license plate or decal the owner of the bicycle may secure a replacement upon filing a new application and the payment of a fee of 50 cents.~~

~~27-12-8-17 Authority to prevent use~~

~~Whenever any bicycle is found which does not bear a license as provided herein or whenever a bicycle is found not equipped as required by sections 27-12-8-1 through 27-12-8-23, it is the duty of the police department to cause the removal of the bicycle from public streets until such time as the requirements of sections 27-12-8-1 through 27-12-8-23 are complied with.~~

~~27-12-8-18 Inspection of bicycles~~

~~The police department or an agency designated by the chief of police shall inspect each bicycle before licensing it and shall refuse a license for any bicycle which the police department or designated agency determines is in unsafe mechanical condition.~~

~~27-12-8-19 Transfer of ownership~~

~~Upon the sale or other transfer of a licensed bicycle, the licensee may, under the supervision of the police department remove the license plate or decal and surrender it to the police department or the licensee may, upon proper application but without payment of additional fee, have the plate or decal assigned to another bicycle owned by the licensee, or the license plate may, upon proper application but without additional fee, be transferred to the purchaser or transferee of the licensed bicycle.~~

~~27-12-8-20 Rental agencies~~

~~A rental agency shall not rent or offer to rent any bicycle for rent unless:~~

~~A The bicycle is licensed~~

~~B A license plate or decal is attached thereto as provided in this section~~

~~C The bicycle is equipped with the lamps and other equipment required by state law or this chapter.~~

~~27-12-8-21 Bicycle dealers~~

~~A Every person engaged in the business of buying and selling new or second-hand bicycles shall make a report to the police department of every bicycle purchased or sold by the dealer, and the report shall contain the following information:~~

~~A.1 The name and address of the person from whom the bicycle was purchased or to whom the bicycle was sold~~

~~A.2 A description of the bicycle by name or make~~

~~A.3 The frame number of the bicycle~~

~~A.4 The number of the license plate or decal, if any.~~

~~B In the event the dealer purchased a bicycle whereon the frame number, or any portion of it has been removed, tampered with or in any manner made illegible, the dealer shall immediately report to the police department. For the purpose of this paragraph, the term "bicycle" shall include less than an entire bicycle as long as the portion bought or sold includes a frame.~~

~~27-12-8-22 Impounding unlicensed and unattended bicycles~~

~~A Whenever any bicycle is found unlicensed by a police officer and there is no person in attendance upon the parked bicycle, the police officer is authorized to remove the bicycle to the nearest municipal bicycle pound or authorized location as determined by the police department.~~

~~B Before the owner or person entitled to possession of any legally impounded bicycle shall be permitted to remove it from custody of the bicycle pound or other authorized location, he shall furnish evidence of identity and ownership of the bicycle and evidence of a validly issued bicycle license to be placed on the bicycle.~~

~~27-12-8-23 Penalties~~

~~Every person convicted of a violation of any provision of sections 27-12-8-1 through 27-12-8-23 shall be punished by a fine of not more than $25.00, or by removal and detention of the license plate or decal from the person's bicycle for a period not to exceed 30 days or by any combination thereof.~~

27-12-8-13 Authority to impound bicycle

The law enforcement officer shall impound the bicycle operated by an intoxicated bicycle rider if the officer determines that impoundment is necessary to reduce a threat to public safety, and there are no reasonable alternatives to impoundment. The bicyclist will be given a written notice of when and where the impounded bicycle may be reclaimed. The bicycle may be reclaimed from the police department by the bicycle rider when the bicycle rider no longer appears to be intoxicated, or by an individual who can establish ownership of the bicycle. The bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within thirty days, it will be subject to sale or disposal consistent with agency procedures.

27-12-8-14 Required hand signals

A All hand signals required of persons operating bicycles shall be given in the following manner:

A.1 Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;

A.2 Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

A.3 Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

A.4 The hand signals required by this section shall be given before initiation of a turn.

A.5 A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle before turning and

shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

D When passing a vulnerable user, the bicycle operator shall alert the vulnerable user by giving an audible signal at least 100' prior to passing.

27-12-8-15 Helmet laws for minors

A It is unlawful for a parent or legal guardian of a minor to knowingly permit that minor to operate or be a passenger on a bicycle, skates, scooter or skateboard unless that minor wears a well-fitted protective bicycle helmet, fastened securely upon the head with the straps of the helmet.

B Except as provided in Subsection C of this section, a parent or legal guardian found guilty of violating Subsection A of this section shall pay a civil penalty of not more than ten dollars ($10.00). Magistrate and municipal courts shall have concurrent jurisdiction.

C If a violation of Subsection A of this section is a first offense, the magistrate or municipal court may issue a verbal warning or require, in lieu of the fine imposed in Subsection B of this section, that the person found in violation provide proof that a protective helmet has been purchased for use by the minor found on the bicycle, skates, scooter or skateboard without a protective helmet.

D The municipal court may issue a written warning for a first violation and any subsequent violation.