

2024-18

ORDINANCE OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF MIDDLETOWN

TITLE VII TRAFFIC CODE

Chapter 70, General Provisions & Chapter 73, Bicycles – Rules of Operation

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title VII, Traffic Code, is hereby amended by (1) amending Sections Section 70.01, entitled “Definitions” and Section 70.99, entitled “Penalties” of Chapter 70, Entitled “General Provisions”, and Amending Sections 73.01 through 73.14 of Chapter 73, entitled “Bicycles – Rules of Operation”, as follows (language to be deleted is stricken out within brackets; language to be added is underlined and presented in red ink):

CHAPTER 70: GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELECTRIC MOTORIZED BICYCLE. Also called an ‘electric bicycle’, means a two (2) wheel vehicle that may be propelled by human power or electric motor power, or by both, with an electric motor rated not more than two (2) (S.A.E.) horsepower, that is capable of a maximum speed of not more than twenty-eight miles per hour (28 m.p.h.) and has fully operable pedals. There shall be three (3) classes of electric bicycles:

- (1) Class 1: Bicycle equipped with an electric motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches twenty miles per hour (20 mph).
- (2) Class 2: Bicycle equipped with a throttle-actuated electric motor that ceases to provide assistance when the electric bicycle reaches twenty miles per hour (20 mph).
- (3) Class 3: Bicycle equipped with an electric motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches twenty-eight miles per hour (28 mph).

§ 70.99 PENALTIES.

(F) *Bicycles and Electric Bicycles, minor.* Any person under 18 years of age who violates any of the provisions of Chapter 73 shall, ~~for the first offense, be reprimanded and receive a warning,~~

~~may be issued a warning and/or a citation. and the~~ The parent or legal guardian of such minor shall be notified in writing of the violation. ~~For a second offense the offender shall be summoned to appear at police headquarters with his bicycle and notice of the summons shall be given to the parent or legal guardian. After a hearing, the Chief of Police or his designated representative~~ Citations for violations may be referred to the Juvenile Hearing Board, which may order the bicycle impounded for a period of time not exceeding ten days ~~to exceed three (3) months~~. For a third offense the license for the bicycle of the offender may be suspended for a period not exceeding three months. A violation by such minor shall not be considered a criminal offense or a matter of court record.

(G) *Bicycles and Electric Bicycles, adults*. Any natural person above the age of 17 years, or any corporation, partnership or other group violating any of the provisions of Chapter 73, shall upon conviction thereof, be subject to a fine not exceeding \$100 for each offense, and any license issued to such person, corporation, partnership or other group may be suspended or revoked.

CHAPTER 73: BICYCLES AND ELECTRIC BICYCLES

RULES OF OPERATION

§ 73.01 APPLICABILITY OF SUBCHAPTER

The rules and regulations provided in this subchapter shall be observed in the operation of each bicycle ~~or electric bicycle~~ on the streets and public places of the town.

§ 73.02 RIGHTS AND DUTIES OF OPERATORS GENERALLY.

Every person operating a bicycle ~~or an electric bicycle~~ shall be granted all the rights and be subject to all of the duties applicable to a driver of a vehicle by the laws of the state or by any provision of this code or other ordinance of this town, except as to provisions in such laws and ordinances that by their nature can have no application to bicycles ~~and electric bicycles~~.

§ 73.03 REQUIRED OBEDIENCE TO TRAFFIC- CONTROL SIGNALS.

Every person operating a bicycle ~~or an electric bicycle~~ shall obey all official traffic control signals, signs and other control devices applicable to vehicles.

§ 73.04 OPERATOR TO EXERCISE CARE FOR PERSONS AND PROPERTY, YIELD TO PEDESTRIANS.

Each person operating a bicycle ~~or an electric bicycle~~ shall at all times operate it with due regard for the safety of other persons and vehicles lawfully on the streets and public places, as well as for his own safety; and shall at all times yield the right-of-way to pedestrians.

§ 73.05 DUTY TO RIDE ON RIGHT, PASS WITH CARE.

Every person operating a bicycle ~~or an electric bicycle~~ shall ride as near to the right-hand side of the roadway as practicable and exercise due care when passing a parked vehicle or one proceeding in the same direction.

§ 73.06 HAND AND ARM SIGNALS REQUIRED.

Every person operating a bicycle or an electric bicycle shall, before turning or changing the direction of the bicycle or electric bicycle, give the appropriate hand and arm signal prescribed by the motor vehicle laws.

§ 73.07 RIDING ON SIDEWALKS AND FOOTPATHS PROHIBITED.

No person shall operate or propel any bicycle or electric bicycle on any sidewalk or upon any public footpath in the town.

§ 73.08 RIDING MORE THAN TWO ABREAST PROHIBITED.

Persons operating bicycles or electric bicycles shall not ride more than two abreast except upon bicycle paths.

§ 73.09 RIDING ON SEAT REQUIRED.

No person operating a bicycle or an electric bicycle shall ride other than astride a permanent and regular seat attached thereto; and no person shall be carried on the frame or handle bar of the bicycle.

§ 73.10 TRICK RIDING PROHIBITED.

No person operating a bicycle or an electric bicycle shall engage in trick riding.

§ 73.11 CLINGING TO OTHER VEHICLES PROHIBITED.

No person operating a bicycle or an electric bicycle shall attach the bicycle or electric bicycle or himself to any other moving vehicle.

§ 73.12 TOWING VEHICLES OR PERSONS ON ROLLER SKATES PROHIBITED.

No person operating a bicycle or an electric bicycle shall tow or draw any coaster, sled, wagon or similar vehicle, or person on roller skates.

§ 73.13 EQUIPMENT REQUIRED.

No person shall operate a bicycle or an electric bicycle that is not equipped with adequate brakes, lights and a bell or other device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use on a bicycle any siren or whistle.

For electric bicycles, any person under age twenty-one (21) who is operating or is a passenger on an electric bicycle on a public highway, bicycle trail or path, shared use path, part and/or recreational area, school property or on any other public right-of-way shall wear a helmet. The helmet shall fit the person's head and shall be secured to the person's head by straps while the person is operating or is a passenger on an electric bicycle. The helmet shall meet the standards for helmets established by the United States Consumer Product Safety Commission (CPSC) or subsequent standards. In no event shall failure to wear a helmet be considered as contributory or comparative negligence, nor shall the failure to wear a helmet be admissible as evidence in the trial of any civil action.

§ 73.14 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Every bicycle or electric 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 500 feet to the front.

(B) Every bicycle or electric bicycle shall be equipped with a red reflector of a type approved by the registry which shall be visible for 600 feet to the rear when directly in front of lawful

lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(C) No person shall sell a new bicycle **or electric bicycle** or a pedal for use on a bicycle **or an electric bicycle** that is not equipped with a reflector of a type approved by the department, on each pedal of such bicycle which is visible from the front and rear of the bicycle **or electric bicycle** during darkness from a distance of 200 feet nor shall any person operate a bicycle **or electric bicycle** without such pedals.

(D) A bicycle **or an electric bicycle** shall not be equipped with nor shall any person use upon a bicycle **or electric bicycle** any siren or whistle.

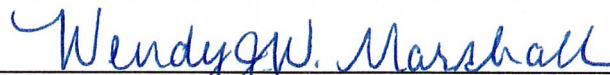
(E) Every bicycle **or electric bicycle** shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet at a speed of 10 mph on dry, level, clean pavement.

(F) Every vehicle when in use at nighttime shall be equipped with a minimum of 20 square inches on each side of the bicycle **or electric bicycle** of white reflective material on the wheels or tires to indicate as nearly as possible the continuous circular shape and size of the wheels or tires on each bicycle **or electric bicycle**. All reflective materials used in compliance with this section shall be visible during the hours of darkness from 500 feet when viewed under lawful low beam headlamps under normal atmospheric conditions on a straight, level, unlighted roadway, and shall meet the requirements as prescribed by the registry of motor vehicles.

SECOND: This ordinance shall take effect upon its adoption and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

JULY 15, 2024

READ AND ADOPTED IN COUNCIL



Wendy J. W. Marshall, MMC
Town Clerk