

EMERGENCY

City of Cincinnati

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An Ordinance No. 292 - 2018

**MODIFYING** the provisions of Title V, "Traffic Code," of the Cincinnati Municipal Code by **ORDAINING** new Sections 501-1-E3, "e-Scooter," 501-1-S9, "Scooter," 501-1-S10, "Shared Active Transportation," of Chapter 501, "Definitions"; by **AMENDING** Section 501-1-M, "Motorcycle," of Chapter 501, "Definitions"; and by **AMENDING** Sections 506-4, "Bicycles, Motorized Bicycles and Motorcycles, Regulations," and 506-5-A, "Bicycles, Operation Upon Bicycle/Pedestrian Way," of Chapter 506, "Operation and Right of Way," for the purpose of clarifying or establishing laws regarding operation of bicycles and e-scooters on City sidewalks and streets.

WHEREAS, the City Administration is actively developing a pilot program for Shared Active Transportation, which will include policy recommendations for Council on the operation and regulation of e-scooters by Bird, Lime, and other potential entrants to Cincinnati in the Shared Active Transportation sphere; and

WHEREAS, until a pilot program can be implemented, the City Administration is overseeing Shared Active Transportation programs through a Department of Transportation and Engineering ("DOTE") interim policy and contract requirements for companies desiring to operate on City streets; and

WHEREAS, the City Administration, including Cincinnati Police Department and DOTE, recommend updating the Cincinnati Municipal Code to address operation of non-traditional modes of personal mobility, including e-scooters; and

WHEREAS, existing law prohibits the operation of "vehicles" on City sidewalks, including bicycles, motorized bicycles and other powered means of transportation, but this existing prohibition against operation of bicycles on sidewalks can be repeated and reiterated in the section of the Cincinnati Municipal Code ("CMC") that addresses bicycle operation; and

WHEREAS, the proliferation of e-scooters presents a safety issue for the City and the City Administration has received complaints about e-scooters being operated on the sidewalk; and

WHEREAS, Council desires to make clear the legal prohibition against riding or operating e-scooters on the sidewalk and to educate the public about the corresponding safety risks to pedestrians and to the riders themselves; and

WHEREAS, Council desires that the City Administration hold violators accountable, including issuing tickets for failing to adhere to the rules for safe operation of e-scooters; and

WHEREAS, in addition to clarifying the rules for e-scooter operation in the CMC, the City Administration is exploring additional contract requirements to ensure that e-scooter companies help to prevent and deter riding of e-scooters on the sidewalk and to ensure safe operation of e-scooters generally; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 501-1-E3, “e-Scooter,” 501-1-S9, “Scooter,” and 501-1-S10, “Shared Active Transportation,” of Chapter 501, “Definitions,” of Title V, “Traffic Code,” of the Cincinnati Municipal Code are hereby ordained to read as follows:

**Sec. 501-1-E3. - e-Scooter.**

“e-Scooter” shall mean a motorized scooter consisting of a footboard mounted on two wheels, with a long steering handle, propelled by electric motor or another type of motor such that the rider of an e-scooter is able to keep both feet on the vehicle’s footboard while riding. An “e-scooter” is different from a non-motorized “scooter,” which term is defined in Section 501-1-S9 of this chapter.

**Sec. 501-1-S9. - Scooter.**

“Scooter” shall mean a vehicle typically ridden for purposes of recreation, consisting of a footboard mounted on two wheels, with a long steering handle, propelled solely by human power, specifically by resting one foot on the footboard and pushing the other foot against the ground. A “scooter” is different from a motorized “e-scooter,” which term is defined in Section 501-1-E3 of this chapter.

**Sec. 501-1-S10. - Shared Active Transportation.**

“Shared Active Transportation” means a network or system of small vehicles or other transportation devices, placed in the public right-of-way and for rent in short time increments, which network provides increased mobility options over short distances in urban areas. For purposes of this section, such vehicles or devices could include bicycles, e-scooters, or any other small, wheeled vehicles designed specifically for shared use and deployed by shared active transportation companies.

Section 2. That Section 501-1-M, “Motorcycle,” of Chapter 501, “Definitions,” of Title V, “Traffic Code,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 501-1-M. - Motorcycle.**

“Motorcycle” shall mean every motor vehicle, other than a motorized bicycle ~~with a motor~~ as ~~provided~~ defined in Section ~~501-1-B~~ 501-1-M or a tractor, having a saddle for

the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to motor vehicles known as “motor driven cycle,” “~~motorbicycle,~~” “motor scooter,” “~~bicycle with motor attached,~~” or “motorcycle,” without regard to weight or brake horsepower.

Section 3. That existing Section 501-1-M, “Motorcycle,” of Chapter 501, “Definitions,” of Title V, “Traffic Code,” of the Cincinnati Municipal Code is hereby repealed.

Section 4. That Sections 506-4, “Bicycles, Motorized Bicycles and Motorcycles, Regulations,” and 506-5-A, “Bicycles, Operation Upon Bicycle/Pedestrian Way,” of Chapter 506, “Operation and Right of Way,” of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 506-4. - Operation of Bicycles, Motorized Bicycles, e-Scooters, and Motorcycles, Regulations.**

- (a) Every person ~~riding~~ operating a bicycle, ~~or~~ motorized bicycle, or e-scooter shall obey the rules of operation and right-of-way for all vehicles as provided by this chapter and elsewhere in Title V of the Cincinnati Municipal Code except when clearly exempted from any section thereof. ~~Further:~~
- (b)(a) Every person operating a bicycle, ~~or~~ motorized 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.
- (c)(b) Persons operating bicycles, ~~or~~ motorized bicycles, or e-scooters shall ride in the same direction as all other vehicular traffic.
- (d)(e) Persons operating bicycles, motorized 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, motorized bicycles or motorcycle.~~
- (e) No person shall operate a bicycle, motorized bicycle, or e-scooter on a city sidewalk, except for bicycles in certain areas ridden by minors 15 years of age or younger as authorized under Section 506-5 of this chapter.
- (f) Violation of this section shall be punishable as a traffic violation misdemeanor as defined in Section 512-1 of the Cincinnati Municipal Code.

**Sec. 506-5-A. - Bicycles, e-Scooters: Operation Upon Bicycle/Pedestrian Way.**

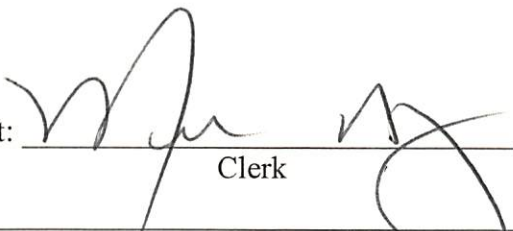
Bicycles and e-scooters may be operated on shared bicycle/pedestrian ways, including on such shared bicycle/pedestrian ways in public parks, as authorized by applicable rules. Any person riding a bicycle or e-scooter upon a bicycle/pedestrian way who is approaching a pedestrian ~~or other person~~ lawfully using such way shall give audible warning and shall yield to such pedestrian ~~or other persons~~, dismounting if necessary to do so.

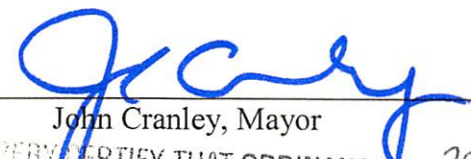
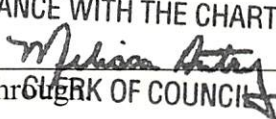
Section 5. That existing Sections 506-4, "Bicycles, Motorized Bicycles and Motorcycles, Regulations," and 506-5-A, "Bicycles, Operation Upon Bicycle/Pedestrian Way," of the Cincinnati Municipal Code are hereby repealed.

Section 6. That the proper City officials are hereby authorized to take all actions necessary and proper to implement provisions of Sections 1 through 5 hereof.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, healthy, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that vehicles or other modes of transportation addressed herein are already present and operating and being parked on the City's streets and sidewalks, so modifications to and clarifications of the rules governing such vehicles and devices should have immediate effect.

Passed: September 19, 2018

Attest:   
Clerk

  
John Cranley, Mayor  
I HEREBY CERTIFY THAT ORDINANCE No. 2912  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON Oct. 2, 2018  
  
CLERK OF COUNCIL

New language underscored. Deleted language indicated by strikethrough