



Legislation Details (With Text)

**File #:** 16-1595      **Version:** 1      **Name:** 11/21/2016 Safe Passing Ordinance  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/10/2016      **In control:** City Council  
**On agenda:** 12/5/2016      **Final action:** 12/5/2016  
**Enactment date:** 11/21/2016      **Enactment #:** ORD-16-27

**Title:** An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section Which New Section Shall Be Designated as Section 10:18 of Chapter 126, Traffic, Title X, of Said Code (Ordinance No. ORD-16-27)

**Sponsors:** Sabra Briere, Chip Smith, Chuck Warpehoski, Christopher Taylor, Kirk Westphal

**Indexes:**

**Code sections:**

**Attachments:** 1. 16-27 Traffic Ordinance Briefed and Approved.pdf, 2. Chapter 126 as Amended by City Council on 120516, 3. 16-27 Traffic Ordinance Briefed.pdf, 4. Safe Passing Ordinance as Amended on 112116, 5. Safe Passing Ordinance \_New Code Sec.docx, 6. Safe Passing Ordinance \_New Code Sec.pdf

Date	Ver.	Action By	Action	Result
12/5/2016	1	City Council	Held and Closed	
12/5/2016	1	City Council		
12/5/2016	1	City Council	Referred	Fail
12/5/2016	1	City Council	Adopted as Amended on Second Reading	Pass
11/21/2016	1	City Council	Approved as Amended on First Reading	Pass

An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section Which New Section Shall Be Designated as Section 10:18 of Chapter 126, Traffic, Title X, of Said Code (Ordinance No. ORD-16-27)

This ordinance amendment requires a motor vehicle driver who is passing a bicyclist, a pedestrian, or a wheelchair user on the roadway, to maintain a distance of at least 5 feet between his/her vehicle and these persons, if conditions allow.

Sections (1)-(4) and (7) specifically apply to motorists passing bicyclists. Section (1) applies on roads with two-way traffic where motorists and bicyclists are required to use the right side of the roadway. Section (1) also applies to one-way streets where a bicyclist is travelling on the right side of the street. Section (2) applies on one-way streets where bicyclists travelling in the same direction as motor vehicle traffic may use the left side of the street. Sections (3) and (4) apply on one-way streets that have contra-flow bicycle lanes that allow bicyclists to travel in the opposite direction of motor vehicle traffic. Section (7) defines the term "contra-flow bicycle lane."

Sections (5) and (6) apply to motorists passing pedestrians and persons in wheelchairs, respectively.

Prepared by: Kristen Larcom, Senior Assistant City Attorney

Sponsored by: Councilmembers Briere, Smith, Warpehoski, Westphal and Mayor Taylor

ORDINANCE NO. ORD-16-27

First Reading: November 21, 2016  
Public Hearing: December 5, 2016

Approved: December 5, 2016  
Published: December 8, 2016  
Effective: January 7, 2017

## TRAFFIC

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW SECTION, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 10:18 OF CHAPTER 126, TRAFFIC, TITLE X, OF SAID CODE.

The City of Ann Arbor Ordains:

Section 1: That Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor be amended to add a new section 10:18 to read as follows:

### **10:18. Safe passing of bicyclists, pedestrians, and persons in wheelchairs.**

- (1) Except as otherwise provided in this section, the driver of a motor vehicle, when passing a bicyclist who is proceeding on the roadway in the same direction as the vehicle, shall pass the bicyclist at a safe distance, which shall be at least a five-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist.
- (2) The driver of a motor vehicle, when passing a bicyclist who is lawfully proceeding on the left side of the roadway in the same direction as the vehicle, shall pass the bicyclist at a safe distance, which shall be at least a five-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist.
- (3) The driver of a motor vehicle, when passing a bicyclist who is proceeding in the opposite direction of motor vehicle traffic on a one-way street and who is in a contra-flow bicycle lane on the left side of the street, shall pass the bicyclist at a safe distance, which shall be at least a five-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist.
- (4) The driver of a motor vehicle, when passing a bicyclist who is proceeding in the opposite direction of motor vehicle traffic on a one-way street and who is in a contra-flow bicycle lane on the right side of the street, shall pass the bicyclist at a safe distance, which shall be at least a five-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist.
- (5) The driver of a motor vehicle, when passing a pedestrian on the roadway, shall pass the pedestrian at a safe distance, which shall be at least a five-foot separation between the side of the vehicle nearest the pedestrian and the side of the pedestrian nearest the vehicle.
- (6) The driver of a motor vehicle, when passing a person in a wheelchair on the roadway, shall pass the person at a safe distance, which shall be at least a five-foot separation between the side of the vehicle nearest the wheelchair and the side of the wheelchair nearest the vehicle.
- (7) For purposes of this section, "contra-flow bicycle lane" means a bicycle lane that provides for

bicycle travel in the opposite direction of motor vehicle traffic on a one-way street.

Section 2: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: This Ordinance shall take effect thirty days after legal publication.

**As Amended by Ann Arbor City Council on December 5, 2016.**

### **CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of December 5, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on December 8, 2016.

Jacqueline Beaudry, City Clerk