



Legislation Text

File #: 09-0775, **Version:** 3

An Ordinance to Amend Chapter 127 (Bicyclists) and Chapter 126 (Traffic) of the City Code (Bicycle Safety; Pedestrian Rights and Responsibilities) (Ordinance No. ORD-10-01)

Attached for your approval are Ordinance Amendments intended to update and modernize City Codes addressing non-motorized transportation issues. These amendments are offered to maintain consistency with Michigan Compiled Law. The support for these amendments is found in 2006, when Senate Bill 1224 was enacted, revising several sections of Chapter 257 of the Michigan Compiled Law, and Act 300 of 1949, VI - Operation of Bicycles, Motorcycles, and Toy Vehicles. Many of these updates were in response to state legislators' new understanding of bicycle safety, and as a step toward promoting educated coexistence between motorists and cyclists in the roadway.

There are four attachments to this file. The first attachment contains the final amendments as presented for second reading. The second attachment includes one new section, Section 1. This new language amends Section 10:160 of Chapter 127 providing clear direction to the location of provisions regarding the rights and duties of bicyclists. Attachment 3 shows the ordinance as originally presented at first reading. The language is presented in strikethrough format. Attachment 4 contains the relevant provisions of the Michigan Vehicle Code that govern these areas. They are organized to relate to this proposed action, therefore, they are not in numerical sequence.

The first amendment is to section 10:160 of Chapter 127. It provides clear reference to the applicable provisions regarding rights and duties of bicyclists as found in the Michigan Vehicle Code (MVC). It also advises the public the MVC is available for inspection at the City Clerk's Office.

The second amendment removes section 10:145 of Chapter 126 and all sections (Sections 10:164 through 10:173) of Chapter 127 of the City Code. These amendments address:

- Bicyclists riding abreast
- Bicyclists riding on a sidewalk
- Bicyclists keeping to the right
- Eliminating mandatory provisions to use bicycle paths
- Motorcycle and moped operator rights and duties

The third amendment is to add section 10:146 to Chapter 126 of the City Code to remedy a deficiency in the code by defining and addressing Bicycle Lanes and Bicycle Paths. Currently, Bicycle Lanes and Bicycle Paths are undefined by state and local law. On May 19, 2003, City Council approved by resolution the establishment of an integrated bicycle lane network in Ann Arbor. In order to legally define and protect bicycle lanes and bicycle paths in Ann Arbor, the City of Ann Arbor Alternative Transportation Committee recommends that a new Section 10:146 be added to Chapter 126 of the Code of the City of Ann Arbor.

The third amendment is to amend section 10:148 of Chapter 126 of the City Code by revising part (a) and removing part (b). This is being proposed to clarify the rights and responsibilities of pedestrians crossing streets in the City of Ann Arbor. The Ann Arbor Non-motorized Plan and Alternative Transportation Committee recommends that section 10:148 of Chapter 126 be revised to follow the National Uniform Vehicle Code Model: UVC § 11- 503(a) Crossing at other than crosswalks.

The Alternative Transportation Committee has reviewed and recommends these actions as supportive of the City of Ann Arbor Non-motorized Transportation Plan.

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Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

ORDINANCE NO. ORD-10-01

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(BICYCLISTS AND TRAFFIC)

AN ORDINANCE TO AMEND SECTION 10:160 OF CHAPTER 127 (BICYCLISTS) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR, TO REPEAL SECTIONS 10:164, 10:165, 10:166, 10:167, 10:168, 10:169, 10:170, 10:171, 10:172, AND 10:173 OF CHAPTER 127 (BICYCLISTS) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR, TO REPEAL SECTION 10:145 OF CHAPTER 126 (TRAFFIC) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR, TO ADD A NEW SECTION 10:146 TO CHAPTER 126 (TRAFFIC) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR, AND TO AMEND SECTION 10:148 OF CHAPTER 126 (TRAFFIC) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 10:160 of Chapter 127 of the Code of the City of Ann Arbor be amended to read as follows:

10:160. Driver regulation applicable.

Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under [the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 <http://www.legislature.mi.gov/\(S\(dbw4hf455hr2tp2hgwyj5i23\)\)/mileg.aspx?page=GetObject&objectname=mcl-act-300-of-1949>](http://www.legislature.mi.gov/(S(dbw4hf455hr2tp2hgwyj5i23))/mileg.aspx?page=GetObject&objectname=mcl-act-300-of-1949) and as subsequently amended, which is incorporated by reference in Chapter 126 of this Code, except as to those provisions which by their nature can have no application. A complete copy of the code is available to the public for inspection in the Office of the Ann Arbor City Clerk.

Section 2. That Section 10:164 (Riding abreast) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

10:164. Riding abreast.

~~Persons riding bicycles upon a roadway shall not ride abreast when a motor vehicle traveling behind bicycles operated abreast sounds its horn. At sounding of the horn the bicycles shall be operated single file until motor vehicles traveling behind have had an opportunity to pass them.~~

Section 3. That Section 10:165 (Clinging to vehicles) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No person operating a bicycle shall cling or attach himself, or the bicycle to any other moving vehicle.~~

Section 4. That Section 10:166 (Number and manner of carrying persons) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No person shall ride upon any bicycle:~~

- ~~(1) Other than upon or astride a permanent and regular seat attached thereto.~~
- ~~(2) Which is being used to carry more persons at one time than the number for which it is designed and equipped.~~

Section 5. That Section 10:167 (Lights) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No bicycle shall be operated within the period from 1/2 hour after sunset to 1/2 hour before sunrise without having a properly lighted headlight clearly visible from the front of the bicycle, nor without having a red light or a reflector clearly visible from the rear.~~

Section 6. That Section 10:168 (Riding on sidewalks) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No person when riding a bicycle upon a sidewalk shall fail to yield the right-of-way to any pedestrian.~~

Section 7. That Section 10:169 (Parking) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No person shall stand or park a bicycle upon the street other than in a bicycle rack or storage facility. It shall be unlawful to park a bicycle along sidewalks in such a manner as to interfere with pedestrians or along roadways where they may interfere with traffic or with persons getting into or out of motor vehicles.~~

Section 8. That Section 10:170 (Right, keep to) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~All bicycles when operated on roadways shall be kept to the right and shall be operated as near as practical to the right-hand edge of the highway except when making left turns and when through traffic is not permitted in the right lane, provided that on one-way streets they may be operated on the far left-hand edge of the highway.~~

Section 9. That Section 10:171 (Speed) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~No bicycle shall be operated at any time faster than is reasonable or proper, and every bicycle shall be operated with reasonable regard to the safety of the rider and other persons and property.~~

Section 10. That Section 10:172 (Brakes) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

~~Every bicycle shall be equipped with at least 1 effective brake.~~

Section 11. That Section 10:173 (Bicycle paths) of Chapter 127 of the Code of the City of Ann Arbor be repealed as follows:

(1) ~~Whenever a bicycle path has been provided adjacent to a roadway and has been designated by City Council resolution as a bicycle path for mandatory use, bicycle riders shall use such path and shall not use the roadway.~~

(2) ~~As used in this section "bicycle path" means a paved surface at least 4 feet wide which meets the following requirements:~~

(a) ~~It shall be identified as a bicycle path by appropriate signs.~~

(b) ~~At all places where such paths intersect with curbs there shall be bicycle ramps having a horizontally level surface at least 40 inches wide. Wherever possible such ramps shall have a longitudinal slope of not more than 20 degrees.~~

(c) ~~The path must be kept clear of ice, snow and any other obstruction which makes its use unsafe.~~

(3) ~~Designation by the City Council or City Administrator of a bicycle path as such shall be prima facie evidence that such a path meets the requirements of this section.~~

(4) ~~No person shall stop or park a motor vehicle in a manner that obstructs a bicycle path or bicycle path crossing.~~

(5) ~~A person riding a bicycle on a bicycle path adjacent to a roadway shall obey the traffic control devices applicable to vehicles on the roadway unless by signs they are designated as not applicable to bicyclists, provided that on bicycle paths which are separated from the roadway by curbs, bicycles~~

Section 12: That Section 10:145 (Motorcycles and mopeds) of Chapter 126 of the Code of the City of Ann Arbor be repealed as follows:

- ~~(1) *Rights and duties.* Every person operating a motorcycle or moped on the streets of the City shall be granted all rights and shall be subject to all duties applicable to the drivers of other vehicles, except as to the special regulations of this section and except as to those regulations which by their nature do not have application.~~
- ~~(2) *Helmets.* A person operating or riding on a motorcycle and any person less than 19 years of age operating a moped on a street shall wear on his or her head a crash helmet of a type approved by the department of state police.~~
- ~~(3) *Passengers.* A motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped. A moped shall not be used to carry more than 1 person at a time.~~
- ~~(4) *Carrying objects.* A person operating a motorcycle or moped shall not carry any object which prevents keeping both hands upon the handle bars.~~
- ~~(5) *Goggles.* When a motorcycle operated in excess of 35 mph is not equipped with a windshield, the operator shall wear eyeglasses, goggles, or a face shield which shall be shatter resistant and of sufficient size to protect the eyes from air-borne material.~~
- ~~(6) *Riding abreast.* Motorcycles or mopeds shall not be operated more than 2 abreast in a single lane.~~
- ~~(7) *Sidewalks.* No person shall operate a motorcycle or moped upon any sidewalk, bicycle path or bicycle lane.~~
- ~~(8) No person shall operate a motorcycle or moped which is not equipped with all lights and other safety equipment required by law.~~

Section 13. That a new Section 10:146 be added to Chapter 126 of the Code of the City of Ann Arbor to read as follows:

10:146. Bicycle Lanes; Bicycle Paths.

(1) As used in this section:

(a) "Bicycle lane" means a portion of a roadway that is established for the use of persons riding bicycles.

(b) "Bicycle path" means a portion of a street or highway that is separated from the roadway by an open, unpaved space or by a barrier and that is established for the use of persons riding bicycles.

(2) A person shall not operate a vehicle on or across a bicycle path or a bicycle lane, except:

- (a) at the point of turning into or leaving property adjacent to the roadway; or,
- (b) at the point of turning onto another public or private roadway at an intersection; or,
- (c) at the point of changing lanes on a roadway; or,
- (d) if the vehicle is a bus that is taking on or discharging passengers; or,
- (e) if the vehicle is being operated for the purpose of providing a City service.

(3) A person shall not park a vehicle on a bicycle path or on a bicycle lane, except:

(a) where parking is permitted by official signs; or,

- (b) if the vehicle is a bus that is taking on or discharging passengers; or,
- (c) if the vehicle is being operated for the purpose of providing a City service.

Section 14. That Section 10:148 of Chapter 126 of the Code of the City of Ann Arbor be amended to read as follows:

10:148. Pedestrians crossing streets.

~~(a) No pedestrian shall cross a street at a location other than at a crosswalk into which vehicle traffic is then restricted by a traffic control device unless such crossing may be done safely and without interfering with motor vehicle and bicycle traffic on that street.~~

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

~~(b) No operator of a motor vehicle or bicycle shall interfere with pedestrian or bicycle traffic in a crosswalk into which vehicle traffic is then restricted by a traffic control device.~~

(e b) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle that is so close that it is impossible for the driver to yield.

Section 15. That this Ordinance shall take effect on the tenth day following legal publication.