

CITY OF BUCHANAN
BERRIEN COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 98, ARTICLE VI, OF THE CITY OF BUCHANAN CODE TO REGULATE THE RIDING OF BICYCLES IN THE CITY AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

The City of Buchanan ORDAINS:

Section 1. Amend title ARTICLE VI – BICYCLES of the City of Buchanan Code.

Chapter 98, Article VI, Bicycles of the City of Buchanan Code (“Code”) is hereby amended to read, in its entirety:

CHAPER 98, ARTICLE VI – **BICYCLES AND COSTER TOYS**

Section 2. Amend Section 98-161 of the City of Buchanan Code.

Chapter 98, Article VI, Section 161 the City of Buchanan Code (“Code”) is hereby amended to read, in its entirety:

Sec. 98-161. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a **civil infraction misdemeanor**, and ~~upon conviction thereof, before a court of competent jurisdiction,~~ shall be punished as provided in section 1-15 of this Code.

Section 3. Rescind Section 98-162 of the City of Buchanan Code.

Chapter 98, Article VI, Section 162 the City of Buchanan Code (“Code”) is hereby rescinded to read, in its entirety:

Sec. 98-162. Rescinded. License and tag required; application; fees; altering license plate or serial number.

~~No person shall operate a bicycle upon the public streets of the city without a license having been first obtained therefor by the owner thereof. An application for a license must be filed with the police department giving, the name and address of the owner of the bicycle together with the description of the bicycle, including its name, serial number and any number, letter or sign by which the same may be identified. The police department shall issue a license for operation of said bicycle which shall be valid for the life of the bicycle and which shall be transferred as an incident to a transfer of the ownership thereof. The fee for registration and license shall be as set by resolution of the city commission from time to time. The fee for any transfer of such license shall be as set by resolution of the city commission from time to time. A metal tag with a distinctive color or insignia shall be issued by the police department to the owner of~~

~~each license granted. The metal tag shall be firmly affixed to the bicycle in such place and in such manner as shall be determined by the police department. It shall be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card. It shall also be unlawful for any person to willfully or maliciously remove, destroy or mutilate or alter the number of any bicycle frame licensed pursuant to this article. Nothing in this article shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial numbers can be found, or on which the number is illegible or insufficient for identification purposes.~~

Section 4. Rescind Section 98-163 of the City of Buchanan Code.

Chapter 98, Article VI, Section 163 the City of Buchanan Code ("Code") is hereby rescinded to read, in its entirety:

Sec. 98-163. Rescinded. Transfer of license; replacement licenses.

- ~~a) Transfer of license as provided for in this article shall be subject to the following conditions: The purchaser shall present a bill of sale and apply to the police department for transfer of license within seven days following such purchase. If the bicycle was purchased from a minor child under the age of 21 years, the bill of sale shall be signed by a parent or guardian of such minor child.~~
- ~~b) Lost, stolen, destroyed or mutilated license plates shall be replaced by procuring an entirely new license, as if no license had ever been procured. The applicant for a replacement license shall report the facts concerning the loss, theft, destruction or mutilation of the original license plate to the police department.~~

Section 5. Amend Section 98-164 of the City of Buchanan Code.

Chapter 98, Article VI, Section 164 the City of Buchanan Code ("Code") is hereby rescinded to read, in its entirety:

Sec. 98-164. Operation of Bicycles.

(a) Definitions

- ~~(1) "Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, to include electric bicycles or motor assisted devices, except mobility devices for people with disabilities are not included.~~
- ~~(2) "Electric bicycles" and "Class 1, Class 2, and Class 3 electric bicycles" have the meanings set forth in MCL 257.13e and include electric bicycles having either two or three wheels in a tandem or tricycle arrangement.~~
- ~~(3) "Highway or street" means the entire width of the established right of way of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~
- ~~(4) "Pathway" means a paved area in a public park not part of a highway or street.~~

- (5) "Recreational trail" means an unpaved area in a public park not part of a highway or street.
- (6) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- (7) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines intended for the use of pedestrians. (MCL 257.60)
- (b) Except as provided in this section or in any park regulations or traffic control orders, bicycles may be operated in public parks, recreational trails and on sidewalks, but in single file only. Under all circumstances, the rider shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. When approaching a pedestrian on a sidewalk, the speed of the bicycle shall be reduced to that which is no greater than necessary to permit continuance of the bicycle's operation without the rider's dismounting and shall not be increased until the pedestrian has been passed.
- (c) Except as otherwise provided below, no person shall operate a bicycle or electric bicycle upon a sidewalk, pathway, roadway or recreational trail in the following portions of the city:
 - (1) Downtown District area: East Front Street from Redbud Trail West to Oak Street on the East.
 - (2) Downtown District area: East Front Street from Days Avenue South to East Roe Street Court Street on the North.
 - (3) Downtown District area: East Front Street from Main Street North to East Dewey Street on the South.
 - (4) Downtown District area: East Dewey Street East from Main Street East to Redbud Trail on the West.
- (d) Operation of Class 1 electric bicycles only is permitted on recreational trails East from Schirmer Parkway until the trails end on River Street on the South.
- (e) A bicycle shall not be used to carry more people at 1 time than the number for which it is designed and equipped. (MCL 257.658(2))
- (f) Crash helmets meeting or exceeding the requirements of the rules promulgated by the Michigan State Police in Mich. Admin Rule 28.951, as amended, shall be worn on the head by all persons operating a bicycle, as follows:
 - (1) A person under 18 years of age operating an electric bicycle of any class on a highway or street.
 - (2) A person less than 13 years of age operating a bicycle.
- (g) A person operating a bicycle or electric bicycle upon a roadway within the City has all of the rights and is subject to all of the duties applicable to the driver of a vehicle. (MCL 257.657)
- (h) A person riding upon a bicycle or electric bicycle shall not attach the same or himself to a streetcar or vehicle upon a roadway. (MCL 257.659)
- (i) A person operating a bicycle upon a roadway at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows:
 - (1) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

- (2) When preparing to turn left.
- (3) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle.
- (4) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.
- (5) When operating a bicycle upon a 1-way roadway that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable. (MCL 257.660a)
- (6) When operating a bicycle in a designated bike lane.
- (j) Two or more individuals operating bicycles upon a roadway shall not ride more than 2 abreast except upon a path or portion of the roadway set aside for the use of bicycles. (MCL 257.660b)
- (k) A bicycle being operated on a roadway between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps 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. (MCL 257.662)
- (l) A bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement. (MCL 257.662)
- (m) Nothing in this section shall apply to individuals with bona fide disabilities using motorized or non-motorized devices specifically designed to provide for mobility for such individuals.
- (n) No parent or guardian shall authorize or knowingly permit their child or ward to violate any provisions of this article.
- (o) A person less than 13 years of age shall not operate an electric bicycle on a roadway, where a sidewalk is present.
- (p) The chief of police is authorized to issue traffic control orders prohibiting the riding of bicycles upon sidewalks, recreational trails, parks or other public property.
- (q) A person who violates this section or a traffic control order or park regulation issued pursuant to this section is responsible for a civil infraction.

~~It shall be unlawful:~~

- ~~(a) For any person to operate a bicycle upon the streets, alleys or public ways of the city unless the same is in good mechanical condition.~~
- ~~(b) For more than one person to ride on a bicycle at the same time, unless the bicycle has been designed for more than one passenger, with a regular and firmly attached seat for each person. The number of riders shall in no case exceed the number of such seats.~~

- ~~(c) For any person to operate a bicycle from an hour after sundown to one hour before sunrise unless the bicycle shall be equipped with a lighted white light on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and also equipped with a mirror reflector or lamp on the rear showing a red light under like conditions from a distance of at least 200 feet to the rear of such bicycle, which lamps and/or reflector shall at all times be in good mechanical condition and unobstructed as to visibility.~~
- ~~(d) For any person riding a bicycle to carry any package, bundle or article, or to engage in any activity which prevents the rider from keeping both hands upon the handlebars.~~
- ~~(e) For any persons to ride bicycles other than next to the righthand side of any roadway, or more than two abreast.~~
- ~~(f) For any person riding a bicycle to fail to yield the right-of-way to any pedestrian, or to operate the bicycle at such speed or in such a manner that the safety of one or more pedestrians is endangered.~~
- ~~(g) For any person riding a bicycle to attach the bicycle to any vehicle in motion, either by clinging or any other means, or to attach himself to the bicycle.~~
- ~~(h) For any person riding a bicycle to disobey the instructions of any official traffic sign, signal, control device or any traffic rule or regulation applicable to vehicles, unless otherwise specifically directed by a police officer.~~

Section 6. Add Section 98-16X of the City of Buchanan Code.

Chapter 98, Article VI, Section 16X the City of Buchanan Code ("Code") is hereby added to read, in its entirety:

Sec. 98-16X. Operation of coaster toys.

(a) Definitions

- (1) The definitions in Section 98-164 apply in this section.
- (2) "Coaster toy" means a skateboard, roller skates, roller blades, motorized or nonmotorized coaster toys, or motorized vehicle or similar device, other than a bicycle or electric bicycle. Mobility devices for people with disabilities are not included.

(b) No person shall ride a coaster toy upon a sidewalk, pathway, roadway or recreational trail in the following portions of the city:

- (1) Downtown District area: East Front Street from Redbud Trail West to Oak Street on the East.
- (2) Downtown District area: East Front Street from Days Avenue South to East Roe Street Court Street on the North.
- (3) Downtown District area: East Front Street from Main Street North to East Dewey Street on the South.
- (4) Downtown District area: East Dewey Street East from Main Street East to Redbud Trail on the West.
- (5) Recreational trails within the City.

- (c) The chief of police is authorized to issue traffic control orders prohibiting the riding of coaster toys upon sidewalks, recreational trails, parks or other public property in other areas of the city not listed above.
- (d) Nothing in this section shall apply to individuals with bona fide disabilities using motorized or non-motorized devices specifically designed to provide for mobility for such individuals.
- (e) No person, while operating a coaster toy, shall indulge or engage in any kind of trick or unsafe operation, riding or use of such device.
- (f) A person riding upon a coaster toy shall not attach the same or himself to a streetcar or vehicle upon a roadway. (MCL 257.659)
- (g) A person riding a coaster toy upon a roadway shall ride single file except on a path or part of a roadway designated for the exclusive use of those devices.
- (h) A person operating a coaster toy on a sidewalk, pathway, or recreational trail shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian. When approaching a pedestrian on a sidewalk or pathway, the speed of the coaster toy shall be reduced to that which is no greater than necessary to permit continuance of operation without the rider's dismounting and shall not be increased until the pedestrian has been passed.
- (i) A person riding a coaster toy upon a roadway shall abide by all the rules of the roadway and shall not be operated at a speed of more than 25 miles per hour.
- (j) No parent or guardian shall authorize or knowingly permit their child or ward to violate any provisions of this article.
- (k) A coaster toy may be operated between 1/2 hour after sunset and 1/2 hour before sunrise provided the operator is equipped with a forward facing lamp that emits a white light visible from a distance of at least 500 feet to the front and with a rear facing red reflector that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps 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. (MCL 257.662)
- (l) Crash helmets meeting or exceeding the requirements of the rules promulgated by the Michigan State Police in Mich. Admin Rule 28.951, as amended, shall be worn on the head by all persons operating a coaster toy, as follows:
 - (1) A person less than 18 years of age operating a coaster toy on a highway or street.
 - (2) A person less than 13 years of age operating a coaster toy.
- (m) A coaster toy shall not be used to carry more people at 1 time than the number for which it is designed and equipped.
- (n) A person less than 13 years of age shall not operate a coaster toy on a roadway, where a sidewalk is provided. (MCL 257.658(9))
- (o) A person who violates this section or a traffic control order or park regulation issued pursuant to this section is responsible for a civil infraction.

Section 7. Amend Section 98-165 of the City of Buchanan Code.

Chapter 98, Article VI, Section 165 the City of Buchanan Code ("Code") is hereby rescinded to read, in its entirety:

Sec. 98-165. Rescinded. Sale or disposing of bicycle; report to police.

~~Any person who sells or otherwise disposes of a bicycle licensed under this article shall report the fact to the police department within seven days following the sale or other disposition.~~

Section 8. Amend Section 98-166 of the City of Buchanan Code.

Chapter 98, Article VI, Section 166 the City of Buchanan Code ("Code") is hereby rescinded to read, in its entirety:

Sec. 98-165. Rescinded. Reciprocity in recognizing licenses.

~~Valid bicycle licenses issued by other municipalities to their residents shall be recognized as valid within the city, if reciprocity is extended to residents of the city; provided, that if such person becomes a resident of the city such person shall procure a city bicycle license within 30 days of becoming a resident.~~