

Date: May 26, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager *AWB*
Subject: **Emergency Ordinance – Modifying 506-4 e-Scooter Regulations**

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING the provisions of Title V, “Traffic Code,” of the Cincinnati Municipal Code by **AMENDING** Section 501-1-E3, “e-Scooter,” of Chapter 501, “Definitions,” Section 506-4, “Operation of Bicycle, Motorized Bicycles, e-Scooters, and Motorcycles,” of Chapter 506, “Operation and Right of Way,” and Section 505-13, “Protective Equipment,” of Chapter 505, “Loads and Passengers,” and by **ORDAINING** new Section 501-1-L2, “Low Speed Micromobility Device,” of Chapter 501, “Definitions,” for the purpose of modifying regulations governing the operation of e-scooters on City sidewalks, rights-of-way, and streets.

AWG/JRS/(lnk)
Attachment
338471

EMERGENCY
City of Cincinnati

An Ordinance No. _____

JRS

AWB

- 2021

MODIFYING the provisions of Title V, "Traffic Code," of the Cincinnati Municipal Code by **AMENDING** Section 501-1-E3, "e-Scooter," of Chapter 501, "Definitions," Section 506-4, "Operation of Bicycle, Motorized Bicycles, e-Scooters, and Motorcycles," of Chapter 506, "Operation and Right of Way," and Section 505-13, "Protective Equipment," of Chapter 505, "Loads and Passengers," and by **ORDAINING** new Section 501-1-L2, "Low Speed Micromobility Device," of Chapter 501, "Definitions," for the purpose of modifying regulations governing the operation of e-scooters on City sidewalks, rights-of-way, and streets.

WHEREAS, the General Assembly of the State of Ohio passed House Bill 295, as codified in Ohio Revised Code Chapter 4511, to permit the operation of low-speed micromobility devices or e-scooters ("e-scooters") on City streets and sidewalks, subject to regulations and prohibitions established by the City; 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 sidewalks, shared-use paths, and parks within the City; and

WHEREAS, the City Administration recommends modifying the Cincinnati Municipal Code to ensure the safe operation of e-scooters in light of the passage of HB 295; and

WHEREAS, Council desires to clarify the legal prohibition against riding or operating e-scooters on the areas where pedestrian safety is needed, and further 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 e-scooter operators accountable for failing to adhere to the rules for their safe operation, including by issuing tickets and fines; now, therefore,

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

Section 1. That Section 501-1-E3, "e-Scooter," of the Cincinnati Municipal Code is hereby amended as follows:

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

"e-Scooter" shall mean a low-speed micromobility device and shall additionally mean any 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.

Section 2. That existing Section 501-1-E3, "e-Scooter," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That new Section 501-1-L2, "Low Speed Micromobility Device," of the Cincinnati Municipal Code is hereby ordained to read as follows

Sec. 501-1-L2. – Low Speed Micromobility Device

"Low-speed micromobility device" shall have the same meaning as that term has in Ohio Revised Code Section 4511.01(WWW).

Section 4. That Section 506-4, "Operation of Bicycles, Motorized Bicycles, e-Scooters, and Motorcycles," of the Cincinnati Municipal Code is hereby amended as follows:

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

- (a) Every person operating a bicycle, 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.
- (b) Every person operating a bicycle, 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) Persons operating bicycles, motorized bicycles, or e-scooters shall ride in the same direction as all other vehicular traffic.
- (d) Persons operating bicycles, motorized bicycles, e-scooters, or motorcycles upon a roadway shall ride not more than two abreast in a single lane.
- (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) No operator of an e-scooter device shall do any of the following:
 - (1) Fail to yield the right-of-way to pedestrians at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night, unless the device or its operator is equipped with or wearing both of the following:

(a) A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet; and

(b) A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Park an e-scooter on a sidewalk in a manner that impedes the flow of pedestrian travel, interferes with an intended function of the sidewalk, or blocks or obstructs any doorway, crosswalk, or other access routes.

(5) Operate an e-scooter while it is occupied by more than one person. E-scooters shall only be occupied by one person while in operation.

(g) No person who is under sixteen years of age shall rent an e-scooter.

(1) No person shall knowingly rent an e-scooter to a person who is under sixteen years of age.

(2) No person shall knowingly rent an e-scooter for use by a person who is under sixteen years of age.

(h) No person shall operate an e-scooter at a speed greater than 15 miles per hour.

(i) No person who is under the age of 16 shall operate an e-scooter capable of obtaining a speed greater than 10 miles per hour.

(j) No person shall operate an e-scooter in the Streetcar Obstruction Zone, except when crossing over the Streetcar Obstruction Zone, which shall be done at a ninety-degree angle or otherwise perpendicular to the streetcar tracks.

(k) Violation of this section shall be punishable as a traffic violation misdemeanor as defined in Section 512-1 of the Cincinnati Municipal Code.

Section 5. That the existing Section 506-4, "Operation of Bicycle, Motorized Bicycles, e-Scooters, and Motorcycles," of the Cincinnati Municipal Code is hereby repealed.

Section 6. That Section 505-13, "Protective Equipment," of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 505-13. - Protective Equipment.

(a) Motorized bicycles.

- (1) No person shall operate a motorized bicycle on a street or highway, or be a passenger on a motorized bicycle, unless wearing a protective helmet on the head, with the chin strap properly fastened, and using safety glasses or other protective eye device. Such helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio director of highway safety for motorcycles under the provisions of Section 4511.53 of the Revised Code. **2****
- (2) For purposes of this Section, "motorized bicycle" shall have the same meaning as defined in Section 501-1-M2.**
- (3) For purposes of this Section "street or highway" shall have the same meaning as defined in Section 501-1-S3.**

(b) Bicycles, Scooters, Skateboards, e-Scooters, Roller Skates and In-Line Skates.

- (1) No person 15 years of age and under shall operate a bicycle, e-scooter, skateboard, or scooter or ride as a passenger on such device, or wear roller skates or in-line skates, within the city of Cincinnati on any public or non-residential property, unless such person is wearing a protective helmet on his or her head, with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the standards set by ANSI (American National Standards Institute), CPSC (Consumer Product Safety Commission), or SNELL (Snell Memorial Foundation). This ordinance shall not apply to any person riding a bicycle, e-scooter, skateboard or scooter as the operator or passenger or wearing roller skates or in-line skates on any property which is a single-family residence.**
- (2) No person who is 15 years of age and under shall violate Section 505-13B.**
- (3) The penalty for a violation of this ordinance shall be as follows:**
 - a. First offense: written warning;**
 - b. Second offense: written warning and the juvenile shall view a safety video within 45 days. Failure to view the video within 45 days shall result in a minor misdemeanor citation; and**
 - c. Third and all subsequent offenses: minor misdemeanor.**

If aggravating circumstances are present, such as a traffic accident or a near accident or there are accompanying criminal or traffic charges against the minor, the officer shall issue a citation rather than a warning.

(4) For purposes of this Section “bicycle” shall have the same meaning as defined in Section 501-1-B.

(5) For purposes of this Section, “e-scooter” shall have the same meaning as defined in Section 501-1-E3.

Section 7. That the existing Section 505-13, “Protective Equipment,” of the Cincinnati Municipal Code is hereby repealed.

Section 8. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations, to implement Sections 1 through 7 hereof.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, 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 to update the Cincinnati Municipal Code to ensure the safe operation of low speed micromobility devices and e-scooters that are presently operating within the City.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.