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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11487-2025

INTRODUCED BY: COUNCILMEN DUFOUR, SCOTT AND MENCINI, TROYER, ROBERTS, MCCORKLE, POINDEXTER, SALVATORE, AND MAYOR ORCUTT

AN ORDINANCE AMENDING AND ENACTING CERTAIN SECTIONS OF CHAPTER 373 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "BICYCLES AND TRICYCLES" AND DECLARING AN EMERGENCY.

WHEREAS, electric bicycles (e-bikes) are an increasingly popular mode of transportation and recreation within the City;

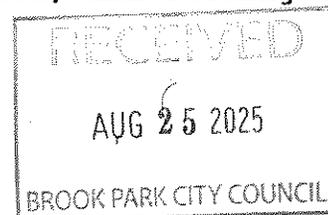
WHEREAS, Ohio House Bill 295 adopted by the 133rd General Assembly, established a classification system for e-bikes, which grants municipalities the ability to regulate their operation; and

WHEREAS, the City of Brook Park is committed to proactively addressing evolving transportation trends by providing clear, enforceable regulations that protect and benefit both e-bike operators and the broader community; and

WHEREAS, it is in the best interest of public safety and the harmonious use of public spaces to establish clear regulations for e-bikes within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 373.01 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:



373.01 DEFINITIONS.

As used in this chapter:

(a) "Bicycle" means a two-wheeled vehicle, propelled by human power, having tandem arrangement of wheels equipped with tires either of which is over twenty inches in diameter. The term "bicycle" means a two-wheeled vehicle having a rear drive wheel which is solely human powered.

(b) "Tricycle" means a three-wheeled vehicle, propelled by human power, the drive wheel or wheels of which is twenty inches or more in diameter.

is hereby amended to read:

Chapter 373

~~Bicycles and Triicyeles~~ Bicycles, Electric Bicycles and Tricycles

373.01 DEFINITIONS.

As used in this chapter:

(a) "Bicycle" means a two-wheeled vehicle, propelled by human power, having tandem arrangement of wheels equipped with tires either of which is over ~~twenty~~ **fourteen** inches in diameter. The term "bicycle" means a two-wheeled vehicle having a rear drive wheel which is solely human powered.

(b) "Tricycle" means a three-wheeled vehicle, propelled by human power, the drive wheel or wheels of which is twenty inches or more in diameter.

(c) "Electric bicycle" means a Class 1, Class 2, or Class 3 electric bicycle as defined in Section 301.105 of these Codified Ordinances.

Any reference in this chapter to a specific class of electric bicycle refers to the definitions set forth in Section 301.105.

SECTION 2: Section 373.01 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 3: Section 373.02 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.02 APPLICATION OF REGULATIONS.

The regulations applicable to bicycles and tricycles set forth in this chapter shall apply whenever a bicycle or tricycle is operated upon a street or upon a public path set aside for the exclusive use of bicycles and tricycles.

is hereby amended to read as follows:

373.02 APPLICATION OF REGULATIONS.

The regulations applicable to bicycles, **electric bicycles**, and tricycles set forth in this chapter shall apply whenever a bicycle, **electric bicycle**, or tricycle is operated upon a street or upon a public path set aside for the exclusive use of bicycles, **electric bicycles**, and tricycles.

SECTION 4: Section 373.02 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 5: Section 373.03 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.03 PARENTS' RESPONSIBILITY.

The parents of a child or the guardian of a ward shall not knowingly permit any child or ward to violate any of the provisions of this chapter relating to bicycles or tricycles.

is hereby amended to read:

373.03 PARENTS' RESPONSIBILITY.

The parents of a child or the guardian of a ward shall not knowingly permit any child or ward to violate any of the provisions of this chapter relating to bicycles, **electric bicycles**, or tricycles.

SECTION 6: Section 373.03 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 7: Section 373.04 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as

373.04 CODE APPLICATION TO BICYCLES.

- (a) Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle. Every person riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.
- (b) The provisions of this Traffic Code shall apply to bicycles except those provisions which by their nature are not applicable.
- (c) A violation of any traffic law by an operator of a bicycle shall be ticketed using the same procedure as is used for motor vehicle infractions, except that any violation committed while operating a bicycle shall not affect the status of the bicycle operator's motor vehicle operator's license. When a citation is issued to a cyclist, the fact that the violation involves a bicycle shall be clearly indicated on the citation.
- (d) Whenever there is a violation of traffic law by a bicycle operator or a violation by a motorist that endangers a bicycle operator, the court may permit demonstration of

successful completion of a court approved cycling knowledge course or test in lieu of or in addition to a fine or other penalty.

is hereby amended to read:

373.04 ~~CODE APPLICATION TO BICYCLES~~ CODE APPLICATION TO BICYCLES AND ELECTRIC BICYCLES.

(a) Every person riding a bicycle **or electric bicycle** upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle. Every person riding a bicycle **or electric bicycle** upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

(b) The provisions of this Traffic Code shall apply to bicycles **and electric bicycles**, except those provisions which by their nature are not applicable.

(c) A violation of any traffic law by an operator of a bicycle **or electric bicycle** shall be ticketed using the same procedure as is used for motor vehicle infractions, except that any violation committed while operating a bicycle **or electric bicycle** shall not affect the status of the bicycle operator's motor vehicle operator's license. When a citation is issued to a cyclist, the fact that the violation involves a bicycle **or electric bicycle** shall be clearly indicated on the citation.

(d) Whenever there is a violation of traffic law by a bicycle **or electric bicycle** operator or a violation by a motorist that endangers a bicycle **or electric bicycle** operator, the court may permit demonstration of successful completion of a court approved cycling knowledge course or test in lieu of or in addition to a fine or other penalty.

SECTION 8: Section 373.04 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 9: Section 373.05 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.05 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) Any person operating a bicycle or tricycle shall obey traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no person operating a bicycle or tricycle shall disobey the direction of any such sign, unless the person dismounts from the bicycle or tricycle to make such turn, in which event the person shall obey the regulations applicable to pedestrians.

Is hereby amended to read as follows:

373.05 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) Any person operating a bicycle, **electric bicycle**, or tricycle shall obey traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no person operating a bicycle, **electric bicycle**, or tricycle shall disobey the direction of any such sign, unless the person dismounts from the bicycle, **electric bicycle**, or tricycle to make such turn, in which event the person shall obey the regulations applicable to pedestrians.

SECTION 10: Section 373.05 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 11: Section 373.06 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.06 BICYCLE OPERATION ON ROADWAY.

(a) Every person operating a bicycle 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.

This section shall not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include, but are not limited to, when necessary to avoid fixing or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(b) When a bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning, changing lanes or stopping so long as it is safe to do so. Such signals shall conform with the motor vehicle laws of Ohio. If the hand is needed to control the bicycle the signal shall not be given.

Is hereby amended to read:

~~**373.06 BICYCLE OPERATION ON ROADWAY.**~~

373.06 BICYCLE OR ELECTRIC BICYCLE OPERATION ON ROADWAY.

(a) Every person operating a bicycle **or electric bicycle** 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.

This section shall not require a person operating a bicycle **or electric bicycle** to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include, but are not

limited to, when necessary to avoid fixing or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.

(b) When a bicycle or electric bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning, changing lanes or stopping so long as it is safe to do so. Such signals shall conform with the motor vehicle laws of Ohio. If the hand is needed to control the bicycle or electric bicycle, the signal shall not be given.

SECTION 12: Section 373.06 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 13: Section 373.07 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.07 RECKLESS OPERATION; CONTROL, WEAVING COURSE.

No person shall operate a bicycle:

(a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(b) Without exercising reasonable and ordinary control over such bicycle;

(c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with the law.

Is hereby amended to read as follows:

373.07 RECKLESS OPERATION; CONTROL, WEAVING COURSE.

No person shall operate a bicycle or electric bicycle:

- (a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
- (b) Without exercising reasonable and ordinary control over such bicycle or electric bicycle;
- (c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with the law.

SECTION 14: Section 373.07 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 15: Section 373.08 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.08 RIDING ON SIDEWALKS.

- (a) Except as provided in division (b) of this section, it shall be legal to operate a bicycle upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle operator using the sidewalk shall walk the bicycle.
- (b) No person shall ride a bicycle upon a sidewalk, upon or along which signs have been erected by authority of the Director of Public Safety prohibiting such bicycle riding.
- (c) Whenever a person is riding a bicycle upon a sidewalk or any pedestrian way, such person shall yield the right-of-way to any pedestrian and shall give an audible signal

before attempting to overtake and pass a pedestrian or another bicycle. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle a person or persons being overtaken and passed.

- (d) Whenever a person is riding a bicycle on a sidewalk, the rider shall yield the right-of-way to any vehicular traffic using the roadway. If necessary, the operator shall dismount and walk the bicycle across an intersection or a street.
- (e) Whenever a person is riding a bicycle upon a sidewalk, the person, before overtaking and passing a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot if necessary for safety.

Is hereby amended to read as follows:

373.08 RIDING ON SIDEWALKS.

- (a) Except as provided in division (b) of this section, it shall be legal to operate a bicycle **or electric bicycle** upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle **or electric bicycle** operator using the sidewalk shall walk the bicycle **or electric bicycle**.
- (b) No person shall ride a bicycle **or electric bicycle** upon a sidewalk, upon or along which signs have been erected by authority of the Director of Public Safety prohibiting such bicycle **or electric bicycle** riding.
- (c) Whenever a person is riding a bicycle **or electric bicycle** upon a sidewalk or any pedestrian way, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before attempting to overtake and pass a pedestrian or another bicycle **or electric bicycle**. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle a person or persons being overtaken and passed.

- (d) Whenever a person is riding a bicycle **or electric bicycle** on a sidewalk, the rider shall yield the right-of-way to any vehicular traffic using the roadway. If necessary, the operator shall dismount and walk the bicycle **or electric bicycle** across an intersection or a street.
- (e) Whenever a person is riding a bicycle **or electric bicycle** upon a sidewalk, the person, before overtaking and passing a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot if necessary for safety.
- (f) No person shall operate an electric bicycle using the electric motor on a sidewalk.

SECTION 16: Section 373.08 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 17: Section 373.09 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.09 EMERGING FROM ALLEY OR DRIVEWAY.

(a) The operator of a bicycle or tricycle emerging from an alley, driveway or building shall, upon approaching the sidewalk or sidewalk area, extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Every rider of a bicycle or tricycle shall exercise due care to avoid colliding with any pedestrian or any vehicle upon any roadway, sidewalk or bicycle path, or endangering the life, limb or property of any person while in the lawful use of the streets, sidewalks or any other private or public property.

Is hereby amended to read as follows:

373.09 EMERGING FROM ALLEY OR DRIVEWAY.

(a) The operator of a bicycle, **electric bicycle**, or tricycle emerging from an alley, driveway or building shall, upon approaching the sidewalk or sidewalk area, extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Every rider of a bicycle, **electric bicycle**, or tricycle shall exercise due care to avoid colliding with any pedestrian or any vehicle upon any roadway, sidewalk or bicycle path, or endangering the life, limb or property of any person while in the lawful use of the streets, sidewalks or any other private or public property.

SECTION 18: Section 373.09 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 19: Section 373.10 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.10 ATTACHING BICYCLE OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attached the same or himself to any vehicle while it

is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

Is hereby amended to read as

~~373.10 ATTACHING BICYCLE OR SLED TO VEHICLE.~~

373.10 ATTACHING BICYCLE, ELECTRIC BICYCLE, OR SLED TO VEHICLE.

- (a) No person riding upon any motorcycle, bicycle, **electric bicycle**, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

- (b) No operator shall knowingly permit any person riding upon any motorcycle, bicycle, **electric bicycle**, coaster, roller skates, sled or toy vehicle to attached the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

SECTION 20: Section 373.10 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 21: Section 373.11 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

(c)

373.11 RIDING BICYCLES AND MOTORCYCLES ABREAST.

Persons riding bicycles, electric bicycles, 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, electric bicycles, or motorcycles.

Is hereby amended to read as follows:

~~373.11 RIDING BICYCLES AND MOTORCYCLES ABREAST.~~

**373.11 RIDING BICYCLES, ELECTRIC BICYCLES, AND MOTORCYCLES
ABREAST.**

Persons riding bicycles, electric bicycles, 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, electric bicycles, or motorcycles.

SECTION 22: Section 373.11 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 23: Section 373.12 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.12 RIDING UPON SEATS; CARRYING PACKAGES.

(a) A person operating a bicycle or motorcycle shall not ride other than upon or astride the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) The provisions of divisions (a) and (b) of this section shall not prohibit the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle.

(d) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

Is hereby amended to read as follows:

373.12 RIDING UPON SEATS; CARRYING PACKAGES.

(a) A person operating a bicycle, **electric bicycle**, or motorcycle shall not ride other than upon or astride the permanent and regular seat attached thereto, nor carry any other person upon such bicycle, **electric bicycle**, or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle, **electric bicycle**, or motorcycle other than upon such a firmly attached and regular seat.

(b) No bicycle or **electric bicycle** shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) The provisions of divisions (a) and (b) of this section shall not prohibit the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle or **electric bicycle**.

(d) No person operating a bicycle or **electric bicycle** shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

SECTION 24: Section 373.12 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 25: Section 373.13 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.13 LIGHTS AND REFLECTORS ON BICYCLES; BRAKES.

(a) Every bicycle when in use at the time specified in Ohio R.C. 4513.03 (from sunset or sunrise or when otherwise necessary), shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator shall emit a white light visible from a distance of at least 500 feet to the front and 300 feet to the sides. A generator powered lamp, which emits light only when the bicycle is moving, may be used to meet this requirement;

(2) A red or amber reflector on the rear of a type 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;

(3) A light emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the reflector. If the red light performs as a reflector such that is visible as specified in division (a)(2) of this section, it shall satisfy the requirements for a reflector.

(b) Additional lights and reflectors may be used in addition to those required under division (a) of this section except that red lights and reflectors shall not be used on the front of the bicycle nor shall white or colorless lights or reflectors be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway, which will enable the operator to make the brake wheel skid on dry, level, clean pavement.

Is hereby amended to read as follows:

~~373.13 LIGHTS AND REFLECTORS ON BICYCLES; BRAKES.~~

**373.13 LIGHTS AND REFLECTORS ON BICYCLES AND ELECTRIC BICYCLES;
BRAKES.**

(a) Every bicycle or electric bicycle when in use at the time specified in Ohio R.C. 4513.03 (from sunset or sunrise or when otherwise necessary), shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator shall emit a white light visible from a distance of at least 500 feet to the front and 300 feet to the sides. A generator powered lamp, which emits

light only when the bicycle or **electric bicycle** is moving, may be used to meet this requirement;

(2) A red or amber reflector on the rear of a type 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;

(3) A light emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the reflector. If the red light performs as a reflector such that is visible as specified in division (a) (2) of this section, it shall satisfy the requirements for a reflector.

(b) Additional lights and reflectors may be used in addition to those required under division (a) of this section except that red lights and reflectors shall not be used on the front of the bicycle or **electric bicycle** nor shall white or colorless lights or reflectors be used on the rear of the bicycle or **electric bicycle**.

(c) Every bicycle or **electric bicycle** shall be equipped with an adequate brake when used on a street or highway, which will enable the operator to make the brake wheel skid on dry, level, clean pavement.

SECTION 26: Section 373.13 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 27: Section 373.14 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.14 SIGNAL DEVICE ON BICYCLE.

A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

Is hereby amended to read as follows:

~~373.14 SIGNAL DEVICE ON BICYCLE.~~

373.14 SIGNAL DEVICE ON BICYCLE OR ELECTRIC BICYCLE.

A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

SECTION 28: Section 373.14 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 29: Section 373.15 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.15 PARKING.

- (a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with vehicular traffic.
- (b) Bicycles shall be parked in such a manner as not to interfere with building entrances.
- (c) Is hereby amended to read as follows:

373.15 PARKING.

- (a) No person shall park a bicycle or electric bicycle upon a sidewalk in such a manner so as to unduly interfere with vehicular traffic.

(b) Bicycles or electric bicycles shall be parked in such a manner as not to interfere with building entrances.

SECTION 30: Section 373.15 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 31: Section 373.16 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.16 LOCKS.

No bicycle or tricycle shall remain unlocked when unattended, when parked upon any public street, public sidewalk, public driveway, public playground or any other public property.

Is hereby amended to read as follows:

373.16 LOCKS.

No bicycle, electric bicycle, or tricycle shall remain unlocked when unattended, when parked upon any public street, public sidewalk, public driveway, public playground or any other public property.

SECTION 32: Section 373.16 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 33: Section 373.17 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.17 APPLICATION FOR REGISTRATION.

Application for registration of a bicycle or tricycle shall be made to the Director of Public Safety upon forms provided by him, which shall contain the name and address of the applicant, the name, color and serial number or other identifying mark of the bicycle or tricycle, and other information as the Director shall deem pertinent.

Is hereby amended to read as follows:

373.17 APPLICATION FOR REGISTRATION.

Application for registration of a bicycle, **electric bicycle**, or tricycle shall be made to the Director of Public Safety upon forms provided by him, which shall contain the name and address of the applicant, the name, color and serial number or other identifying mark of the bicycle, **electric bicycle**, or tricycle, and other information as the Director shall deem pertinent.

SECTION 34: Section 373.17 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 35: Section 373.18 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.18 RECORDS, LICENSE PLATES AND REGISTRATION CARDS.

(a) The Director of Public Safety, upon receipt of the application, shall register such bicycle or tricycle. The fee shall register such bicycle or tricycle permanently. A record of all registrations shall be kept by the Director and duplicates thereof, setting forth all the information contained in the originals, shall be furnished to the Chief of Police. At the time of registration, the Director shall furnish to the applicant a tag or sticker of form and design approved by him and serially numbered. In addition, each applicant shall be

furnished a registration card reciting that the bicycle or tricycle has been registered in the name of the owner thereof.

(b) The Director is authorized and directed to establish such stations for the registration of bicycles or tricycles hereunder as he may deem necessary for the convenience of applicants.

Is hereby amended to read as follows:

373.18 RECORDS, LICENSE PLATES AND REGISTRATION CARDS.

- (a) The Director of Public Safety, upon receipt of the application, shall register such bicycle, **electric bicycle**, or tricycle. The fee shall register such bicycle, **electric bicycle**, or tricycle permanently. A record of all registrations shall be kept by the Director and duplicates thereof, setting forth all the information contained in the originals, shall be furnished to the Chief of Police. At the time of registration, the Director shall furnish to the applicant a tag or sticker of form and addition, each applicant shall be furnished a registration card reciting that the bicycle, **electric bicycle**, or tricycle has been registered in the name of the owner thereof.
- (b) The Director is authorized and directed to establish such stations for the registration of bicycles, **electric bicycles**, or tricycles hereunder as he may deem necessary for the convenience of applicants.
and other information as the Director shall deem pertinent.

SECTION 36: Section 373.18 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 37: Section 373.19 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.19 BICYCLE AND TRICYCLE DEALERS; REPORTS.

All persons engaged in the business of buying secondhand bicycles or tricycles shall make a report daily to the Chief of Police of the name and address of the person from whom each secondhand bicycle or tricycle is purchased, together with the frame number and the license plate, if any, found thereon. Every person who sells or transfers ownership of any bicycle or tricycle licensed hereunder shall report such sale or transfer within seven days to the Chief of Police.

Is hereby amended to read as follows:

~~**373.19 BICYCLE AND TRICYCLE DEALERS; REPORTS.**~~

373.19 BICYCLE, ELECTRIC BICYCLE, AND TRICYCLE DEALERS; REPORTS.

All persons engaged in the business of buying secondhand bicycles, **electric bicycles**, or tricycles shall make a report daily to the Chief of Police of the name and address of the person from whom each secondhand bicycle, **electric bicycle**, or tricycle is purchased, together with the frame number and the license plate, if any, found thereon. Every person who sells or transfers ownership of any bicycle, **electric bicycle**, or tricycle licensed hereunder shall report such sale or transfer within seven days to the Chief of Police.

SECTION 38: Section 373.19 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 39: Section 373.20 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

**373.20 DEFACING LICENSE OR
NUMBER.**

No person willfully or maliciously shall remove, destroy, mutilate or alter the frame number of any bicycle or tricycle licensed hereunder, or any license plate, seal or license card issued hereunder.

Is hereby amended to read as follows:

**373.20 DEFACING LICENSE OR
NUMBER.**

No person willfully or maliciously shall remove, destroy, mutilate or alter the frame number of any bicycle, **electric bicycle**, or tricycle licensed hereunder, or any license plate, seal or license card issued hereunder.

SECTION 40: Section 373.20 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 41: Section 373.21 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.21 IMPOUNDING; NOTIFICATION TO OWNER.

Whenever any minor under the age of 18 years operates a bicycle or motorized bicycle in violation of any section of this Traffic Code, the bicycle or motorized bicycle may be seized by any member of the Police Department and impounded. A bicycle or motorized bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor, and no charge shall be made. A full explanation

of the reason for the impounding shall be made to the owner, parent or guardian. A complete record of each such impounding shall be kept by the officer in charge or whoever is appointed to keep such records.

Is hereby amended to read:

373.21 IMPOUNDING; NOTIFICATION TO OWNER.

Whenever any minor under the age of 18 years operates a bicycle, **electric bicycle**, or motorized bicycle in violation of any section of this Traffic Code, the bicycle, **electric bicycle**, or motorized bicycle may be seized by any member of the Police Department and impounded. A bicycle, **electric bicycle**, or motorized bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor, and no charge shall be made. A full explanation of the reason for the impounding shall be made to the owner, parent or guardian. A complete record of each such impounding shall be kept by the officer in charge or whoever is appointed to keep such records.

SECTION 42: Section 373.21 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 43: Section 373.22 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, and reading as follows:

373.22 IMPOUNDING RECORDS.

The police officer or the person in charge of records shall keep, in an appropriate book or file, the names and addresses of all owners of bicycles or tricycles impounded, the name and address of the violator if he is not the owner, the license number and the frame or serial number of the bicycle or tricycle, together with the nature and circumstances of each violation and the length of time declared by the Chief of Police that it shall be impounded, as well as the disposition of each case.

Is hereby amended to read as follows:

373.22 IMPOUNDING RECORDS.

The police officer or the person in charge of records shall keep, in an appropriate book or file, the names and addresses of all owners of bicycles, **electric bicycles**, or tricycles impounded, the name and address of the violator if he is not the owner, the license number and the frame or serial number of the bicycle, **electric bicycle**, or tricycle, together with the nature and circumstances of each violation and the length of time declared by the Chief of Police that it shall be impounded, as well as the disposition of each case.

SECTION 44: Section 373.22 of the Brook Park Codified Ordinances, passed by Ordinance 8975-2003 on March 18, 2003, is hereby expressly repealed.

SECTION 45: New Section 373.23 entitled "Electric Bicycles" is hereby enacted to read as follows:

373.23 ELECTRIC BICYCLES.

(a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.

(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the county, township, municipal corporation,

or local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.

(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use, unless the county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.

(4) Divisions (a) (2) and (a) (3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.

(b) (1) No person under 16 years of age shall operate a class 3 electric bicycle; however, a person under 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(3) No person who is under eighteen (18) years of age shall operate or be a passenger on a class 1 or class 2 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(c) (1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under division (a) of this section and whoever

violates division (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under division (c) (1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (O.R.C. § 4511.522).

SECTION 46: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 47: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to amend certain sections of Chapter 373 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: September 16, 2025

ATTEST: Carol Johnson
CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

APPROVED: [Signature]
MAYOR

9-17-25

DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11487-2025 passed on the 16 day of September 20 25 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Unanimous

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

[Signature]
Asst. DIRECTOR OF LAW