

INTRODUCED: 11/09/2009

REFERRED TO: Public Works Committee

SPONSOR: Councillors Hunter and Moriarty Adams

DIGEST: amends the Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes

SOURCE:

Initiated by: Department of Public Works

Drafted by: Andrea Brandes, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: November 5, 2009

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 431, Article VI, of the "Revised Code of the Consolidated City and County," regarding bicycles, hereby is amended by the addition of a NEW Section 431-604, to read as follows:

Sec. 431-604. Unattended bicycles and bicycles not in operation.

It shall be unlawful for a person to leave a bicycle:

- (1) So that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building access ramp, building entrance, or so that it obstructs pedestrian access to a parking meter, newsrack, or newsstand;
- (2) Secured to a fire hydrant or to a police or fire call box;
- (3) On private property without the consent of the owner or legal tenant, which consent is implied on private commercial property; or
- (4) On a street, roadway, or other city-owned property or rights-of-way for more than seventy-two (72) consecutive hours.

SECTION 2. Section 441-313 of the "Revised Code of the Consolidated City and County," regarding driving on or across sidewalks, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 441-313. Driving on or across sidewalks; yielding to bicycle operator on sidewalk.

(a) It shall be unlawful for any person to drive any wagon, motorcycle, motor vehicle or any animal upon, over or across any curb, sidewalk or grassplot on any street in the city, except upon a driveway constructed over the same, or as otherwise permitted by this Code or by a permit therefor from the city.

(b) The driver or operator of any motor vehicle shall yield the right-of-way to any bicycle operator on a sidewalk.

SECTION 3. Chapter 441, Article III, of the "Revised Code of the Consolidated City and County," regarding traffic operating restrictions, hereby is amended by the addition of a NEW Division 7, to read as follows:

DIVISION 7. BICYCLE PATHS AND LANES

Sec. 441-371. Limitation on conveyances and vehicles on bicycle paths and lanes.

(a) Bicycle paths and lanes shall be used exclusively for the operation of bicycles unless signage specifies joint use with pedestrians.

(b) With the exception of a moped being operated exclusively with human muscular power, no person shall operate any other conveyance in a designated bicycle path or lane.

(c) A person may operate a motor vehicle upon a bicycle lane for the limited purpose of making a turn, entering or leaving an alley, private road, or driveway.

Sec. 441-372. Yielding to bicycle operator in bicycle path or lane.

The driver or operator of any vehicle shall yield the right-of-way to an individual operating a bicycle on a designated bicycle path or lane.

Sec. 441-373. Driving, standing, or parking on bicycle paths or lanes prohibited.

(a) The driver or operator of any vehicle shall not drive, unless entering or exiting a legal parking space, or stand, or park the vehicle upon any path or lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane.

(b) The driver or operator of any vehicle shall not stand or park the vehicle upon any lane designated by pavement markings for the shared use of motor vehicles and bicycles, or place the vehicle in such a manner as to impede bicycle traffic on such lane.

(c) A vehicle parked or standing in violation of this section shall be subject to immediate removal.

Sec. 441-374. Enforcement.

A violation of this division shall constitute a violation of the code.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2009, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory A. Ballard, Mayor