

ORDINANCE 2023-22

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7

CITY OF LAFAYETTE MOTOR VEHICLES AND TRAFFIC CODE

WHEREAS, the City has adopted rules and regulations concerning vehicle operation and bicyclist safety as set forth in Chapter 7;

WHEREAS, the City's Bicycle and Pedestrian Citizen Advisory Committee reviewed the current rules and regulations set forth in Chapter 7 and recommended certain updates to improve safety for bicyclist;

WHEREAS, certain sections of Chapter 7.07 concerning bicycle licensing, are outdated, not currently enforced, and should be removed from the City Code; and

WHEREAS, certain sections of Chapter 7.07 duplicate existing Indiana Code (IC 9-21-11 *et.seq.*) concerning bicycle operations and should be removed from the City Code;

NOW, THEREFORE, be it ordained by the Common Council of the City of Lafayette, Indiana, as follows:

Section 1. Section 7.04.130 is hereby amended to remove reference to inconsistent municipal code and, as amended, shall read as follows:

7.04.130 Driving on sidewalk or bicycle lane.

The driver of a vehicle shall not drive within any sidewalk area or marked bicycle lane, except at a permanent or temporary driveway.

Section 2. New Section 7.04.180 is hereby added to the code to increase bicycle safety and vehicle operator awareness and shall read as follows:

7.04.180 Careless operation of vehicles.

A. As used in this section, vulnerable road user means the following:

1. A pedestrian, including a person engaged in work upon a street, highway, or alley, or in work upon a utility facility along a street, highway, or alley, or engaged in the provision of emergency services within the right-of-way; or
2. A person lawfully operating a bicycle, tricycle, electric or motor powered vehicle (EMPV), or other pedal-powered vehicle on a right-of-way, crosswalk, or a shoulder of a street or highway.

B. It is unlawful to operate a vehicle upon any street, highway, or alley within the city with careless disregard for, or indifferent lack of attention to, surrounding conditions and circumstances.

C. A person who violates this section, with or without causing physical to a vulnerable road user, shall be fined in accordance with Section 7.04.990. .

Section 3. Section 7.04.990 is hereby amended to update the language for the enforcement of penalties to be consistent across code sections and, as amended, shall read as follows:

7.04.990 Penalty.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00).

Section 4. Section 7.05.020 is hereby amended to add additional safety precautions to protect pedestrians and bicyclists and, as amended, shall read as follows:

7.05.020 Opening vehicle doors.

No person operating a motor vehicle shall:

- A. Open the door of a motor vehicle on either side of the vehicle unless and until it is reasonably safe to do so, and can be done without interfering with the movement of vehicle traffic, pedestrians, and bicycles who cannot avoid a collision with the door and who are lawfully traveling on sidewalks, shoulders, or bicycle lanes; or
- B. Leave a door open on a motor vehicle for a period of time longer than necessary to load or unload passengers.

Section 5. Section 7.06.130 is hereby amended to update prohibitions on parking to add reference to bicycle lanes and, as amended, shall read as follows:

7.06.130 Parking prohibited in specified places.

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
 - 1. On a sidewalk or between sidewalk and curb;
 - 2. Within five feet on either side of a public or private driveway;
 - 3. Within an intersection;
 - 4. On a crosswalk;
 - 5. Within ten (10) feet of a crosswalk at an intersection;
 - 6. Within fifteen (15) feet of a fire hydrant;
 - 7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or marking;
 9. Within fifty (50) feet of the nearest rail of a railroad crossing;
 10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance, when properly sign posted;
 11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except when loading or unloading as provided by this chapter or other ordinances of the city;
 12. On any bridge or other elevated structure, except where indicated otherwise;
 13. On a highway or within a highway tunnel;
 14. Upon any islands which separate traffic lanes;
 15. Where official signs or markings have been erected or painted prohibiting parking or stopping;
 16. In a bicycle lane, multi-use path, or other areas designated for bicycles except when a service or delivery vehicle is loading, unloading, or providing temporary service in the area. .
- B. This section shall not apply to any emergency vehicle of a Fire Department, Police, or Sheriff Department, Emergency Medical Services, official vehicles of the city, county, or state, official volunteer firefighters and emergency medical technicians, and any other type of departmental equipment used by them, while and where actually engaged in authorized work upon the surface or other portions or appurtenances to a highway, except that all such persons shall exercise reasonable care to avoid injury to any person or damage to any property. This section shall not apply to those vehicles stopping or standing when in a line of traffic due to official traffic-control devices, signals, or orders of public safety officers.

Section 6. Chapter 7.07 is hereby repealed in its entirety and new Chapter 7.07, attached hereto and incorporated herein, is adopted.

Section 7. This Ordinance shall take effect upon passage, approval by the Mayor and publication as may be required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette,
Indiana this _____ day of _____, 2023.

LAUREN AHLERSMEYER, President

ATTEST:

CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this _____ day
of _____, 2023.

CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this _____ day of _____, 2023.

TONY ROSWARSKI, Mayor

ATTEST:

CINDY MURRAY, City Clerk

Sponsored by: Jacque Chosnek, City Attorney

Chapter 7.07 BICYCLES

7.07.010 Effect of regulations.

- A. It is an offense for any person to do any act forbidden, or fail to perform any act required by this chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child to violate any of the provisions of this chapter.
- C. These regulations applicable to bicycles shall apply whenever a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

7.07.020 through 7.07.090 concerning bicycle licensing are hereby repealed and reserved for future use

7.07.100 Bicycle rentals.

A rental agency shall not rent or offer to rent a bicycle unless the bicycle is equipped with the lamps and other equipment required by Indiana Code § 9-21-11-8 and § 9-21-11-9.

7.07.110 Applicability of traffic rules and regulations.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the state declaring rules of the road applicable to vehicles or by this chapter or other traffic ordinances of the city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

7.07.120 Obedience to traffic signals.

- A. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles unless otherwise directed by the police officer.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from a bicycle to make any such turn, in which event such person shall obey the regulations applicable to pedestrians. 7.07.130 concerning riding on bicycles is repealed and the section reserved for future use

7.07.140 Operation of bicycle on roadway/multi-use trail.

- A. A person operating a bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane of the roadway subject to the following:
 - 1. If the right-handed lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles.
 - a. A person operating a bicycle may use a lane other than the right-hand lane when:
 - Overtaking or passing another vehicle proceeding in the same direction;
 - Preparing for a left turn at an intersection or into a private road or driveway
 - Reasonably necessary to avoid conditions, including, but not limited to: fixed or moving objects, parked or moving vehicles, bicycles and a motor vehicle to travel safely side by side within such lanes;

- d. Approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a bicyclist may ride on the left-hand side of such dedicated lane, even if the bicyclist does not intend to turn right;
 - e. Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist;
 - f. Riding on parts of roadways set aside for the exclusive use of bicycles, including, but not limited to bike lanes.
- B. A person operating a bicycle shall not be required to:
- 1. Ride over or through hazards at the edge of a roadway, including, but not limited to: fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - 2. Ride without a reasonably safety margin on the right-hand side of the roadway;
- C. A person operating a bicycle lane or multi-use path shall have the same rights and responsibilities to cross an intersecting roadway as does an operator of a motor vehicle.
- D. A person operating a bicycle in compliance with this section is not violating any other section of law is not impeding traffic.

7.07.150 Speed restrictions.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions existing.

7.07.160 Bicycle entering roadway.

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

7.07.170 Attaching to other vehicles.

No person riding on any bicycle shall attach the same or self to any street passenger bus or vehicle on the roadway.

7.07.180 concerning carrying packages is hereby repealed and the section reserved for future use

7.07.190 Parking.

- A. No person shall park a bicycle on a street other than upon the roadway against the curb, or on the sidewalk in a rack to support the bicycle, or against a building or at the curb in such manner as to afford the least amount of obstruction to pedestrian traffic.
- B. No person shall park a bicycle in such a way as to hinder or restrict access to handrails or ramps; or cause an immediate safety hazard or a public nuisance.
- C. No person shall lock a bicycle to a tree, or a sign post serving a space designated for handicapped parking.
- D. No person shall leave a bicycle locked to a pole, post or bicycle rack in the public right-of-way or on public property for more than seven days.

7.07.200 Riding on sidewalks.

- A. No person shall ride a bicycle on a sidewalk within the Central Business District.
- B. The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey the same.
- C. Whenever any person is riding a bicycle on a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing pedestrian.
- D. On all streets on which the City Traffic Engineer has designated marked bicycle lanes, all bicycles being ridden in either direction upon such streets shall be ridden within such bicycle lane, except when leaving such street.

7.07.210 concerning required equipment is hereby repealed and the section reserved for future use

7.07.220 Abandoned bicycles.

- A. It shall be unlawful for any person to abandon any bicycle on a public right-of-way or public property within the city.
- B. A bicycle shall be deemed abandoned if it is in such a state of disrepair as to be incapable of being operated in its present condition, or has not been moved or used in more than seven days, or bears physical indication of having been deserted.

7.07.230 Issuance of order to remove bicycle from public property.

- A. Any bicycle deemed abandoned under Section 7.07.220 may have a notice affixed to it by a member of the Ordinance Violations Bureau or a member of the Police Department which informs the bicycle's owner that the bicycle appears to be abandoned. The notice shall indicate a telephone number for the owner to call to inform the city that the bicycle is not abandoned and the date after which the bicycle may be removed if it is not claimed by the its owner.
- B. A bicycle shall not be deemed to be abandoned if the owner, within seven days of the notice of abandonment, notifies the city, at the telephone number listed on the notice, that the bicycle is not abandoned.
- C. If the bicycle is not relocated or claimed by its owner within seven days of the notice of abandonment, the bicycle may be removed and impounded.
- D. An impounded bicycle can be reclaimed by the owner upon providing sufficient evidence of ownership and payment of a thirty dollar (\$30.00) fee.
- E. An impounded bicycle is subject to disposal in accordance with state law if it remains unclaimed for a period of one year.

7.07.990 Penalty.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00)