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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO MOTOR VEHICLES AND TRAFFIC; AMENDING CHAPTER 32 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2007, BY AMENDING SECTION 32-1 OF ARTICLE I REGARDING THE DEFINITION OF BICYCLE ROUTE AND ADDING A DEFINITION FOR RECUMBENT BICYCLE; BY AMENDING SECTIONS 32-479, 32-488, 32-489, 32-490, AND 32-491 OF ARTICLE XIV REGARDING RIDING BICYCLES ON ROADWAYS, BICYCLE ROUTES, BICYCLE LANES, AND BICYCLE PATHS GENERALLY; CARRYING ARTICLES OR PERSONS; BICYCLE PARKING; LAMPS AND EQUIPMENT ON BICYCLES; AND THE PROPER METHOD OF OVERTAKING BICYCLES WHILE OPERATING A MOTOR VEHICLE; AND BY AMENDING SECTION 32-582 OF ARTICLE XVII TO REMOVE BICYCLE REFERENCE.

**ORDINANCE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

**SECTION 1.** That Section 32-1 of Article I of Chapter 32 of the Oklahoma City Municipal Code, 2007, is hereby amended to read as follows:

**CHAPTER 32**

**MOTOR VEHICLES AND TRAFFIC**

**ARTICLE I. IN GENERAL**

**§ 32-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alley* means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings or buildings.

- (2) *Ambulance* means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons.
- (3) *Bicycle* means a device propelled by human power upon which any person may ride, having two tandem wheels.
- (4) *Bicycle lane* means a portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs, or other traffic control devices.
- (5) *Bicycle path* means a facility which is on a completely separate right-of-way designated for the exclusive use of bicycles and pedestrians with cross flows by motorists minimized.
- (6) *Bicycle route* means any ~~street roadway~~ so designated and signed ~~for movement of bicycles which allows a bicycle operator to use the full traffic lane,~~ notwithstanding its the traffic lane's continued use by other ~~traffic vehicles.~~ On roadways consisting of two or more lanes in the same direction of travel, the bicycle route shall be the outside or furthest right-hand through traffic lane only. The Traffic and Transportation Commission is hereby authorized to designate bicycle routes in accordance with this Article and the Oklahoma City Bicycle Transportation Plan, or as may hereafter be amended. A Share the Road sign does not indicate a designated bicycle route.
- (7) *Business district* means the territory contiguous to and including a highway if there are buildings within 600 feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.
- (8) *Commercial vehicle* means a vehicle designed, maintained, or used primarily for the transportation of property.
- (9) *Commission* means the Traffic and Transportation Commission of the City.
- (10) *Crosswalk* means:
  - (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; and
  - (b) any portion of a roadway at an intersection or elsewhere distinctly designated for pedestrian crossing by lines or other markings on the surface.
- (11) *Director* means the Public Works Director.

- (12) *Double park* means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.
- (13) *Driver or operator* means a person who drives or is in actual physical control of a vehicle.
- (14) *Emergency* means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic.
- (15) *Emergency vehicle* means vehicles of the Fire and Police Departments and legally authorized ambulances and emergency vehicles of municipal departments or public service corporations.
- (16) *Intersection* means:
- (a) the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines, of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; and
  - (b) if a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (17) *Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- (18) *Limit lines* means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required.
- (19) *Limited access highway* means a highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.
- (20) *Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

- (21) *Motorcycle, motor scooter, and motor bicycle* means a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground.
- (22) *Motor vehicle* means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires, but not operated upon rails.
- (23) *Off-road recreational vehicle* means any multi-wheeled vehicle designed to travel over unimproved terrain which weighs less than 500 pounds and has an engine size less than 500 cubic centimeters.
- (24) *Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place.
- (25) *Pedestrian* means any person on foot.
- (26) *Police officer* means an officer of the Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (27) *Private road or roadway* means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.
- (28) *Railroad* means a carrier of persons or property upon cars other than streetcars, operated upon stationary rails.
- (29) *Railroad train* means a locomotive or engine, with or without cars attached, which is operated upon fixed rails and is not a streetcar.
- (30) *Recumbent bicycle* means a bicycle which places the operator in a reclining position.
- ~~(30)~~ (31) *Residence district* means the territory contiguous to and including a highway not comprising a business district.
- ~~(31)~~ (32) *Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- ~~(32)~~ (33) *Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If highway includes two or more separate roadways the term "roadway" as used herein shall

mean any one of the roadways included in the highway and not all such roadways collectively.

~~(33)~~ (34) *Safety zone* means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by adequate signs so as to be plainly visible at all times.

~~(34)~~ (35) *School zone* means any street or highway or portion thereof officially designated and marked as a school zone.

~~(35)~~ (36) *Shoulder* means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

~~(36)~~ (37) *Sidewalk* means that portion of a highway between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

~~(37)~~ (38) *Skateboard* means a device consisting of a short narrow board of any material with wheels affixed to the underside, designed to be ridden by a person.

~~(38)~~ (39) *Standing* means any stopping of a vehicle whether occupied or not.

~~(39)~~ (40) *Stop, when required*, means the complete cessation of movement.

~~(40)~~ (41) *Stop or stopping, when not required*, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic signal.

~~(41)~~ (42) *Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~(42)~~ (43) *Through street or boulevard* shall mean a street or highway or portion thereof at the entrances to which:

(a) vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

(b) stop signs are erected as provided in this chapter.

~~(43)~~ (44) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

~~(44)~~ (45) *Traffic control devices* means any device legally authorized and used for the purpose of regulating, warning or guiding traffic.

~~(45)~~ (46) *U-turn* means a turn by which a vehicle reverses its course of travel on the same street.

~~(46)~~ (47) *Vehicle* means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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**SECTION 2.** That Sections 32-479, 32- 489 and 32-491 of Article XIV of Chapter 32 of the Oklahoma City Municipal Code, 2007, are hereby amended to read as follows:

#### ARTICLE XIV. BICYCLES

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##### **§ 32-479. Riding on roadways, bicycle routes, bicycle lanes, and bicycle paths generally.**

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as is safe, except when ~~under any of the following situations:~~
- (1) ~~whenever~~ exercising due care and overtaking or passing another bicycle, vehicle or pedestrian proceeding in the same direction;
  - (2) ~~when~~ preparing for a left turn at an intersection or into a private road or driveway;
  - (3) ~~when~~ reasonably necessary to avoid debris or other hazardous conditions and while exercising due care; or
  - (4) riding on a designated and signed bicycle route, in which case the bicycle operator may use the full outside or furthest right-hand through traffic lane.
- (b) Persons riding bicycles ~~upon a roadway~~ shall not ride more than two abreast except on bicycle paths, or parts of roadways set aside for the exclusive use of bicycles.
- (c) ~~Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out~~

~~of the lane under any of the following situations:~~ When riding on roadways with designated bicycle lanes, the bicycle operator shall ride within the bicycle lane, except when:

- (1) ~~whenever~~ overtaking or passing another bicycle, vehicle or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane- ;
- (2) ~~when~~ preparing for a turn at an intersection or into a private road or driveway- ; or
- (3) ~~when reasonably~~ necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

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**§ 32-488. Carrying articles or persons.**

- (a) No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.
- (b) No person operating a bicycle shall carry any other person upon or within such bicycle, except that it shall be permissible for an operator who has attained the age of 16 years or older to carry a passenger if the bicycle has either a double seating space with double foot rests or a child bicycle seat safely affixed to the bicycle.

**§ 32-489. Parking.**

No person shall park a bicycle ~~upon a street other than upon the roadway against the curb or upon a roadway.~~ Bicycles shall be parked upon 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 obstruction to pedestrian traffic.

**§ 32-490. Lamps and equipment on bicycles.**

- (a) Bicycles in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from 50 feet to 300 feet to the rear. 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.
- (b) A bicycle shall not be equipped with, nor shall any person use, any siren or whistle upon a bicycle.
- (c) Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

- (d) Handlebars on bicycles shall not exceed 12 inches in height, measured from the crown or point of attachment, except on recumbent bicycles.

\* \* \*

**§ 32-491. Motor vehicles Overtaking bicycles.**

- (a) When overtaking and passing a bicycle, which is proceeding in the same direction and is as close as is safe to the right-hand side of the roadway, which is not designated and signed as a bicycle route, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.
- (b) When overtaking and passing a bicycle on a roadway designated and signed as a bicycle route, a person driving a motor vehicle shall change lanes to overtake and pass the bicycle, except that a person driving a motor vehicle shall not attempt to pass the bicycle in a no-passing zone.
- (c) If attempting to overtake and pass a bicycle in accordance with this section, a person driving a motor vehicle shall continue to comply with all traffic control devices and pavement markings which prohibit lane changes.

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**SECTION 3.** That Section 32-582 of Article XVII of Chapter 32 of the Oklahoma City Municipal Code, 2007, is hereby amended to read as follows:

**ARTICLE XVII. MISCELLANEOUS RULES**

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**§32-582. Limitation on use of motorcycles, bicycles and motor scooters.**

- (a) No driver of a two- or three-wheel motor vehicle ~~or bicycle~~ shall carry any other person upon or within such vehicle on any street or highway, except as provided below:

- (1) if any two- or three-wheel motor vehicle with a wheel diameter of 12 inches or greater ~~or any bicycle~~ shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such side car attachment for each person riding therein so that such person shall be seated entirely within the body of said side car, then it shall be permissible for an operator who has attained the age of 16 or older to carry a passenger;
- (2) a demonstration ride by a licensed dealer or his employee is permissible.
- (b) No motorcycle or motor scooter shall be ridden upon any sidewalk.
- (c) Handlebars on ~~bicycles~~, motorcycles and motor scooters shall not exceed 12 inches in height, measured from the crown or point of attachment.
- (d) No rider of a motorcycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled.

**INTRODUCED AND READ** in open meeting of the Council of The City of Oklahoma City this 26th day of April, 2011.

**PASSED** by the Council of The City of Oklahoma City this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**SIGNED** by the Mayor of The City of Oklahoma City this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

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City Clerk

**REVIEWED** for form and legality.



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Assistant Municipal Counselor