

ORDINANCE NO. 811
ELIZABETHTOWN BOROUGH

Repealing Ordinance No. 565, **BICYCLES**, in its entirety and replacing Ordinance No. 565 with new Bicycle regulations.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Elizabethtown, County of Lancaster, Pennsylvania as follows:

SECTION 1. Ordinance No. 565 of the Borough Code of the Borough of Elizabethtown is hereby repealed and replaced with the regulations contained herein.

SECTION 2. RESIDENTS: LICENSE REQUIRED; RESPONSIBILITY OF PARENTS OR GUARDIANS.

No person who resides in the Borough of Elizabethtown shall ride or propel a bicycle upon any street or public alley or on any public path set aside for the exclusive use of bicycles unless such bicycle shall have been licensed and a license plate shall have been attached thereto as provided herein. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Part.

SECTION 3. NONRESIDENTS: LICENSE REQUIRED; LICENSE PLATES.

No person not a resident of the Borough of Elizabethtown shall ride or propel a bicycle ordinarily kept within or rented from any place within the limits of said Borough, on any street or public alley or on any public path set aside for the exclusive use of bicycles, unless such bicycle shall have been licensed and a license plate shall be attached thereto as provided herein.

SECTION 4. ISSUANCE OF LICENSE; FEE; SERIAL NUMBERS ASSIGNED; TIME OF ISSUANCE.

The Mayor or Chief of Police is hereby authorized and directed to issue bicycle licenses at a fee in an amount as established from time to time by resolution. Such licenses shall be provided by the Borough and shall be serially numbered, and the Mayor or Chief of Police shall keep a record of the same, which record shall include the name and address of the holder of each license and serial number of the bicycle for which the license is issued. The Mayor is hereby authorized to designate from time to time when bicycle licenses shall be issued.

SECTION 5. NONTRANSFERABILITY.

No bicycle license shall be transferable from one person to another. Any licensee may have such license transferred from one bicycle to another, at no cost, upon proper application to the Mayor or Chief of Police, who shall grant transfer and make a record of the same.

SECTION 6. ATTACHMENT OF LICENSE PLATE; REPLACEMENT.

Every bicycle license shall be attached to the bicycle for which it was issued in a conspicuous place. Every holder of a bicycle license shall promptly replace any license issued to him which may have been lost or disfigured to such an extent as to be illegible. Replacement licenses shall be obtained from the Mayor or Chief of Police in the same manner as is provided herein for original licenses, and a fee, as established from time to time by resolution, shall be payable thereafter.

SECTION 7. SUSPENSION OF LICENSE.

No license, transfer or replacement shall be granted to any person during any period of suspension of his license.

SECTION 8. COMPLIANCE WITH VEHICLE AND TRAFFIC ORDINANCES.

It shall be unlawful for any person to operate a bicycle upon any street or public alley in the Borough of Elizabethtown in violation of the Vehicle Code or in violation of any traffic ordinance of the Borough of Elizabethtown.

SECTION 9. OPERATION AND EQUIPMENT.

- A. No bicycle shall be operated upon a sidewalk downtown, on Market Street, from Mechanics Alley to Washington Street and on High Street, from Cherry Alley to Poplar Street.
- B. It shall be unlawful for any person to park a bicycle upon a street or sidewalk in such a manner as to obstruct pedestrian traffic.
- C. The operator of a bicycle shall always give way to pedestrian traffic.
- D. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- E. Elizabethtown Borough Police Department officers, in performance of their official duties, shall be exempted from the rules and regulations contained in this Section. (Ordinance 773)
- F. It shall be unlawful for a person propelling a bicycle to operate the bicycle at a speed greater than is reasonable and prudent under the circumstances then existing.
- G. It shall be unlawful for a person operating a bicycle to carry any package, bundle or article which prevents the operator from keeping at least one (1) hand upon the handlebar.

- H. It shall be unlawful for any person to operate a bicycle with a wheel diameter of more than seventeen inches (17) inches upon any sidewalk in the Borough. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- I. It shall be unlawful for any person to operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that no bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.
- J. It shall be unlawful for any person to park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.
- K. The operator of a bicycle emerging from any alley, driveway or building shall, upon approaching a sidewalk of the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk areas, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
- L. It shall be unlawful for any person operating a bicycle upon any street or public alley in the Borough of Elizabethtown to propel such bicycle abreast or to the left of any other person so propelling a bicycle, except in passing such bicycle or on paths or parts of paths set aside for the exclusive use of bicycles. "Abreast" is defined as being that condition existing when the front wheel on one (1) bicycle shall be opposite any portion of another bicycle traveling in the same direction.
- M. Every bicycle shall be equipped with a braking system which will stop the bicycle in fifteen (15) feet from an initial speed of fifteen (15) miles per hour on a dry, level, clean pavement.
- N. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped for except that an adult rider may transport a child in a bicycle child carrier which is securely attached to the bicycle or in a trailer which is towed by the bicycle. All riders must have a bonafide regular seat which is securely attached to the bicycle.
- O. Every bicycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the bicycle operator's path and visible from a distance of at least five hundred (500) feet to the front and a red reflector, red light or light-emitting diode or similar device on the rear which shall be visible from five hundred (500) feet to the rear.

SECTION 10. REQUIREMENT FOR SERIAL AND/OR IDENTIFICATION NUMBER.

Every bicycle shall contain a readable serial or identification number which shall be placed upon or incorporated into the bicycle in such manner as to be a permanent part of the bicycle.

SECTION 11. REMOVAL OR FALSIFICATION OF SERIAL AND/OR IDENTIFICATION NUMBER.

It shall be unlawful for any person to ride, transport, or possess any bicycle with a false, removed, altered or unreadable serial and/or identification number.

SECTION 12. DEALING WITH PEDALCYCLES AND/OR BICYCLES WITH REMOVED OR FALSIFIED NUMBERS.

It shall be unlawful for any person to buy, receive, possess, sell, offer for sale, or dispose of any pedalcycle or bicycle or any part bearing a serial or identification number, knowing that a serial or identification number has been removed, altered, falsified or is unreadable.

SECTION 13. REPLACEMENT OF SERIAL AND/OR IDENTIFICATION NUMBER.

- a) General Rule - No bicycle which the serial or identification number has been removed, altered, falsified or unreadable shall be licensed without a proper replacement identification number.
- b) Police Department to affix replacement identification number - Before a bicycle license can be obtained, the owner shall apply to the Police Department for a replacement identification number on a form furnished by the Police Department which shall contain the full name, address and telephone number of the owner, the make and model of the bicycle and proof of ownership as the Chief of Police may deem necessary.
- c) The identification number shall be affixed to the frame, under the pedal crankcase of the bicycle.
- d) Cost of affixing identification number - The Police Department shall charge a fee, as established from time to time by resolution, for affixing an identification to each bicycle.
- e) Format of identification number - The Police Department shall affix a replacement identification number which shall be a five (5) digit number.
 - 1. The first two (2) digits shall be the last two digits of the current year.
 - 2. The last three digits shall be the sequential number, starting with 001, of the identification number issued for that calendar year.

SECTION 14. VIOLATIONS AND PENALTIES.

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof:

- a. For sections 2 through 9.
 1. For a first offense, have the bicycle impounded by the Police Department for a period not exceeding fifteen (15) days.
 2. For a second offense, have the bicycle impounded by the Police Department for a period not to exceed thirty (30) days.
 3. For a third or subsequent offense, have the bicycle impounded by the Police Department for a period not to exceed sixty (60) days and/or be sentenced to pay a fine of not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00), plus the costs of prosecution.
- b. For sections 10 through 12.
 1. For a first offense of section 10, 11, 12 the bicycle shall be impounded by the Police Department until such time as ownership can be proven by written documentation, but not less than thirty (30) days, and/or be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), plus cost of prosecution.
 2. For a second or subsequent offense of section 10, 11, 12 the bicycle shall be impounded by the Police Department until time as ownership can be proven by written documentation, but not less than sixty (60) days, and be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), plus cost of prosecution.

SECTION 15. BICYCLE LICENSE FEE AND REPLACEMENT SERIAL NUMBER FEE.

a) The fee for acquiring a bicycle license is five (\$5.00) dollars and may be changed from time to time by resolution of Borough Council.

b) The fee for affixing a replacement serial or identification number is (\$5.00) dollars and may be changed from time to time by resolution of Borough Council.

SECTION 16. All ordinances or parts of ordinances inconsistent herewith are hereby repealed insofar as they may conflict with this ordinance.

ORDAINED AND ENACTED this 18th day of May, 2000.

Secretary

[Signature]

Council President

Merade H. Briley

APPROVED this 18th day of May, 2000.

Mayor

C. Bud Heiner