

ORDINANCE NO. 13 , 2010

**AN ORDINANCE AMENDING THE TRAFFIC CODE TO INCREASE
SAFETY AND AWARENESS FOR BICYCLE TRAVEL**

WHEREAS, across Hamilton County there is a cooperative effort to encourage bicycle travel; and

WHEREAS, with the increased use of bicycles in and through Montgomery and surrounding communities, the Police Department has recommended certain updates to the Traffic Code to expand the traffic regulations to improve bicycle safety; and

WHEREAS, Council has accepted such recommendation and has proposed to enact the following amendments to the Traffic Code to meet this goal in the City and in support of the cooperative effort among Hamilton County communities.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 72.04 of the Code of Ordinances, *Rules Governing Overtaking and Passing of Vehicles*, is hereby amended to add the following subsection (A)(4):

(A)(4) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, but not less than three feet, when passing the bicycle and the operator of the motor vehicle shall maintain that distance until safely past the overtaken bicycle.

SECTION 2. Section 72.21, *Right-of-Way When Turning Left*, shall be amended to read as follows:

72.21 *Right-of-Way When Turning From A Roadway.*

(A) The operator of a motor vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any motor vehicle or bicycle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(B) When a motor vehicle and a bicycle are traveling in the same direction on any roadway, the operator of the motor vehicle overtaking such bicycle, traveling on the right side of the roadway, shall not turn to the right in front of the bicycle at any intersection or at any alley or driveway until such motor vehicle has overtaken and is safely clear of the bicycle.

(C) Except as otherwise provided in this division, whoever violates 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, then 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 offenses, then whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 3. Section 72.171 entitled *Opening and Closing Vehicle Doors* shall be adopted reading as follows:

72.171 Opening and Closing Vehicle Doors

(A) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, including bicyclists, nor shall

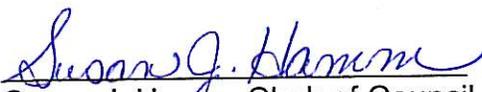
any person leave a door open on the side of a vehicle available to moving traffic including bicyclists for a period of time longer than necessary to load or unload passengers.

(B) Except as otherwise provided in this division, whoever violates 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, then 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 offenses, then whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 4. The sections and subsections of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective, for any cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: December 1, 2010

ATTEST: 
Susan J. Hamm, Clerk of Council


Gerri Harbison, Mayor

APPROVED AS TO FORM:


Terrence M. Donnellon, Law Director