

BICYCLES, SKATEBOARDS, ROLLER SKATES, AND OTHER PERSONALLY PROPELLED VEHICLES.

Sec. 200-20 When and where applicable.

The regulations in this ordinance are applicable to bicycles, skateboards, roller skates, roller blades, and other personally propelled vehicles. For the purpose of this ordinance, a “personally propelled vehicle” includes any typed of vehicle, whether motor drive or propelled by individual effort and contains one, two (2), three (3) or four (4) wheels, or any coaster, or sled, or toy vehicle.

(Code 1971, §4-9)

State law references: Similar law, W.Va. Code § 17C-11-1 ©.

Sec. 200-20-01. Clinging to vehicles.

No person riding upon any bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicle shall attach said device or such person’s self to any vehicle upon a roadway.

(Code 1971, §4-17)

State law references: Similar provisions, W.Va. Code § 17C-11-4.

Sec. 200-20-02. Compliance required; parents and guardians to permit no violations. (a) It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this ordinance. (b) 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 this provisions of this ordinance.

(Code 1971, §4-8)

State law references: Similar law, W.Va Code §17C-11-1 (a), (b).

Sec. 200-20-03. Applicability of city and state traffic laws.

Every person propelling or riding a bicycle upon a public roadway shall be subject to the provisions of this ordinance and state laws applicable to the operator of any vehicle, except those provisions with reference to equipment of a vehicle other than a bicycle and except those provisions which by their nature would have no application or which are otherwise covered by special regulations in this ordinance.

(Code 1971, §4-10)

State law references: Bicycle riders granted all rights and being subject to all the duties of vehicle drivers, W.Va. Code §17C-11-2.

Sec. 200-20-04. Lights and reflectors-types; when required.

Every bicycle when 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 five hundred (500) feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Code 1971, § 4-4)

State law references: Similar provisions, W.Va. Code, §17C-11-7(a).

Sec. 200-20-05. Same – Hours during which lamps must be lighted.

The lights required in this ordinance shall be kept lighted from one – half (1/2) hour after sunset until one-half (1/2) hour before sunrise on every bicycle while operated on any street; provided, that the state laws governing lights on vehicles shall apply whenever applicable within the city.

(Code 1971, § 4-5)

State law references: When lighted lamps required, W.Va. Code §17C-15-2.

Sec. 200-20-06. Warning bell or signal.

No person shall 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 a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(Code 1971, §4-6)

State law references: Lamps and other equipment on bicycles W.Va. Code §17C-11-7(b)

Sec. 200-20-07. Brakes.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code 1971, §4-7)

State law references: Lamps and other equipment on bicycles W.Va Code §17C-11-7(c)

Sec. 200-20-08. Use of bicycle paths required where available.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code 1971, §4-11)

State law reference: similar provisions, W.Va. Code §17C-11-5(c) .

Sec. 200-20-09. Manner of riding on roadways.

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of a roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Code 1971, §4-12)

State law references: Similar law, W.Va. Code §17C-11-5(a), (b).

Sec. 200-20-10. Riding on sidewalks.

- (a) No person shall ride a bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicle, except wheelchairs on the following sidewalk in the City of Glenville: East Main Street from North Lewis street to Morris Street; North Lewis Street from Main Street to Church Street and South Lewis Street from Main Street to the bridge; North Court Street from Main Street to High Street, Conrad Court from Main Street to the old bridge; Powell Street from Conrad Court to South Lewis Street and North Bank Street from Main Street to Howard Street, and South Bank Street from Main Street to Powell Street; North Rollyson Street from Main Street to Howard Street and South Rollyson Street from Main Street to Powell Street; and Howard Street from Court Street to Bank Street and Linn Street from Court Street to the Glenville State College Physical Education Building during the hours from 8:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 2:00 p.m. on Saturdays, Sundays and holidays, or anytime during festivals, parades and other city approved special events.

- (b) No person shall ride a bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicles on any pedestrian pathway or fitness trail or other pathways designed primarily for use by pedestrians with the exception of the pathways from Charles Street to South Street and Kanawha Street to South Street.
 - (c) Upon the apprehension and citation of a person violating this section the police shall have the authority to immediately impound the vehicle, skateboard, roller skates, roller blades, or other personally propelled vehicle pending disposition by the municipal judge.
- (Code 1971, §4-15)

Sec. 200-20-11. Use of seats; number of riders.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
 - (b) No bicycle shall be used to carry more passengers at one time than the number for which it is designed and equipped.
- (Code 1971, §4-15)

State law references: Similar provisions W.Va. Code, §17C-11-3.

Sec. 200-20-12. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar.

(Code 1971, §4-16)

State law references: Similar provisions W.Va. Code §17C-11-6

Sec. 200-20-13.

- (a) Every person convicted of a violation of this section shall for a first conviction thereof be punished by a fine of not more than twenty-five dollars (\$25.00); for a second such conviction within six (6) months thereafter, such person shall be punished by a fine of not more than fifty dollars (\$50.00) and impoundment of bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicles for one (1) month; and upon a third or subsequent conviction, such person shall be punished by a fine of not more than one hundred and fifty dollars (\$150.00) and impoundment for two (2) months of bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicles.
- (b) Upon the impoundment of any bicycle, skateboard, roller skates, roller blades, or other personally propelled vehicle, said bicycle, skateboard, roller skates, or other personally propelled vehicle shall not be released from impoundment unless to the custody of the parent of any child below the age of eighteen (18) years, or the guardian of any ward below the age of eighteen (18) years, and only when said parent or guardian appears with said child or ward before the municipal judge.

(Code 1971, §4-13)

(c) None of these offenses are to be considered criminal offenses for any person who is convicted or who is under the age of eighteen (18) years of age.

Sec. 200-20-14. Requirements for helmet use.

- (a) It is unlawful for any person under fifteen years of age to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

(b) It is unlawful for any parent or legal guardian of a person under fifteen years of age to knowingly permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet. (1996, c 76.)

State law references: Similar provisions W.Va. Code §17C-11A-4.

Sec. 200-20-15. Helmet Violation Penalties.

- (a) Notwithstanding the provisions of section one (§17C-18-1), article eighteen of chapter seventeen C, W.Va. Code (1931), as amended, any parent or legal guardian violating any requirements set forth in section 200-20-14 of this ordinance shall be fined ten dollars or be required to perform two hours in community service related to a child injury prevention program which includes injury prevention education or both fined and required to perform such community service. Notwithstanding the provisions of section one (§8-11-1), article eleven, chapter eight of W.Va. Code (1931), as amended, no court costs may be assessed to any person violating the requirements of section 200-20-14 of this ordinance.
- (b) In the case of a first violation of section 200-20-14 of this ordinance, the court may waive the fine upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from the date of the violation, purchased or otherwise obtained , a protective bicycle helmet.
- (c) It is an absolute defense to a charge for a violation of this article that a parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may be demonstrated by the filing of a financial affidavit in accordance with the provisions of subsection (c), section one (§59-2-1-C), article two, chapter fifty-nine of W.Va Code (1931), as amended. Any person who demonstrates inability to pay shall be referred to the governor's highway safety program for assistance in obtaining the appropriate helmet or helmets. (1996, c. 76).

State law references: Similar provisions W.Va Code §17C-11A-4.

CERTIFICATE OF ENACTMENT

I, John D. Bennett, Mayor do hereby certify that this ordinance was lawfully ordained with the first reading held on the 1st day of October, 2007 and the final reading and adoption was held at the regular council session assembled on the 7th day of January 2008 and shall be in force and effect as of January 7th 2008.

Given under my hand for the City of Glenville, this 7th day of January 2008

ATTEST: _____
Cathy Nolan, Recorder

John D. Bennett, Mayor