

ORDINANCE NO. 12-83

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Heintz ON  
THE 20th DAY OF June, 1983.

AN EMERGENCY ORDINANCE ENACTING CHAPTER 377 OF THE  
CENTERVILLE MUNICIPAL CODE REGULATING MOPEDS WITHIN  
THE CITY.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following Chapter 377 of the Centerville  
Municipal Code is hereby enacted:

377.01 CODE APPLICATION AND DEFINITIONS.

(a) The provisions of this Traffic Code which are applicable to mopeds apply whenever a moped is operated upon any street or upon any path set aside for the exclusive use of mopeds.

(b) Every person riding a moped upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle under the provisions of this Traffic Code, except as to special regulations in this section and except as to those provisions of this Traffic Code which by their nature can have no application.

(c) "Moped" means any vehicle having either two tandem wheels or one wheel in front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor and that otherwise complies with Ohio Revised Code Section 4511.01 H.

377.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.

(a) For the purposes of this Section, "moped" has the same meaning as given that term in Section 377.01(c).

(b) A person operating a moped shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such moped, nor shall any person ride upon a moped other than upon such firmly attached and regular seat.

(c) A person shall ride upon a moped only while sitting astride the seat, facing forward, with one leg on each side of the moped.

(d) No moped shall be used to carry more than one person, nor shall any moped be operated on a roadway when the handlebars or grips are more than 15 inches higher than the seat or saddle for the operator.

(e) No person shall operate a moped without using safety glasses or other protective eye device. No person who is under the age of 18 years, or who holds a motorized bicycle license as provided in Section 4511.521 of the Ohio Revised Code, shall operate a moped on a roadway unless wearing a

protective helmet on his head. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Department of Highway Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

377.03 ATTACHING A MOPED TO ANOTHER MOTOR VEHICLE.

(a) No person riding upon a moped shall attach the same or himself to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any moped to attach the same or himself to any vehicle while it is moving upon a roadway.

377.04 RIDING MOPEDES ON RIGHT SIDE OF ROADWAY AND ABREAST.

(a) Every person operating a moped upon a roadway shall ride as near to the right side of the roadway as practicable, obeying all traffic rules applicable to vehicles and exercising due care with passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding mopeds upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of mopeds.

377.05 LIGHTS, SIGNAL DEVICES, BRAKES ON MOPEDES.

(a) Every moped when in use at the times specified in 377.02 shall be equipped with a lamp on the front that 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 approved by the Ohio Director of Highway Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle and a lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector.

(b) Every moped shall be equipped with an adequate brake when used on a street or highway.

377.06 SAFE RIDING REGULATIONS FOR MOPEDES.

(a) No person operating a moped shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the places in the City.

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

(c) No person shall ride a moped upon a sidewalk.

(d) No person shall operate a moped:

(1) Without due regard for the safety and rights of pedestrians, and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property.

(2) Without exercising reasonable and ordinary control over such moped.

(3) In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(4) Without both hands on the handle grips except when necessary to give the required hand and arm signals.

(5) At a speed greater than is reasonable and prudent under the conditions then existing.

#### 377.07 PARKING OF MOPED.

(a) No person shall park a moped in such a manner so as to obstruct pedestrian or vehicular traffic.

#### 377.08 IMPOUNDING OF MOPED.

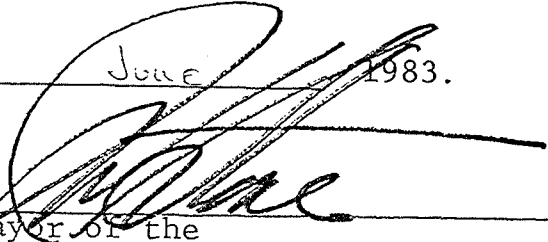
(a) Members of the Police Department are hereby authorized to seize and impound any moped which is parked in violation of Section 377.07 of this Chapter. Any moped so seized and impounded shall be held by the Department until the owner and such owner's parent or guardian, shall appear at the Department and give assurance that such violation shall not be repeated.

#### 377.99 PENALTY.

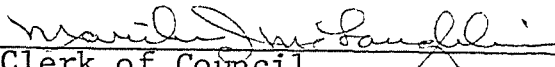
(See Section 303.99 for misdemeanor classifications and penalties.)

Section 2. This Ordinance is hereby declared to be an emergency measure and shall become effective on the 1st day of July, 1983. An emergency affecting public safety and welfare exists by virtue of the present danger to all moped drivers who do not utilize the equipment provided for herein.

PASSED this 20th day of June 1983.

  
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Mayor of the  
City of Centerville, Ohio

ATTEST:

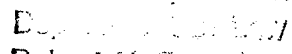
  
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Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 12-83, passed by the Council of the City of Centerville, Ohio, on the 20th day of June, 1983.

  
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Clerk of Council

Approved as to form, consistency,  
with existing ordinances, the  
charter & council regulations,

  
\_\_\_\_\_  
Robert N. Farquhar  
Municipal Attorney