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CH25 25 .6 - Regulation of Bicycles

An Ordinance to Provide for the Regulation of Use of Bicycles within the Town of Lapel

SECTION ONE: Statement of Purpose and application.

- A. The intent and purpose of this ordinance is to respond to the increasing intensity of bicycle movement throughout the Town for purposes of recreation, business, school attendance, and the achievement of better health created by a substantial number of citizens of all ages. The ordinance is intended to promote safety of all persons operating bicycles upon the streets of the Town; to achieve greater harmony between motorized and non-motorized traffic moving upon the streets; and to aid in permitting a more orderly flow of bicycle traffic upon the streets; and to aid in permitting a more orderly flow of bicycle traffic upon the streets in full accord with a prescribed set of standards designed to maintain such order. This provisions hereafter apply to the regulation applicable to bicycles within the Town of Lapel as authorized under Indiana Code [9-21-11](#), et. seq.
- B. These regulations applicable to bicyclists shall apply whenever a bicycle is operated upon any public roadway or upon any path set aside for the use of bicycles, subject to those exceptions stated herein.

SECTION TWO: Definitions.

- A. "Bicycle". Human powered vehicle with two or more wheels designed to transport, by the action of pedaling. Such term may include a bicycle with an electric motor assist mechanism, as long as the primary mode of forward movement is pedaling.
- B. "BPAC". Bicycle and Pedestrian Advisory Committee
- C. "Bicycle Lane". A designated lane on a public roadway that is for the sole use of bicycle traffic and designated by striping and symbols.
- D. "Bicycle Boulevard". A low-volume, low-speed roadway that has been optimized for bicycle travel through treatments such as traffic calming and traffic reduction, signage, and pavement markings. Also referred to as a "Neighborhood Greenway", "Neighborway", "Neighborhood Bikeway", or "Neighborhood Byway".
- E. "Bicycle path". A designated path, physically separate from the public roadway, set aside for the use of cyclists or pedestrians. Also referred to as a "Cycle Track", "Multi-use Path", or "Greenway".

- F. "Motor Vehicle". Any vehicle with an internal combustion or electric motor that provides forward motion and is not human powered.
- G. "Operator". A person who travels on a bicycle seated on a bicycle seat from which that person is intended to and can pedal the bicycle.
- H. "Passenger". A person who travels on a bicycle in any manner except as an operator.
- I. "Child carrier". A safety-tested seat designed and manufactured for the sole purpose of safe carrying of infants, toddlers, or small children when securely fastened to a bicycle.
- J. "Harassment". Any act which shall unreasonably disturb a bicyclist or cause a bicyclist to have a reasonable fear of imminent danger, including but not limited to:
1. making threats or engaging in hate speech towards bicyclists
 2. throwing any object at or towards a bicyclist
 3. increasing speed, decreasing following distance, or decreasing lateral (lane) separation when approaching, driving along, or overtaking bicyclists;
 4. excessive, unwarranted or unlawful use of a horn in proximity to bicyclists;
 5. taking any action to aggressively swerve towards bicyclists;
 6. attempting to stop or block the path of a bicyclist;
 7. attempting to force a bicyclist into a fixed obstacle, ditch, curb, parked car, or other impediment;
 8. engaging in sharp acceleration for the purpose of creating a greater than normal accumulation of vehicle exhaust.
- K. "Public Roadway". Any road, highway, street, or alley located within public right-of-way used for motorized and non-motorized travel.

SECTION THREE: Riding on Public Roadways

- A. Every person riding a bicycle upon a public roadway shall have all of the rights and all of the duties under the provisions of this title applicable to the driver of a vehicle, except as to those provisions of this title which by their nature can have no application.
- 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 the provisions of this chapter.

SECTION FOUR: Bicycle Operation and Safe Practices.

- A. A person operating a bicycle upon a public roadway shall ride in the right hand lane of the roadway subject to the following provisions:
1. If the right hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 2. A person operating a bicycle may use a lane other than the right hand lane when:
 - a. Overtaking or passing another vehicle proceeding in the same direction; Preparing for a left turn at an intersection or into a private road or driveway;
 - b. Reasonably necessary to avoid unsafe conditions, including, but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or lanes

that are too narrow for a bicycle and a motor vehicle to travel safely side by side within such lanes;

- c. Approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a bicyclist may ride on the left-hand side of such dedicated lane, even if the bicyclist does not intend to turn right;
- d. Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist; or
- e. Riding on parts of roadways set aside for the exclusive use of bicycles, including, but not limited to, contra-flow bicycle lanes, left-handed cycle tracks, or bicycle lanes, on one-way streets and two-way cycle tracks or bicycle lanes.

B. A person operating a bicycle shall not be expected or required to:

- 1. Ride over or through hazards at the edge of a roadway, including but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
- 2. Ride without a reasonable safety margin on the right-hand side of the roadway.

C. A person operating a bicycle in compliance with this section and not violating any other section of law is not impeding traffic.

D. Wherever a bicycle path or designated painted bicycle lane has been provided adjacent to a public roadway and in reasonable condition, bicycle riders are urged to use these paths instead of the roadway, but are not required to do so as long as they adhere to Indiana Code [9-21-11-8](#) and [9-21-11-9](#).

E. No person shall operate a bicycle at a speed greater than the maximum speed provided for vehicles at the particular location or at a speed greater than is reasonable and prudent under existing conditions.

F. No bicycle shall be operated upon any sidewalks in the Town unless otherwise designated except those operated by persons (12) years of age or less. These persons, however, shall yield the right-of-way to any and all pedestrians.

SECTION FIVE: Bicycle Parking

A. No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or upon a public roadway so as to unduly interfere with vehicular traffic.

B. Bicycles shall be parked in such a manner as to not interfere with building entrances.

C. All bicycle racks constructed pursuant to this section shall be located, constructed, and maintained in accordance with the specifications of the Town of Lapel and its Planning Commission.

SECTION SIX: Designation of bicycle lanes and paths.

A. Design of bicycle lanes and paths shall follow reasonable industry standards for user safety. New bicycle lane or path designations or changes to existing infrastructure shall be presented to the Planning Commission for approval.

SECTION SEVEN: Restricted use of bicycle paths or designated lanes.

- B. No persons shall drive a motor vehicle within or on a bicycle path or lane designated in accordance with SECTION SIX of this chapter except for the limited purposes of either making a turn or accessing adjacent on-street parking spaces, alleys, private roads, or driveways. This exception only applies when the bicycle lane is clear of cyclists.
- C. No persons shall block a designated bicycle lane with a motor vehicle or any other object.
- D. Motorists or passengers parked within on-street parking spaces that are adjacent to designated bicycle lanes shall take reasonable care not to open the car door(s) into the bicycle lane unless it is clear of cyclists.
- E. Bicycle paths shall be used exclusively by riders of bicycles who must obey and observe all laws and rules of the road within the bicycle paths in addition to all other traffic-control devices. Bicycle paths are not to be used by riders of motorized bicycles.
- F. Greenways or multi-use paths are designated for the exclusive use of both bicyclists and pedestrians, unless otherwise indicated. Bicyclists shall yield the right-of-way to pedestrians on these greenways or multi-use paths.

SECTION EIGHT: Three (3) Foot Passing Rule

This section applies to cyclists and motor vehicles on shared public roadways without designated bike lanes.

- A. The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a public roadway shall pass in compliance with the requirements of this article applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the public roadway.
- B. A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a public roadway at a distance of less than three (3) feet between any part of the motor vehicle and any part of the bicycle or the operator.
- C. If the driver of a motor vehicle is unable to comply with subdivision (B), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the public roadway.

SECTION NINE: Harassment of Bicyclists.

- A. It shall be unlawful to engage in any harassment of a bicyclist operating a bicycle on or adjacent to a public roadway, path, sidewalk, or other public or private area.

SECTION TEN: Penalty

- A. Every person convicted of a punishable violation of any of the provisions of this division for which another penalty is not provided shall for first conviction thereof be punishable by a fine of not more than \$50.00; for a second such conviction within one year thereafter, the person shall be punishable by a fine of

not more than \$100.00; upon a third or subsequent conviction within one year after the first conviction, the person shall be punishable by a fine of not more than \$200.00.

Read and Adopted this 15th Day of September 2016.

Further Information

6-2016

Indiana Code [09/15/2016](#)