

** amended on the floor by council motion.
See 10/21/25 council minutes.*



ORDINANCE O-40-2025

AN ORDINANCE TO AMEND CHAPTERS 301.04, 301.20, 301.365, 301.37, 301.51, 331.15, 331.37, 337.10, 371.03, 371.07, 373.01, 373.04, 373.05, 373.08, 373.11, AND 373.13, AND ESTABLISH CHAPTERS 301.55 AND 373.105 OF THE TRAFFIC CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY, AND DECLARING AN EMERGENCY

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, chapters 301, 331, 337, 371, and 373 of the city's traffic code need to be updated, and chapter 373.105 needs to be added, to address the proliferation of electric bicycles, powered scooters, and similar motorized vehicles in New Albany; and

WHEREAS, New Albany City Council has determined that it is necessary to amend the codified ordinances to promote orderly and safe operation of these vehicles on city streets, sidewalks, and shared-use paths; and

WHEREAS, these amendments define "electric bicycle" and "e-bicycle" and refine the definition of "motor vehicle" to exclude powered scooters and motorized vehicles under 5 horsepower that do not require a license; and

WHEREAS, New Albany code chapter 373.105 mirrors Ohio Revised Code section 4511.522 which governs the labeling and legal usage of class 1, class 2, and class 3 electric bicycles; and

WHEREAS, these amendments do not restrict motorized wheelchairs and electric personal assistive mobility devices as defined in Ohio Revised Code section 4511.513; and

WHEREAS, these amendments clarify rules and regulations for electric vehicles, vehicle operators, and pedestrians to better support safe and aware road, sidewalk, and shared-use path usage; and

WHEREAS, the city's law director, chief of police, city manager, and additional city staff have reviewed and recommended these changes for the health, safety, and welfare of the city; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the city; and for the further reason that waiving the 30-day waiting period is important to allow enforcement right away for the safety of the public.

NOW, THEREFORE, BE IT ORDAINED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Portions of Codified Ordinance Chapters 301, 331, 337, 371, and 373 shall be amended and established as set forth in Exhibit A, which depicts these amendments in colored ink.

Section 2. For the reasons stated herein, council hereby declares an emergency and waives the applicable 30-day referendum period.

Section 3. If any section, subsection, sentence, clause, phrase or portion of the ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances. The governing authority of the City of New Albany, Ohio hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 4. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 5. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 6. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective immediately upon adoption.

CERTIFIED AS ADOPTED this 21 day of Oct, 2025. ** as amended on the floor*

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	09/15/2025
Introduced:	10/07/2025
Revised:	10/13/2025 – <i>Ord. & Ex. A</i>
Revised:	10/15/2025 – <i>Exhibit A</i>
Revised:	10/20/2025 – <i>emergency language</i>
Adopted:	10/21/2025 – <i>w/floor amendments</i>
Effective:	10/21/2025

301.04 BICYCLE; MOTORIZED BICYCLE; ELECTRIC BICYCLE.

- (a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride, and that has two (2) or more wheels, any of which is more than fourteen (14) inches in diameter.
- (b) "Motorized bicycle" or "moped" means any vehicle having either two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty (50) cubic centimeters piston displacement that produces not more than one (1) brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty (20) miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.
- (c) "Electric bicycle" or "e-bicycle" means a bicycle that is equipped with an electric, or battery-operated motor, that may be activated in order to assist with or replace pedaling. An "electric bicycle" or "e-bicycle" may be propelled solely by human power, or with the assistance of an electric, or battery-operated, motor. An "electric bicycle" or "e-bicycle" must have pedals and cannot have a motor that exceeds seven hundred fifty (750) watts. "Electric bicycles" or "e-bicycles" may be Class 1, Class 2 or Class 3.

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, powered scooters, motorized vehicles under five (5) horse power that do not require a license, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten (10) miles and at a speed of twenty-five (25) miles per hour or less.

301.365 SHARED-USE PATH.

"Shared-use path" means a bikeway used by bicycles, electric bicycles, and powered scooters outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. Shared-used paths are generally paved or improved with asphalt and are, typically, eight (8) feet in width or greater. Authorized users of the "Shared-Use Path" shall adhere to all posted rules and applicable laws, as well as remain alert to audible signals and alerts.

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that are generally concrete and, typically, less than five (5) feet in width and, intended for the use of pedestrians or other permitted users. Pedestrians, or other authorized users, shall adhere to all posted rules, and applicable laws, as well as remain alert to audible signals and alerts.

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, ~~and~~ an electric bicycle, and powered scooter, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any personal delivery device as defined in ORC 4511.513, any device that is moved by power collected from overhead electric trolley wire or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

301.55 POWERED SCOOTER.

"Powered scooter" means any two-wheeled or three-wheeled device with handlebars and a floorboard for standing, propelled by an electric motor or an internal combustion engine, designed for personal transportation, and without pedals. Powered scooters do not include mopeds, motorcycles, or motorized wheelchairs.

331.15 HAND AND ARM SIGNALS.

- (a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
 - (1) Left turn: Hand and arm extended horizontally;
 - (2) Right turn: Hand and arm extended upward;
 - (3) Stop or decrease speed: Hand and arm extended downward.
- (b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle, ~~or~~ electric bicycle, or powered scooter may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.
- (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.98.

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

- (a) (1) No person shall drive any vehicle, other than a bicycle, ~~or~~ an electric bicycle if the motor is not engaged, or a powered scooter if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.
- (2) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is

guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

- (c) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.98.

337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED; LIGHTS AND REFLECTORS ON MULTI-WHEEL AGRICULTURAL TRACTORS OR FARM MACHINERY.

As used in ORC sections 4513.11 to 4513.115:

- (a) "Boat trailer" means any vehicle and used exclusively to transport a boat between a place of storage and a marina, when drawn or towed on a street or highway for a distance of no more than ten (10) miles and at a speed of twenty-five (25) miles per hour or less.
- (b) "Slow-moving vehicle" and "SMV" mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five (25) miles per hour or less. "Slow-moving vehicle" and "SMV" do not include bicycle, motorized bicycle, electric bicycle, powered scooter, or animal-drawn vehicle.

- (c) Lights and Reflector Requirements for Multi-wheel Agricultural Tractors or Farm Machinery.

- (1) A. At the times specified in ORC 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in division (B) of this section:

- 1. A vehicle not specifically required to be equipped with lamps or other lighting devices by ORC 4513.03 to 4513.10;
 - 2. A vehicle referred to in ORC 4513.02(G).

- B. Vehicles described in division A of this section shall be equipped with both of the following:

- 1. At least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle;
 - 2. Two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lawful lower beams of headlamps.

- C. 1. At the times specified in ORC 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it or a substantially equivalent municipal ordinance, is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by of the following:

- a. Flashing lamps displaying amber light, visible to the front and rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor.
 - b. Amber reflectors, all visible to the front;
 - c. Red reflectors, all visible to the rear.
 - 2. Rules adopted by the Director of Public Safety under this section governing the lamps, and reflectors described in this section and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2, respectively, of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, Lighting and Marking of Agricultural Equipment on Highways.
- D. At the times specification in ORC 4513.03 or a substantially equivalent municipal ordinance no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, Lighting and Marking of Agricultural Equipment on Highways.
- E. Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five (25) miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than one thousand (1,000) feet to the rear at all times specified in ORC 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
- F. Lights and reflectors required under divisions C and D of this section and authorized under division E of this section are in addition to other lights required or permitted this section or ORC section 4513.17, or a substantially equivalent municipal ordinance.
- G. The Direction of Public Safety shall adopt rules in accordance with ORC Ch. 119 that establishes standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those stands and specifications.
- H. This section does not apply to bicycles~~s~~, motorized bicycles~~s~~, electric bicycles~~s~~, powered scooters or animal-drawn vehicles~~s~~.
- (d) Whoever violates this section is guilty of a minor misdemeanor.

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.
- (c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk and in a manner consistent with traffic control signals.

- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.
- (e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
- (f) Except as otherwise provided in this subsection, 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, 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 (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

371.07 RIGHT-OF-WAY ON SIDEWALK AND SHARED-USE PATH.

- (a) The driver of a vehicle, including bicycles, electric bicycles and powered scooters, shall yield the right-of-way to any pedestrian on a sidewalk or shared use path and give an audible signal before overtaking and passing.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.98.

373.01 CODE APPLICATION TO BICYCLES AND OTHER CHILDREN'S VEHICLES.

- (a) The provisions of this Traffic Code which are applicable to bicycles, including electric bicycles, shall also apply to other children's vehicles which, for the purposes of Traffic Code, shall be defined as scooters, skateboards, roller skates, roller blades, razors and similar vehicles, as well as low-horsepower motorized vehicles including, but not limited to, mini-motorcycles, powered scooters and any other motorized vehicle under five (5) horse-power, gasoline or electric-powered that does not require a license. This Chapter does not include golf-carts or motorized wheelchairs.
- (b) This provision shall apply whenever a bicycle, including electric bicycles, or a children's vehicle is operated upon any street, sidewalk, or upon any shared-use paths.
- (c) Except as provided in division (e) of this section, a bicycle, including an electric bicycle, or a children's vehicle operator who violates any provisions of this Traffic Code described in division (b) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle, including an electric bicycle, or children's vehicle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under ORC 4510.036.
- (d) Except as provided in division (e) of this section, in the case of a violation of any provision of this Traffic Code described in division (b) of this section by a bicycle, including an electric bicycle, or

children's vehicle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of other riders at the time of the violation, the court, notwithstanding any provision of the Ohio Revised Code to the contrary, may require the bicycle operator, including an electric bicycle, children's vehicle operator, or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Ohio Revised Code for that violation.

- (e) Divisions (c) and (d) of this section do not apply to violations of ORC 4511.19, or a substantially equivalent municipal ordinance.
- (f) Every person operating a bicycle, including an electric bicycle, or children's vehicle shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

373.04 RIDING ON RIGHT SIDE OF ROADWAY; RIDING ABREAST.

- (a) Every person operating a bicycle, ~~or~~ electric bicycle, or powered scooter 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 when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles, electric bicycles, powered scooters, or motorcycles upon a roadway shall ride not more than two (2) abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles, or motorcycles.
- (c) This section does not require a person operating a bicycle, ~~or~~ electric bicycle, or powered scooter to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle, ~~or~~ electric bicycle, or powered scooter and an overtaking vehicle to travel safely side by side within the lane.
- (d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.98.

373.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLE.

- (a) Every bicycle, ~~or~~ electric bicycle, or powered scooter, when in use at the times specified in ORC 4513.03 (sunset to sunrise or at any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects are not discernible at a distance of one thousand feet ahead) or a substantially equivalent municipal ordinance shall be equipped with the following:
 - (1) A lamp mounted on the front of either the bicycle, ~~or~~ electric bicycle, or powered scooter or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator-powered lamp that emits light

only when the bicycle, ~~or~~ electric bicycle, or powered scooter is moving may be used to meet this requirement.

- (2) A red reflector on the rear that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;
 - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (b) Additional lamps and reflectors may be used in addition to those required under division (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle, ~~or~~ electric bicycle, or powered scooter and white lamps and white reflectors shall not be used on the rear of the bicycle, ~~or~~ electric bicycle, or powered scooter.
- (c) A bicycle, ~~or~~ electric bicycle, or powered scooter may be equipped with a device capable of giving an audible signal, except that a bicycle, ~~or~~ electric bicycle, or powered scooter shall not be equipped with nor shall any person use upon a bicycle, ~~or~~ electric bicycle, or powered scooter any siren or whistle.
- (d) Every bicycle, ~~or~~ electric bicycle, or powered scooter shall be equipped with an adequate brake when used on a street or highway.
- (e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference(s)—ORC 4511.56

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle, electric bicycle, or powered scooter:
- (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 bicycle, electric bicycle, or powered scooter;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing, or ten (10) miles per hour on any sidewalk or shared-used path. * unless otherwise posted.
- (b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

**373.105 ELECTRIC BICYCLES; LABELS; COMPLIANCE WITH FEDERAL REGULATIONS;
PERMITTED USE; VIOLATIONS.**

- (a)(1) Manufacturers and distributors of electric bicycles shall permanently affix a label, in a prominent location, to each electric bicycle. The label shall specify whether the electric bicycle is a class 1, class 2, or class 3 electric bicycle, the top assisted speed that the electric bicycle is capable of reaching, and the motor wattage of the electric bicycle.
- (2) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching unless the person also modifies the label required under division (A)(1) of this section to reflect the modification.
- (b)(1) The manufacturer of an electric bicycle shall ensure that the electric bicycle complies with the equipment and manufacturing requirements for bicycles established by the consumer product safety commission under 16 C.F.R. 1512 et seq.
- (2) The manufacturer shall manufacture all class 1 electric bicycles and class 3 electric bicycles so that when the rider ceases pedaling the electric motor ceases to provide assistance. The manufacturer shall manufacture all class 2 electric bicycles so that when the rider applies the brakes or releases or activates a switch or similar mechanism the electric motor ceases to provide assistance.
- (3) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.
- (c)(1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, so long as the class 1 electric bicycle or class 2 electric bicycle does not exceed ten (10) miles per hour, *unless otherwise posted.
- (2) No person shall operate a class 3 electric bicycle on a sidewalk, a path set aside for the exclusive use of bicycles or a shared-use path.
- (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.
- (4) Divisions (C)(1), (2) and (3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.
- (d)(1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the consumer product safety commission or the American society for testing and materials.

- (e)(1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under division (C) of this section and whoever violates division (D) of 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, 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 or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) The offenses established under division (E)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of section 2901.20 of the Revised Code. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

State Law reference - ORC - 4511.522

373.11 VEHICLE OPERATION ON SIDEWALKS AND SHARED-USE WALKING/BIKING PATHS PROHIBITED.

- (a) No person shall operate a motor vehicle, snowmobile, motorized bicycle, golf cart, bicycle, electric bicycle, powered scooter, and/or all purpose vehicles on any sidewalk and/or shared-use walking/biking paths when an appropriate sign, at locations determined by the City, giving notice of prohibiting such use is posted on the path in a manner and at locations determined by the City.
- (b) Nothing in this section regulates vehicular traffic on golf course cart paths within the Municipality.
- (c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.13 RIDING BICYCLES; HELMETS.

- (a) No person under the age of eighteen (18) years shall operate a bicycle, including an electric bicycle, or powered scooter, within the City of New Albany unless such person is wearing a protective helmet on his/her head with a properly fastened chin strap. Such helmets shall be appropriately fitted to the size of the operator and shall meet or exceed the standards set by the U.S. Consumer Product Safety Commission.
- (b) No person the age of one year or older but under the age of eighteen (18) years shall be a passenger on a bicycle, electric bicycle, or bicycle trailer within the City of New Albany unless such person is wearing a protective helmet on his/her head, with a properly fastened chin strap. Such helmet shall be appropriately fitted to the size of the passenger and shall meet or exceed the standards set by the U.S. Consumer Product Safety Commission.
- (c) No parent, guardian, or legal custodian of a person under the age of eighteen (18) years, who fails to comply with subsections (a) or (b), shall knowingly aid, abet, cause, encourage, or permit such conduct.
- (d) This section shall not be applicable to the operation of a bicycle on private residential property.