

HAILEY ORDINANCE NO. 1123

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 10.40 OF THE HAILEY MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 10.40, ENTITLED BICYCLES, TO ESTABLISH DEFINITIONS, TO ESTABLISH RULES OF THE ROAD FOR BICYCLES, TO PROVIDE FOR VOLUNTARY REGISTRATION, AND TO PROVIDE A PENALTY MAKING A VIOLATION OF CHAPTER 10.40 PUNISHABLE AS AN INFRACTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Hailey City Council wishes to update the regulations governing the use of bicycles on roadways and sidewalks; and

WHEREAS, the Hailey City Council believes the amendments of Chapter 10.40 of the Hailey Municipal Code promotes the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 10.40 of the Hailey Municipal Code is hereby repealed in its entirety and replaced by a new Chapter 10.40, as follows:

Chapter 10.40

BICYCLES

Sections:

- 10.40.010 Definitions.
- 10.40.020 Traffic Laws Apply to Persons Riding Bicycles
- 10.40.030 Required Bicycle Equipment
- 10.40.040 Riding on Bicycles
- 10.40.050 Clinging to Vehicles
- 10.40.060 Riding on Roadways
- 10.40.070 Using Provided Bicycle Lanes and Bicycle Paths
- 10.40.080 Riding on Sidewalks and Crosswalks
- 10.40.090 Passing Other Vehicles
- 10.40.100 Bicyclists not Required to Dismount when Stopping
- 10.40.110 Turn Signals
- 10.40.120 Riding in Groups
- 10.40.130 Bicycle Parking
- 10.40.140 Use of Bicycle Paths and Bicycle Lanes by Other Non-Motorized Modes of Transportation
- 10.40.150 Group Events
- 10.40.160 Unlawful Use of Bicycle Lanes and Bicycle Paths
- 10.40.170 Reckless Operation

- 10.40.180 Bicycle Licenses
- 10.40.190 Violation-Penalty.

10.40.010 Definitions. For the purposes of this chapter, the capitalized terms have the following meanings:

“Bicycle” shall mean every vehicle having wheels propelled exclusively by human power upon which any person may ride, including tricycles and other multicycles, but excluding scooter and similar devices.

“Bicycle Lane” shall mean a portion of a roadway that has been designated by signs and pavement markings for preferential or exclusive use by bicyclists. Bicycle lanes are facilities that are placed on both sides of a street, and they carry bicyclists in the same direction as adjacent vehicle traffic.

“Bicycle Path” or “Bikeway” shall mean any road, street or path that in some manner is specifically designated for Bicycle travel, regardless of whether such facilities are designated for the exclusive Bicycle use or are to be shared with other travel modes.

10.40.20 Traffic Laws Apply to Persons Riding Bicycles.

- A. Every person, regardless of age, who operates a Bicycle upon a roadway, public parking lot, sidewalk, Bicycle Path , Bicycle Lane or other public vehicular right-of-way in the City of Hailey shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of Title 10 of the Hailey City Code not in conflict with and as authorized under Title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to Bicycles, or where portions of this Ordinance direct otherwise.
- B. Any peace officer of jurisdiction as defined in Idaho Code § 19-5101 (d), operating a Bicycle during the course of his or her duties is exempt from the requirements of section A. if the Bicycle is being operated under any of the following circumstances:
 - a. In response to an emergency call.
 - b. While engaged in rescue operations.
 - c. In the immediate pursuit of an actual or suspected violator of the law.

This section does not relieve a peace officer from the duty to operate a Bicycle with due regard for the safety of all persons.

10.40.030 Required Bicycle Equipment. No person shall operate a Bicycle without the following equipment:

- A. Brakes capable of causing the Bicycle to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement.
- B. A permanent seat designed for the Bicycle being operated.
- C. A bell, the human voice or other audible warning device capable of being heard at least one hundred feet (100'), except that no Bicycle shall be equipped nor shall any person use upon a Bicycle any siren or whistle.
- D. When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a forward-facing white light attached either to the Bicycle or the bicyclist which is visible from a distance of at least five hundred feet (500') in front of the Bicycle. A Bicycle shall be equipped with a front-facing white or yellow reflector when the bicyclist uses a generator powered light which is unlit when the Bicycle is stopped.

10.40.040 Riding on Bicycles.

- A. No person riding or operating a Bicycle shall ride other than upon or astride a permanent and regular seat attached thereto.
- B. No Bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. Every person operating a Bicycle shall keep at least one hand on the handlebar at all times, and shall carry nothing which prevents full control of the Bicycle or obstructs the operator's vision.

10.40.50 Clinging to Vehicles. Persons riding or operating Bicycles shall not attach themselves or such Bicycles to a moving vehicle. This section shall not prohibit attaching a trailer device to a Bicycle which is designed to accommodate such a device.

10.40.060 Riding on Roadways.

- A. No person shall operate a Bicycle on a roadway against the flow of motorized traffic, except where permitted by official signs or pavement markings.
- B. Every person operating a Bicycle upon a two-way roadway which does not contain a Bicycle Lane is entitled to use the lane appropriate for the intended destination, including the right-hand lane, and any designated bus lane. The Bicycle rider shall proceed in the same direction of travel as

other vehicles authorized to use that lane. On one-way roadways, a Bicycle may be operated in any existing lane.

- C. The operator of a Bicycle traveling at a rate of speed which delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the Bicycle is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the bicyclist is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.
- D. In right turn only lanes where traffic signs or signals indicate a bus, trolley or street car is permitted to go straight rather than turn right, a Bicycle operator shall be permitted to go straight rather than turn right.

10.40.070 Using Provided Bicycle Lanes and Bicycle Paths.

- A. Wherever a Bicycle Lane is present upon a roadway, a bicyclist shall use that lane and shall not use the roadway; except that the bicyclist shall not be required to use or remain in a Bicycle Lane:
 - 1. When the lane is of insufficient width to permit safe Bicycle operation;
 - 2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe Bicycle operation in the lane;
 - 3. When moving into position to make a right or left turn;
 - 4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.
- B. Wherever a Bicycle Path has been provided immediately adjacent to a roadway, a bicyclist shall use that path and shall not use the roadway if official signs or markings so direct; except that a bicyclist shall not be required to use or remain on a Bicycle Path:
 - 1. When the path is of insufficient width to permit safe Bicycle operation; or
 - 2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe Bicycle operation on the path.

10.40.080 Riding on Sidewalks and Crosswalks.

- A. A Bicycle may be operated upon a sidewalk, except when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with one of the pedestrians, in which case the Bicycle rider must dismount and walk the Bicycle to an area where safe riding may resume. If a bicyclist leaves a sidewalk with an official traffic control device or a marking on the roadway requiring a bicyclist to dismount, the bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- B. A Bicycle may be operated upon and within a crosswalk, unless an official traffic control device or a marking on the roadway requires a bicyclist to dismount, in which case a bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- C. Any bicyclist riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.
- D. A bicyclist riding upon the sidewalk, or across a roadway upon or within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- E. A bicyclist riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

10.40.090 Passing Other Vehicles. The operator of a Bicycle may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions safely permitting such movement. A bicyclist shall not pass between two (2) lanes of motor vehicles proceeding in the same direction.

10.40.100 Bicyclists Not Required to Dismount when Stopping. Whenever a bicyclist is required to bring a Bicycle to a stop in conformance with an official traffic control device, the operator shall halt forward motion but shall not be required to dismount or remove his/her feet from the pedals.

10.40.110 Turn Signals. The operator of a Bicycle intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous.

10.40.120 Riding in Groups. Persons riding Bicycles shall not ride more than two (2) abreast except upon Bicycle Paths of twelve feet (12') or more. Bicyclists operating two (2) abreast upon a roadway, or Bicycle Path, shall return to a single file configuration when a vehicle approaches from behind in the same lane.

10.40.130 Bicycle Parking. Bicycles shall be parked using established Bicycle racks. In the event Bicycle racks are not available, Bicycles shall be parked in such a manner as to not obstruct or impede the movement of pedestrians, motor vehicles or other Bicycles, or as to not cause damage to trees, shrubs or other living plants.

10.40.140 Use of Bicycle Lanes and Bicycle Paths by Other Non-Motorized Modes of Transportation.

- A. Pedestrians shall not travel upon a Bicycle Lane where a sidewalk is provided or upon a Bicycle Path where a separate foot path has been provided.
- B. When a pedestrian is traveling upon a Bicycle Lane or Bicycle Path, a bicyclist approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian.
- C. A bicyclist shall always yield the right-of-way to a pedestrian who is physically disabled.

10.40.150 Group Events. A Bicycle race, parade or other group event for bicyclists may be conducted upon public rights-of-way in the City of Hailey if a special events permit is obtained. Special events permit applications shall be made through the office of the City Clerk.

10.40.160 Unlawful Use of Bicycle Lanes and Bicycle Paths. It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any Bicycle Path or Bicycle Lane in the City of Hailey.

10.40.170 Reckless Operation. A person who uses or rides a Bicycle on a sidewalk, street, roadway, highway or any public or private property open to public use, carelessly and heedlessly, or without due caution and circumspection, or at such a speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless bicycling.

10.40.180 Bicycle Licenses.

- A. Registration Recommended. The City of Hailey, as a matter of public policy, recommends that all residents of Hailey who own a Bicycle have such Bicycle registered with and tagged by the Hailey Police Department or its designated agents. The purpose of a Bicycle license is to assist the

Bicycle owner, the Hailey Police Department, or other public safety agencies in recovering a Bicycle should the Bicycle be stolen or otherwise misplaced.

- B. Registration. A Bicycle may be registered by filing with the Hailey Police Department the name and address of the owner together with a complete description of the Bicycle on forms provided by or made available to the Hailey Police Department. The fee for registration may be established by resolution of the Hailey City Council. The registration fee applies for the entire period the license registrant owns the license Bicycle. Registration shall be serially numbered and kept on file by the Hailey Police Department. Upon such registration, the Hailey Police department or its designee shall cause an identification tag to be affixed to the registered Bicycle which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed to the Bicycle unless removed by the Hailey Police Department for cause or for re-tagging upon re-registration.
- C. Destruction of Tag. Any person who willfully removes, defaces, or destroys any Bicycle identification tag issued by the City of Hailey on a Bicycle not owned by the person shall be guilty of a misdemeanor and upon conviction may be sentenced to jail for not more than six (6) months or may be fined not more than three hundred dollars (\$300.00), or may be punished by both fine and imprisonment.
- D. Transfer or Non-Use. Within ten (10) days after any Bicycle registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person whose name the Bicycle has been registered is encouraged to report such information to the Hailey Police Department. In case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or registered with a new number and cancellation of the former.

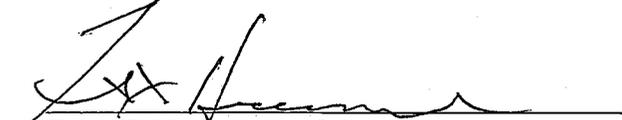
10.40.190 Violation-Penalty. Any person violating any of the provisions of this chapter shall be guilty of an infraction, punishable by a fixed penalty and court costs set forth in the Idaho Infraction Rules for pedestrian and bicycle infractions.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 18th day of March, 2013.


Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:


Mary Cone, City Clerk

