

Article V, Section 5.10 Trail Use

- A. No person shall operate or use a bicycle or motor vehicle, including a motorcycle or mini-bike, on a trail or path not designated for use by such vehicle.
- B. Persons who operate bicycles or in-line skates on designated paved trails shall yield right-of-way to pedestrians. Joggers shall yield right-of-way to walkers.
- C. Trail users on the hike and bike trails shall not be more than two abreast when this action will impede other traffic on the trail. Trail users shall leave ample room on the trail for other users to pass safely. (Amend Ord 07-043, 6/5/07)

Article II, Section 2.13 Bicycle Helmets

. **Definitions** In this Section, the following words and terms shall have the meanings ascribed to them in this Subsection, unless the context of their usage clearly indicates another meaning:

Adult means any individual eighteen (18) years of age or older.

Bicycle means a human powered vehicle with two (2) wheels in tandem designed to transport by a pedaling action a person seated on a saddle seat.

Child means any person under eighteen (18) years of age.

Dealer means any commercial establishment that sells or leases new or used bicycles, whether as its principal business activity or in connection with the selling or leasing of other merchandise, from a place of business within the city.

Helmet means properly fitted headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Parent means the natural or adoptive parent or court-appointed guardian or conservator of a child.

Public way means any property that is publicly owned or maintained, including, but not limited to, a street or highway, sidewalks, a publicly maintained trail and any public parks facility.

Wearing a helmet means that the person has a helmet fastened securely to his/her head with the straps of the helmet securely tightened.

B. Helmet Required

1. It is unlawful for any child to operate or ride upon a bicycle or any side car, trailer, child carrier, seat or other device attached to a bicycle unless the child is wearing a helmet.
2. It is unlawful for a parent to suffer, permit or allow a child to operate or ride upon a bicycle

or any side car, trailer, carrier, seat or other device attached to a bicycle unless the child is wearing a helmet.

3. In no situation can citations be issued to both a parent and a child for a single violation of this ordinance arising out of a single incident.

4. It is a defense to prosecution that the bicycle was not being operated upon a public way at the time of the alleged offense.

C. **Passengers**

1. It shall be unlawful to operate a bicycle in the City to carry more persons at one time than the number of persons for which such bicycle was originally designed and equipped.

2. It is a defense to prosecution under this section that the person was in a child carrier, side car or trailer specifically designed and manufactured for the purpose of carrying or pulling a passenger on, beside or behind a bicycle and that such carrier, side car or trailer was equipped with a harness to hold such person securely in the seat and that protection was provided to keep the feet or hands of such person from hitting the spokes of the wheel of the bicycle. In no circumstance shall the operator of a bicycle transport any person under the age of one year on a bicycle.

D. **Sale or Lease Of Bicycles by Dealers**

1. It shall be unlawful for any dealer to sell a bicycle, bicycle side car, trailer or child carrier without providing a written statement to the purchaser advising of the terms of this Section. The statement shall be in a form promulgated by the Chief of Police. Upon request, the Chief of Police shall provide a sample of the required form to a dealer. However, printing of distribution copies shall be at the dealer's expense.

2. It shall be unlawful for any dealer to lease a bicycle to any person without providing a helmet for the use of each child who will operate or ride upon the bicycle or determining that each child who will operate or ride upon the bicycle has a helmet available. The dealer may impose an additional fee for use of the helmet if the dealer sells or leases a helmet to the bicycle lessee.

E. **Penalty**

1. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined an amount not less than **One Dollar (\$1)** nor more than **One Hundred Dollars (\$100)**.

2. a. On conviction of any person for a first offense under this section the court shall suspend execution of sentence and shall require the defendant to attend a bicycle safety course approved by the court. The court may require the parent of any child convicted under this section to attend the bicycle safety course with the child.

b. Not later than the 90th day after the date of a conviction under this section, the defendant shall present to the court, in the manner required by the court, evidence of satisfactory completion of a bicycle safety course.

c. On receipt of the evidence required under subsection (2)(b) the court shall discharge the defendant and dismiss the complaint against the defendant. The defendant would then be released from all penalties involved with the ordinance except that the defendant is considered to have been convicted of the offense if the defendant is subsequently convicted of an offense under this section committed after the dismissal of the first offense.

3. Each fiscal year an amount shall be designated from the general fund for the continuation, development or implementation of a bicycle safety program. That amount shall be equal to or greater than the amount of fines collected the previous year for any violations of this section. (Amend Ord 97-140, 10/14/97)

Article 3, Section 3.01 Speed Limits

Section 3.01 General Speed Limits

A. No person shall drive as defined by State law a motor vehicle, a motorcycle, bicycle, motor driven cycle, motor-assisted cycle, or any other vehicle of any kind upon a public street, alley, or highway within the corporate limits of the City of Arlington at a speed greater than is reasonable and prudent under the circumstances then existing. Except where a special hazard exists that requires lower speeds for compliance with paragraph (B) of this Section, the limits specified in this Section or hereinafter specified in Article III and established as authorized by law shall be the lawful speed limit, and any speed in excess of the limits so specified and established as authorized by law shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

Thirty (30) miles per hour in any urban district. "Urban District" means the territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of one-quarter (1/4) of a mile or more on either side.

B. No person shall drive a vehicle upon a public street or a public alley within the corporate limits of the City of Arlington at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.