

CHAPTER 74: BICYCLES; OTHER VEHICLES; AND TOY VEHICLES

GENERAL PROVISIONS

74.01 (RESERVED)

74.02 ALTERATION OF MANUFACTURER'S SERIAL NUMBERS.

It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle or other vehicle as defined in this chapter. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced.

BICYCLES AND OTHER VEHICLES

74.33 DEFINITIONS.

BICYCLE as defined in IC 9-13-2-14 - "Bicycle" means any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

E-BICYCLE as defined in:

(A) IC 9-13-2-26.6 - "Class 1 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance to the operator when the electric bicycle reaches a speed of twenty (20) miles per hour.

(B) IC 9-13-2-26.7 - "Class 2 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) may be used to exclusively propel the electric bicycle; and
- (2) ceases or is unable to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

(C) IC 9-13-2-26.8 - "Class 3 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

FORT WAYNE AREA TRAILS NETWORK. The designated, active, transportation system in Fort Wayne, Indiana, consisting of trails, paths, multi-use trails, side paths, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works including such parts of the Network that are located within the limits of the City of Fort Wayne but maintained by other entities.

OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) as defined 28 CFR 35.104 and permitted by 28 CFR 35.137 are any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), or any mobility device designed to operate in areas without defined pedestrian routes.

OTHER VEHICLE includes self-propelled vehicles not defined in Title VII of the Fort Wayne Code of Ordinances and vehicles propelled partially or in full by a motor or engine that are:

- (A) no wider than 32-inches;
- (B) 150 pounds or less without operator and passenger(s).
- (C) powered by an electric motor with a maximum output of 750 watts or less.
- (D) not designed for the use of fossil fuels or hydrogen as a method of propulsion.

RECREATIONAL TRAILS include trails, paths, multi-use trails, side paths, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works that are not included in the Fort Wayne Area Trails Network.

SIDEWALK as defined in IC 9-13-2-167 - "Sidewalk" means the part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

74.34 GENERAL REGULATIONS

(A) Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a street or alley shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.

(B) Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a Sidewalk or the Fort Wayne Area Trails Network or a Recreational Trail shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

(C) Whenever any person is riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a Sidewalk or the Fort Wayne Area Trails Network or Recreational Trail, such person shall yield the right-of-way to any slower user and shall give an audible signal before overtaking and passing such slower user.

(D) Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a street, alley, Sidewalk, the Fort Wayne Area Trails Network, or Recreational Trail:

- (1) Shall avoid sudden or erratic movements that could endanger others;
- (2) Shall provide an audible warning (e.g., bell, horn, voice) when approaching slower users from behind;
- (3) Shall pass slower users at a safe distance, providing a minimum of three (3) feet of clearance, and must wait until it is safe to pass even if the 3-foot clearance can't be achieved;
- (4) Shall give due regard to the safety of all vehicle and pedestrian traffic users, including those with visual, auditory, or mobility impairments;

- (5) Shall keep the Bicycle, E-bicycle, Other Vehicle or OPDMD under directional, speed, and stopping control at all times;
- (6) Shall not operate in an irregular or reckless manner so as to disregard their own safety, others, or property;
- (7) Shall not proceed at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character;
- (8) Shall maintain a degree of control that is necessary to avoid danger to persons, property, or wildlife; and
- (9) Shall not overtake standing vehicles in a travel lane.

74.xx SIDEWALK OR FORT WAYNE AREA TRAILS OR RECREATIONAL TRAIL NETWORK PROHIBITIONS

(A) All E-Bicycles operated on the Sidewalk, the Fort Wayne Area Trails Network, or a Recreational Trail must meet the requirements of Chapter 74.33.

(B) Vehicles are prohibited from using a trailer or other mode of conveyance towed behind the vehicle unless specifically designed for carrying passengers and/or cargo.

(C) Horses, donkey, and mules are not permitted.

(D) Operating any powered vehicle not authorized by this Chapter on any Sidewalk, the Fort Wayne Area Trails Network, or Recreational Trail.

(E) Users shall follow all applicable state and federal laws and regulation regarding vehicle operation.

(FG) Exceptions to this Chapter are as follows:

(1) This ordinance shall not apply to persons with disabilities using wheelchairs or OPDMD, provided that such devices are operated in compliance with 74.XX.

(1) Vehicles used by local, state, and/or federal government agencies used for maintenance, repair, construction, and safety.

(2) Vehicles used by utility companies and/or companies contracted by local, state, and/or federal government agencies for maintenance, repair, construction, and safety.

74.37 PARKING OF BICYCLES, E-BICYCLES, AND OTHER VEHICLES

No person shall park a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon the traveled portion of the street. Bicycles, E-bicycle, Other Vehicles, or OPDMD may be parked only upon the Sidewalk area or the Fort Wayne Area Trails Network or Recreation Trail in a rack provided to support the Bicycle, E-bicycle, Other Vehicle, or OPDMD or against a building or in such manner as to afford the least obstruction to traffic and other users.

TOY VEHICLES

§ 74.50 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates or other footwear with wheels, riding in or by means of any coaster, skateboard or toy vehicle or similar devices, shall go upon any roadway or designated on-street bicycle facility except while crossing a street or a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this chapter.

('74 Code, § 17-17) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed 9-11-12) Penalty, see § 74.99

74.xx ENFORCING AUTHORITY

The authority for enforcing this subchapter will be the Fort Wayne Police Department and the Ordinance Violations Bureau.

(Ord. G-1-11, passed 1/11/11)

74.xx PENALTY FOR VIOLATIONS.

(A) Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500 and/or impoundment of vehicle. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed.

(B) Violations shall be subject to a fine of \$25 to \$200. First-time offenders shall be fined not more than \$15.

CHAPTER 97: PARKS AND RECREATION

OPERATION OF VEHICLES

97.74 See Title VII, Chapter 74 for definitions and regulations not described below.

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