

BICYCLE PROVISIONS

That Chapter 6 (Bicycles), Chapter 9 (Cemeteries), Chapter 20 (Motor Vehicles & Traffic) and Chapter 27 (Streets & Sidewalks) of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 6-1, 6-3, 6-4, 6-9, 6-10, 6-11, 6-13, 6-14, 6-17 6-25, 6-26, 6-33, 9-12, 20-32, 27-17, 27-18, 27-19 and 27-21 thereof; adding new Sections 6-15, 6-16, 6-17 and 6-32 thereto and deleting Sec. 6-31 thereof to read as follows:

ARTICLE I. IN GENERAL

Sec. 6-1. General Bicycle Regulation

(a) Bicycle Defined.

A bicycle shall be defined for the purposes of this section as any non-motorized wheeled vehicle that is propelled manually by pedals.

(b) Obedience to traffic regulations.

Every person riding a bicycle upon the streets, alleys and highways within the city shall observe and comply with all signals, signs and ordinances regulating the operation of traffic not inconsistent with the provisions of this chapter.

Sec. 6-2. As written.

Sec. 6-3. Riding on sidewalks, bicycle and pedestrian pathways and in parks ~~restricted.~~

(a) It shall be unlawful and shall be a trespass;

(1) for any person over the age of sixteen (16) years to operate a bicycle upon any sidewalk of the city within the inner fire district; ~~or for any person of any age to operate a bicycle upon the streets and sidewalks within the Church Street Marketplace District as defined in section 321 of the~~

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~~Burlington City Charter, unless the chief of police or the Church Street Marketplace District Commission, as appropriate, shall have designated temporarily such sidewalk or portion of the Church Street Marketplace District as one where bicycle riding is permitted. Police officers may operate bicycles while on patrol in any area of the city.~~

(2) for any person of any age to operate a bicycle upon any sidewalk or within any public parking facility in the City Center (bounded by the centerlines of Pearl Street, South Winooski Avenue, Main Street, and St. Paul Street), within City Hall Park;

(3) for any person of any age to operate a bicycle upon the streets within the Church Street Marketplace District as defined in section 321 of the Burlington City Charter, excepting:

a. the traveled portions where vehicular traffic is regularly permitted on College, Bank and Cherry streets;

b. as permitted by the Church Street Marketplace Commission. [portions adapted from 27-18]

(b) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall yield the right-of-way to any pedestrian. [adapted from Chicago 9-52-040]

(c) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall give audible signal before overtaking and passing a pedestrian or another bicycle. [adapted from Chicago 9-52-040]

(d) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this chapter, shall exercise due care, which includes operating the bicycle at a speed reasonable for the existing conditions.

(e) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this chapter, shall come to a complete stop prior to crossing all street crossings.

(Rev. Ords. 1962, § 5003; Ord. of 7-27-70; Ord. of 6-14-82; Ord. of 6-24-91)

Cross references: Unnecessary interference with the use of sidewalks, § 27-4; vehicles on sidewalks restricted, § 27-17.

~~**State law references:** Obstructing sidewalk by riding bicycle, 19 V.S.A. § 1502. [cite is wrong]~~

~~Sec. 6-4. Extra riders prohibited; exception.~~

~~It shall be unlawful for more than one (1) person to ride on a bicycle unless it is a tandem bicycle equipped with two (2) sets of handlebars, two (2) sprockets and two (2) seats or a single set of handlebars, a single sprocket and an infant seat.~~

Sec. 6-4. Riding on bicycles.

(a) No person propelling a bicycle may ride other than upon or astride a permanent and regular seat attached thereto.

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(b) No person may use a bicycle to carry more persons at any one time than the number for which it is designed and equipped.

Sec. 6-5. As written.

Sec. 6-6. As written.

Sec. 6-8. Signals required for turns and stops.

It shall be unlawful to turn a bicycle to the right or left upon a highway, or to stop a bicycle upon a highway without first signaling as required by state law.

Sec. 6-9. Bicycles to be in good mechanical condition.

No bicycle shall be ~~registered~~operated unless it is in good mechanical condition.

Sec. 6-10. Brakes required.

No bicycle shall be ~~registered~~operated unless it is equipped with an adequate braking device.

(Rev. Ords. 1962, § 5001; Ord. of 5-11-92)

~~State law references: Warning device required, 23 V.S.A. § 1321.~~

Sec. 6-11. Lights required.

It shall be unlawful for any person to operate a bicycle on any way within the limits of the city during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise unless said bicycle or bicyclist shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front, with a lamp on the rear of the bicycle or bicyclist which emits a flashing or steady red light visible at least three hundred (300) feet to the rear, and with a red reflector on the rear.

Sec. 6-12. Reserved.

Sec. 6-13. Authority to make additional rules.

The chief of police or his or her designee may make such ~~further temporary~~ rules and regulations in regard to bicycles as he or she may deem necessary for the safety of the public. Such temporary rules and regulations shall not last longer than sixty (60) days in duration.

Sec. 6-14. Abandoned bicycles.

(a) No bicycle shall be left within a city right of way, or on city property for more than fourteen (14) consecutive days, regardless of whether the bicycle is locked or otherwise secured. This provision shall not apply to long term bicycle parking so designated by the Department of Public Works.

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(b) The chief of police or his or her designee may remove from city rights of way or city property any bicycle which is in violation of this section.

Sec. 6-15. Dissemination of information.

(a) Every person engaged in the sale or dissemination of bicycles shall inform each purchaser of city ordinances and state laws governing the operation of bicycles.

(b) Every person engaged in the business of renting bicycles shall inform each person who rents a bicycle of the city ordinances and state laws governing the operation of bicycles.

Sec. 6-16. Securing Bicycles.

It shall be unlawful for any person to lock~~ed~~ or otherwise secure a bicycle to a tree or other natural plant or vegetation located within a city right of way or on city property. Bicycles found in violation of this section shall be immediately impounded and disposed of pursuant to section 6-17(c).

Sec. 6-1417. Penalty–Enforcement.

~~Any person violating any provision of this chapter shall be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day's violation shall be deemed a separate offense. All law enforcement officers may issue municipal complaints for violations of this chapter.~~

(a) *First offense.* Any person violating any provision of this chapter shall be subject to a civil penalty pursuant to section 27-21.

(b) *Subsequent offenses.* In addition to any civil penalties provided for in section 27-21, a law enforcement officer apprehending a person for a second or subsequent violation of this section during any twelve-month period may impound the bicycle.

(c) *Disposition of abandoned, unclaimed or impounded bicycles.* The chief of police- or his or her designee shall notify the owner of the reasons for its impoundment, and what actions are necessary for the owner to regain possession, within a reasonable amount of time following the impoundment; provided, that this notification shall not be necessary if the owner was present at the time of impounding, and was informed of the actions necessary to regain possession. Thereafter, bicycles impounded pursuant to this chapter shall remain in the custody of the police department for a minimum of thirty (30) days from the date that judgment is entered for the violation which resulted in the impoundment. Bicycles not claimed within thirty (30) days shall be considered unclaimed property and may be disposed of pursuant to Section 21-2. A bicycle shall

only be disposed of if the chief of police or his or her designee has made reasonable efforts to notify the owner, pursuant to this subsection.

Secs. 6-158--6-24. Reserved.

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ARTICLE II. REGISTRATION*

Sec. 6-25. Required Establishment.

~~It shall be unlawful for any person, except a transient passing through this city, to operate a bicycle or cause a bicycle to be operated unless the same has been registered in accordance with the provisions of this chapter. The chief of police or his or her designee shall establish a voluntary registration program for bicycles.~~

Sec. 6-26. To whom applications made.

The chief of police, or such member of his or her department or organization as he or she may appoint, is hereby designated as the person or entity to whom ~~which~~ all applications for registration ~~as required by this chapter~~ are to be made.

Sec. 6-31. ~~Special identifying marks permitted.~~ [Repealed]

~~If satisfied as to facts, the chief of police may grant permission to cut, impress or emboss permanently onto the bicycle a special identification number or mark which shall thereafter be deemed sufficient for the purpose of registration of such bicycle.~~

~~Sec. 6-32. Reserved.~~

Sec. 6-32. Dissemination of rules and regulations.

At the time of registration, the chief of police, or his or her designee, shall inform the owner of a bicycle so registered of the city ordinances and state laws governing the operation of bicycles.

Sec. 6-33. Registration fee.

The chief of police or his or her designee shall establish a fee for registration which is reasonable to cover the expense of the registration program. ~~required by this chapter shall be one dollar (\$1.00). Bicycles must be re-registered upon sale.~~

Sec. 9-12. Certain conveyances prohibited in cemetery, exceptions.

The board of cemetery commissions may make additional regulations regarding the operation of ~~No~~ trucks, heavy wagons, bicycles, motorcycles, roller blades, snowmobiles, skateboards or saddle horses ~~shall be allowed inside the cemetery grounds except by special permission from the superintendent. Only service vehicles shall be allowed in Elmwood Cemetery.~~

Sec. 20-32. Manner of overtaking and passing vehicles.

(a) An operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass such vehicle at a safe distance to the left thereof, but in so doing shall exercise due care and shall not pass to

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the left of the center of the highway unless the way ahead is clear of approaching traffic. The operator of the vehicle overtaken shall promptly, upon suitable and audible signal being given by the operator of the overtaking vehicle, turn to the right-hand side of the highway to allow free passage on his left, and shall not increase the speed of his vehicle until completely passed by the over-taking vehicle.

(b) An operator of a motor vehicle that is passing a bicyclist proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicyclist of not less than three feet while the motor vehicle is passing the bicycle.

Sec. 27-17. Vehicles on sidewalks.

No motorized vehicle, except ~~children's carriages, propelled by hand~~ motorized vehicles used by disabled citizens shall be driven, as provided by state or federal law, shall be driven, backed, led or allowed to stand on any sidewalk, except that wares or merchandise in process of loading or unloading may be transferred from trucks or other vehicles over the sidewalk by use of skids or other means; provided that a passageway is kept open for the free passage of pedestrians. Nothing contained in this section, nor Section 6-3, shall prevent the riding or driving of vehicles from private property or a bicycle and pedestrian pathway ~~directly~~ across the sidewalk or a bicycle and pedestrian pathway of any street to the roadway, or from the roadway back to such private property.

Sec. 27-18. Operation of play non-motorized vehicles.

(a) Definition. For the purpose of this section, non-motorized vehicles shall be defined as any device not powered by a motor, used for propelling or transporting one (1) or more persons, including, but not limited to, skateboards, in line skates, scooters, and roller skates. This definition shall not include bicycles.

~~(a)~~(b) Prohibited. It shall be unlawful and shall be a trespass for any person to operate any play non-motorized vehicle ~~(any devices, except bicycles, not powered by a motor used for propelling or transporting one (1) or more persons, including, but not limited to, skateboards, bicycles and roller skates)~~ upon any sidewalk or within any public parking facility in the City Center (bounded by the centerlines of Pearl Street, South Winooski Avenue, Main Street, and St. Paul Street), within City Hall Park, or upon the streets and sidewalks within the Church Street Marketplace District as defined in section 321 of the Burlington City Charter, excepting the traveled portions where vehicular traffic is regularly permitted of College, Bank and Cherry streets, unless the chief of police or his or her designee the Church Street Marketplace District Commission, as appropriate, shall have designated such sidewalk or portion of the Church Street Marketplace District as one where the use of a play non-motorized vehicle is permitted. If and when the chief of police or his or her designee the Marketplace Commission makes such a designation, appropriate signs shall be posted to clearly identify the designated area.

~~(b)~~(c) Enforcement:

(1) *First offense.* A first offense of any provision of this section by a person during any twelve-month period shall be deemed a civil ordinance violation of and shall be enforced pursuant to section 27-21.

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(2) *Second offense.* In addition to any civil penalties provided for in section 27-21, a law enforcement officer apprehending a person for a second or subsequent violation of this section during any twelve-month period may impound the ~~play~~ non-motorized vehicle.

(3) *Impoundment.* Any ~~play~~ non-motorized vehicle impounded for a violation of this section shall be impounded until lawfully claimed by the person named in the municipal complaint, whether owner or operator, or disposed of in accordance with subsection (c) below. Any impounded ~~play~~ non-motorized vehicle may be claimed according to either of the following provisions:

a. The police department shall release the ~~play~~ non-motorized vehicle to the owner or operator after proof of payment of either the waiver fine as specified in section 27-21 or the judgment fine.

b. The police department shall release the ~~play~~ non-motorized vehicle to the owner or operator upon notice from the Vermont Traffic and Municipal Ordinance Bureau that a judgment has been entered in favor of the defendant for the violation that resulted in the impoundment.

c. If the person named in the municipal complaint chooses to appeal the civil penalty to the Vermont Traffic and Municipal Ordinance Bureau, the police department shall release the ~~play~~ vehicle after payment of a provisional fine of fifty dollars (\$50.00), payable to the police department. If the person named in the municipal complaint prevails in the appeal, the provisional fine shall be returned upon request. If the city prevails in the appeal, the fine shall be forwarded to the Vermont Traffic and Municipal Ordinance Bureau in total or partial satisfaction of the judgment.

~~(e)~~(d) *Disposition of unclaimed ~~play~~ vehicles.* Play non-motorized vehicles impounded pursuant to this section shall remain in the custody of the police department for a minimum of sixty (60) days from the date that judgment is entered for the violation which resulted in the impoundment. Play Non-motorized vehicles not claimed within sixty (60) days shall be considered unclaimed property and may be disposed of pursuant to section 21-2.

Sec. 27-19. Use of ~~play~~ non-motorized vehicles on the public right-of-way.

Persons operating a ~~play~~ non-motorized vehicle, defined in Section 27-18 above, within the public right-of-way shall comply with all relevant traffic regulations and shall operate any such vehicle in a safe manner.

Sec. 27-21. Penalty.

A violation of any provision of articles I, III, IV and V of this chapter shall be a civil offense punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be ~~fifty dollars (\$50.00)~~ equal to the waiver penalty established pursuant to 4 V.S.A. §1102(d) for violations of Subchapter 12 of Chapter 13 of Title 23 for each offense. Each day the violation continues shall be a separate offense. All law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.

* Material stricken out deleted.

** Material underlined added.

[Bracketed] text indicates the source from which the text was adapted.