

VILLAGE OF COVINGTON, OHIO

AMEND

ORDINANCE 13-26

AN ORDINANCE FOR OPERATING OR RIDING ON AN ELECTRIC BICYCLE, ELECTRIC SCOOTER OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE

WHEREAS, it is the Village of Covington Council's desire to protect the health, safety, and welfare of Covington's children by enacting rules and regulations regarding a helmet safety law while operating or riding on an electric bicycle, electric scooter, or electric personal assistive mobility device.

WHEREAS, statistics compiled from the National Electronic Injury Surveillance System (NEISS) show that head related injuries on these devices are rising with research indicating a clear need for greater helmet usage; and

WHEREAS, Council finds that a mandate that children wear an approved helmet when operating or riding an electric bicycle, electric scooter, or electric personal assistive mobility device; and

NOW THEREFORE, BE IT ORDAINED by the Legislative Authority of the Village of Covington, State of Ohio, with a majority affirming, that:

SECTION 1:

DEFINITIONS:

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 or more wheels, any of which is more than 14 inches in diameter.

Motorized bicycle means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface. (ORC 4511.01(H))

Electric bicycle is a bicycle that is equipped with fully operable pedals and an electric motor less than 750 watts, and includes the following classes:

Class 1 electric bicycle means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. (O.R.C. 4511.01(TTT))

Class 2 electric bicycle means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour. (O.R.C. 4511.01(UUU))

Class 3 electric bicycle means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. (O.R.C. 4511.01(VVV))

Electric Scooter means a device consisting of a long steering handle connected to a footboard that is mounted on two wheels and is propelled by an electric motor or another type of motor, designed such that the rider is able to keep both feet on the footboard while traveling either while standing or seated, and has an attainable speed on a paved level surface of not more than 20 miles per hour when propelled by the motor.

Electric Personal Assistive Mobility Device means a self-balancing two non-tandem or single wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and has a maximum speed of no more than 20 miles per hour. Does not apply to motorized wheelchairs.

RIDING ELECTRIC BICYCLE, ELECTRIC SCOOTER, OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE

(A) No person under the age of eighteen (18) years shall operate an electric bicycle, electric scooter, or electric personal assistive mobility device within the Village of Covington 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 Protection 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 an electric bicycle or a trailer towed by an electric bicycle within the Village of Covington 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 Protection 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 an electric bicycle, electric scooter, or electric personal assistive mobility device on private residential property.

(E) An operator and/or passenger over the age of one year but under the age of eighteen (18) years who violates this section and the parent, guardian, or legal custodian of said operator and/or passenger, may be given a written warning detailing the violation along with information concerning the dangers which result when an accident occurs to a person who is not wearing a helmet. On a second violation of this section within one

year from the date of the written warning, the parent, guardian, or legal custodian of said rider and or passenger, is guilty of an unclassified misdemeanor and subject to a fine in an amount not to exceed twenty-five dollars (\$25.00). For each and every subsequent violation of this section the fine shall not exceed fifty dollars (\$50.00).

(F) Failure to wear a protective helmet as required in this section shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.

(G) 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. 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.

(H) No electric bicycle, electric scooter, or electric personal assistive mobility device shall be operated on High Street, Broadway Street, or Troy Pike within the Village of Covington limits. An operator of electric bicycle, electric scooter, or electric personal assistive mobility device may cross streets listed in this section only at intersections. The operator of an electric bicycle, electric scooter, or electric personal assistive mobility device shall comply with all other applicable traffic laws.

RIDING ELECTRIC BICYCLE, ELECTRIC SCOOTER, OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE ; LIGHTS

(A) No person shall operate an electric bicycle, electric scooter, or electric personal assistive mobility device within the Village of Covington unless such electric bicycle, electric scooter, or electric personal assistive mobility device is equipped with a functional headlight, reflector and taillight as detailed herein.

(1) A lamp mounted on the front of the electric bicycle shall emit a white light visible from a distance of at least five hundred feet to the front and three hundred feet to the sides. A generator-powered lamp that emits light only when the electric bicycle 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 feet to six hundred 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 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.

(4) 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 and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

(B) Any operator who violates this section and/or the parent, guardian, or legal custodian of said operator, may be given a written warning detailing the violation. On a second violation of this section within one year from the date of the written warning, the

operator and/or parent, guardian, or legal custodian of said operator, is guilty of an unclassified misdemeanor and subject to a fine in an amount not to exceed twenty-five dollars (\$25.00). For each and every subsequent violation of this section the fine shall not exceed fifty dollars (\$50.00).

(C) Failure to abide by this section shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.

RIDING ELECTRIC BICYCLE, ELECTRIC SCOOTER, OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE ON PUBLIC SIDEWALKS

(A) No person shall operate a class three (3) electric bicycle as defined above in this Ordinance on public sidewalks or public trails within the Village of Covington.

(B) Any operator who violates this section and/or the parent, guardian, or legal custodian of said operator, may be given a written warning detailing the violation. On a second violation of this section within one year from the date of the written warning, the operator and/or parent, guardian, or legal custodian of said operator, is guilty of an unclassified misdemeanor and subject to a fine in an amount not to exceed twenty-five dollars (\$25.00). For each and every subsequent violation of this section the fine shall not exceed fifty dollars (\$50.00).

(C) Failure to abide by this section shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.

SECTION 2:

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3:

This Ordinance shall become effective at the earliest date provided by law.

APPROVED: _____, 2026:

Lee Harmon, Mayor

Martin Leistner, President of Council

Lisa Cavender, Fiscal Officer