ORDINANCE NO. 2026-119

AN ORDINANCE AMENDING CHAPTER 474 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY, OHIO, TITLED, "BICYCLES AND MOTORCYCLES"; SPECIFICALLY, REPLACING SECTION 474.17 TITLED, "ELECTRIC BICYCLES", AND REPEALING CERTAIN SECTIONS THEREIN.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That Chapter 474 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Bicycles and Motorcycles"; specifically, Section 474.17 titled, "Electric Bicycles", is hereby amended in its entirety to read and provide as follows:

474.17 ELECTRIC BICYCLES AND MOTORIZED BICYCLES.

~~(a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.~~

~~(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.~~

~~(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.~~

~~(4) Subsections (a)(2) and (a)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.~~

~~(b) (1) 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.~~

~~(2) 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.~~

~~(c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates~~

~~this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

~~(2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.~~

(a) The provisions of this Traffic Code applicable to bicycles shall apply to electric bicycles and motorized bicycles and shall apply whenever a bicycle, electric bicycle, or motorized bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles. For purposes of this ordinance, the term "electric bicycle" means any two or three wheeled vehicle with fully operable pedals and an electric motor of 750 watts or less, and includes any class 1, class 2, or class 3 electric bicycle.

(b) No person shall operate an electric bicycle or motorized bicycle upon any sidewalk within a business district. No person shall operate an electric bicycle or motorized bicycle with engine engaged on any sidewalk outside of any business district.

(c) (1) No person shall operate an electric bicycle or motorized bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway, or the Municipality by resolution, ordinance or rule authorizes the use of an electric bicycle or motorized bicycle on such a path.

(2) No person shall operate an electric bicycle or motorized bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of an electric bicycle or motorized bicycle on such a path.

(3) No person shall operate an electric bicycle or motorized bicycle in any City park.

(4) Subsections (c)(1), (c)(2) and (c)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle or motorized bicycle while in the performance of the officer's duties.

(d) (1) No person shall operate an electric bicycle <u>with engine engaged</u> unless the person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in O.R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided in Ohio R.C. 4511.521.

(2) No person under the age of eighteen shall operate or be a passenger on an electric bicycle or motorized 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, with the chin strap properly fastened.

(e) Any person operating an electric bicycle or motorized bicycle shall:
(1) Obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
(2) Before changing course or turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required by Chapter 432.
(3) Yield the right of way to pedestrian and vehicular traffic upon the roadway as lawfully required.
(4) Yield the right of way to a pedestrian upon a sidewalk.
(5) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.

(f) No person shall operate an electric bicycle or motorized bicycle in a reckless or negligent manner, or in any manner that violates this Chapter. The regulations established in Chapter 474 of the Codified Ordinances relative to bicycles and/or electric bicycles shall apply equally to any bicycle, electric bicycle or motorized bicycle.

(g) (1) Whenever any electric bicycle or motorized bicycle is operated by any minor under the age of eighteen in violation of the provisions of this Chapter, such electric bicycle or motorized bicycle may be seized by any member of the Police Department and impounded. Such electric bicycle or motorized bicycle so impounded shall be surrendered to the parent or guardian of such minor without charge after a full explanation to such parent or guardian of the reason for the impounding of such electric bicycle or motorized bicycle. A complete report of each such impounding shall be kept in the office of the Chief of Police.
(2) All impounded electric bicycles or motorized bicycles, if unclaimed after thirty (30) days, shall be sold at public auction at a time and place designated by the Chief of Police. The Chief of Police shall make public notice of the time and place of such public auction.

(h) No parent of any child or guardian of any ward shall authorize or knowingly permit any such child or ward to violate any of the provisions of this Section.

(i) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle or motorized bicycle in a manner that is prohibited under subsections (a) through (h) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(2) The offenses established under subsection (i)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be

construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

SECTION 2. That the existing Section 474.17 of the City's Ordinances is hereby repealed in that said Section is superseded by this legislation.

SECTION 3. That Chapter 474.10 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Registration required; reciprocal agreements"; is hereby repealed.

SECTION 4. That Chapter 474.11 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Application and fee", is hereby repealed.

SECTION 5. That Chapter 474.12 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Registration; tags; cards; transfer of ownership", is hereby repealed.

SECTION 6. That Chapter 474.13 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Secondhand bicycles; reports; license", is hereby repealed.

SECTION 7. That Chapter 474.14 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Destruction and mutilation of license, tag, card", is hereby repealed.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 9. That this Ordinance shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Passed: September 15, 2026 _____
President of Council

Attest: _____
Clerk of Council

Date: 9.16.26 Approved: _____
Mayor

Submitted to the Mayor for his approval on this 16th day of September, 2026.

_____
Clerk of Council