

DELINEATED

3/29/10

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 11.48.010, 11.48.100, 11.48.120, 11.48.130, 11.48.170, 11.48.175, AND 11.48.180, AND REPEALING SECTIONS 11.48.020, 11.48.030, 11.48.040, 11.48.050, 11.48.060, 11.48.070, 11.48.080, 11.48.110 AND 11.48.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO LICENSING OF AND TRAFFIC RULES GOVERNING BICYCLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.48.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definitions. (a) Bicycle. "Bicycle" means every vehicle propelled by human power upon which any person may ride having two or more tandem wheels, any of which is more than ~~twenty~~ fourteen inches in diameter, but does not include any mobility device as defined by the Americans with Disabilities Act.

(b) Bike path. "Bike path" or “bicycle path” means a paved route ~~path or road~~ especially for bikes physically separated from car traffic and designated for bicycle use.

(c) Bike lane. "Bike lane" or “bicycle lane” means a ~~clearly marked lane on the side of a street or road,~~ portion of the roadway designated for bicycle use separated from autos by a paint stripe, ~~or~~ raised divider, or marked by signs and/or paint on the roadway.

(d) Bike route. "Bike route" means a route designated on streets having low traffic volume, marked by signs and/or paint on the street.

(e) Nighttime. “Nighttime” as used in this chapter means any time from a half hour after sunset to a half hour before sunrise, or at any other time when, due to insufficient

light or unfavorable atmospheric conditions, persons and vehicles on the streets, highways or roadways are not clearly discernable at a distance of one thousand feet ahead.

The regulations of this chapter applicable to bicycles shall apply whenever a bicycle is operated upon any sidewalk, street, roadway, highway, or ~~upon any~~ public path set aside for the exclusive use of pedestrian and bicycle traffic, and shall also include all public parks and playgrounds or other property under the ownership, jurisdiction or control of the city, the board of park commissioners or any other agency created to provide a public service in or adjacent to the city.”

SECTION 2. Section 11.48.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Subject to traffic-control devices and traffic regulations. Every person riding a bicycle upon a street, highway or roadway shall be granted all of the rights and shall obey all traffic ordinances and be subject to all of the duties applicable to the driver of any other vehicle except as to special ordinances so designated and except to those provisions which by their nature can have no application.”

SECTION 3. Section 11.48.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Riding on roadways and bicycle paths--Turns and stop signals. (a) ~~Any~~ Every person ~~riding~~ operating a bicycle ~~in traffic moving in the same direction at such time shall ride within five feet of the right hand curb or edge of the~~ upon a street, highway or roadway or alley, ~~except under any of the following conditions:~~ at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the

~~(1) Persons fourteen years of age or older may ride as close as reasonably possible to the right-hand curb or edge side of the street, highway, or roadway or alley when riding two abreast, as practicable, except under any of the following situations when:~~

~~(2) (1) When~~ overtaking and passing another bicycle or vehicle proceeding in the same direction;

~~(3) (2) When~~ preparing for a left turn at an intersection or into a private road or driveway; or

~~(4) (3) When~~ reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, vehicles, parked or moving bicycles, pedestrians, animals, surface hazards, right-turn or left-turn lanes or narrow width lanes that make it unsafe to continue along the right-hand or left-hand curb or edge of the street, highway or roadway.

~~(5) When operating a bicycle upon a street, highway, roadway or alley of the city which carries traffic in one direction only, the bicyclist shall ride within five feet of the left hand curb or edge of roadway, except under any of the situations as detailed in subdivisions (1), (2), (3) or (4) of this subsection.~~

(b) Any person operating a bicycles upon a one-way street, highway or roadway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.

(c) ~~Left Turns.~~

~~(1) The driver of a bicycle intending to turn left at any intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel as such bicycle and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered; or~~

~~(2) Approach the intersection beside the curb, proceed through the intersection in the same direction, yield right of way to all vehicles proceeding through the intersection, and then make the left turn so as to leave the intersection in the proper position upon the roadway being entered;~~

~~(3) Notwithstanding the foregoing provisions, the state highway commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.~~

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. ~~Persons riding two abreast shall not impede the normal and reasonable movement of traffic, and, on a laned roadway, shall ride within a single lane.~~

~~(d) Turning Movements and Required Signals.~~

~~(1) No person shall turn a bicycle at an intersection unless the bicycle is in proper position upon the roadway as required in this subsection or turn a bicycle to enter a private road or driveway, or otherwise turn a bicycle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any bicycle without giving an appropriate signal;~~

~~(2) A signal of intention to turn right or left shall be given before turning and/or shall be given while the bicycle is stopped waiting to turn;~~

~~(3) No person shall stop or decrease the speed of a bicycle without first giving the appropriate signal.~~

Whenever a bicycle path or a bicycle lane has been provided adjacent to a street, highway or roadway, bicycle riders shall use such bicycle path or bicycle lane and shall not use the street, highway or roadway.

(e) For purposes of this section, “narrow width lane” means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.”

SECTION 4. Section 11.48.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Carrying passengers. It shall be unlawful for any person riding a bicycle upon a street, highway, roadway, alley, bike path, bike lane or sidewalk of the city, to carry another person on the same bicycle; provided, however, that this restriction shall not apply to bicycles with dual-operation construction; and provided that a child who is less than five years of age may be carried on a bicycle by a person operating said bicycle if the following conditions are met:

- (1) The person operating the bicycle must either be the parent or legal guardian of the child or have the consent of the parent or legal guardian;
- (2) The child must be carried on a seat constructed on the rear of said bicycle, which seat must ~~either~~ be a manufactured type ~~or homemade~~, that complies with the current Consumer Product Safety Commission Standards;
- (3) ~~An authorized adult rider may carry an infant securely attached to his person in a backpack or sling.~~ An adult rider may carry a child in a wheeled child carrier designed for attachment to a bicycle.”

SECTION 5. Section 11.48.170 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

“Parking of bicycles. ~~(a)~~ It is unlawful for any person to park or leave a bicycle on ~~any street, alley, highway, sidewalk or sidewalk area, bike path or other public~~ property ~~place or way~~ in the city when such place is ~~within one city block of a bicycle rack or area designated for parking bicycles~~ where such bicycle blocks pedestrian travel or presents a traffic hazard.

~~(b)~~ ~~Bicycle racks and areas designated for parking bicycles in the city shall not be located on any street, sidewalk or other public property without prior approval of the traffic engineer.~~

~~(c)~~ ~~The police department shall be authorized to remove any bicycles that are unlawfully parked or left within the city and shall further be authorized to remove any bicycle left or parked on public property where that bicycle blocks pedestrian travel or presents a traffic hazard.~~

SECTION 6. Section 11.48.175 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Impounding bicycles. ~~leaving unattended and revocation of license.~~ Bicycles shall be impounded to the police department or to any other place of safety ~~under any of the circumstances hereinafter enumerated:~~

~~(a) When such bicycle is not licensed according to the provisions of this chapter;~~

~~(b) When such bicycle is not in a safe mechanical condition.~~ When such bicycle is abandoned;

(b) When such bicycle is reported or determined to be stolen and is recovered; or

(c) When such bicycle is left parked on public property where that bicycle blocks pedestrian travel or presents a traffic hazard.

A bicycle impounded by the police department shall not be released until the bicycle has

been investigated and the rightful owner is found and shows proof of ownership. ~~Then an impound fee of two dollars shall be assessed to the owner before release of the bicycle.~~

SECTION 7. Section 11.48.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Sale of unclaimed or impounded bicycles. Whenever a bicycle has been impounded for a period of ~~four months~~ 30 days and no claim of ownership or the right to possession thereof has been made and established to the satisfaction of the police department, such bicycles shall be sold at public auction, after legal publication of the time, date and location of such sale.

SECTION 8. The originals of Sections 11.48.010, 11.48.020, 11.48.030, 11.48.040, 11.48.050, 11.48.060, 11.48.070, 11.48.080, 11.48.100, 11.48.110, 11.48.120, 11.48.130, 11.48.170, 11.48.175, 11.48.180 and 11.48.190 of the Code of the City of Wichita , Kansas, are hereby repealed.

SECTION 9. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2010.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law