

CITY OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 35 – 26

PASSED: _____

AN ORDINANCE AMENDING SECTIONS 301.07, 301.24, 331.37, 351.03, 373.02, 373.08, 373.09, and 373.12, AND ENACTING SECTION 373.13 OF THE CODIFIED ORDINANCES OF THE CITY OF OBETZ TO REVISE AND SUPPLEMENT LOCAL RULES CONCERNING ELECTRIC BICYCLES

WHEREAS, Ohio law recognizes class 1, class 2, and class 3 electric bicycles and requires each class to have fully operable pedals, an electric motor of less than seven hundred fifty (750) watts, and class-specific limits on the manner and speed of motor assistance; and

WHEREAS, Ohio Revised Code Section (R.C.) 4511.522 establishes labeling, manufacturing, equipment, path-use, age, and helmet requirements for electric bicycles, and R.C. 4511.711 permits an electric bicycle to be operated on a sidewalk only when its motor is not engaged; and

WHEREAS, Council adopted Ordinance 49-26 on August 10, 2026, amending Section 373.12 to establish additional helmet and passenger requirements for minors; and

WHEREAS, Council has determined that additional rules governing sidewalks, City-controlled paths and trails, pedestrian passing, equipment labels, parking, temporary dismount zones, and education-first juvenile enforcement will promote public safety while preserving lawful street operation under otherwise applicable law; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution and Ohio Revised Code Sections 4511.07, 4511.522, and 4511.711 authorize the City, within constitutional and statutory limits, to regulate the operation of bicycles and electric bicycles and the use of City-controlled property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO, THAT:

Section 1. Section 301.07 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

301.07 BICYCLE

“Bicycle” means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle, except to the extent otherwise expressly provided in this Traffic Code. ~~{ORC 4511.01(G)}~~

Section 2. Section 301.24 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

301.24 ELECTRIC BICYCLE

(a) “Electric bicycle” means a “class 1 electric bicycle”, a “class 2 electric bicycle”, or a “class 3 electric bicycle” as defined below.

~~(a) —CLASS 1 ELECTRIC BICYCLE. Means~~ (1) “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 twenty miles per hour.

~~(b) — CLASS 2 ELECTRIC BICYCLE. Means~~ (2) “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 twenty miles per hour.

~~(c) — CLASS 3 ELECTRIC BICYCLE. Means~~ (3) “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 twenty-eight miles per hour.

(b) A device does not qualify as an electric bicycle merely because it resembles or is marketed as an electric bicycle, or bears a class designation. A device that does not meet the definition of a class 1, class 2, or class 3 electric bicycle under subsection (a) is not an electric bicycle for purposes of this Traffic Code. —(ORC 4511.01(SSS)) —(VVV)

Section 3. Section 331.37 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS

- (a)(1) No person shall drive any vehicle, ~~other than a bicycle or an electric bicycle if the motor is not engaged,~~ upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This prohibition does not apply to a bicycle or to an electric bicycle operated with the motor disengaged, subject to Section 373.12.
- (2) This prohibition does 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 with the motor engaged while in the performance of the officer’s duties.
- (3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))
- (b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.
- (c) Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. ~~(ORC 4511.711)~~

Section 4. Section 351.03 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

351.03 PROHIBITED STANDING OR PARKING PLACES

- (a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:
- (1) On a sidewalk, curb or street lawn area, except as provided in subsection (b) hereof;
 - (2) In front of a public or private driveway;
 - (3) On the apron of a public or private driveway within three (3) feet of a street, sidewalk, or bicycle, pedestrian, or multi-use pathway;
 - (4) Within an intersection;
 - (5) Within ten feet of a fire hydrant;
 - (6) On a crosswalk;
 - (7) Within twenty feet of a crosswalk at an intersection;
 - (8) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
 - (9) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
 - (10) Within fifty feet of the nearest rail of a railroad crossing;
 - (11) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
 - (12) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
 - (13) Alongside any vehicle stopped or parked at the edge or curb of a street;
 - (14) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
 - (15) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
 - (16) Within one foot of another parked vehicle;
 - (17) On the roadway portion of a freeway, expressway or thruway.
- (b) ~~A~~ [Except as otherwise provided in Section 373.09](#), a person is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This subsection does not authorize any person to operate a vehicle in violation of Section 331.37, or any substantially equivalent municipal ordinance.

- (c) Except as otherwise provided in this subsection, whoever violates 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.

Section 5. Section 373.02 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES

- (a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C. 4519.01.
- (b) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.
- (c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.
- (d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.
- (e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.
- (f) No person operating a bicycle or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.
- (g) No bicycle, electric bicycle, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.
- (h)(1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection ~~(h)(3)~~(h)(2) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
- (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (i)(1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that

has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.

- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
- A. At any time when lighted lights are required by Section 337.02(a)(1);
 - B. While carrying a passenger;
 - C. On any limited access highway or heavily congested roadway.
- (3) Subsections (i)(1) and (i)(2)A. of this section do not apply to a person who operates or is a passenger in an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle. For purposes of Section 373.12, a child carried in a seat or trailer described in this subsection shall be considered a passenger on the electric bicycle to which the seat or trailer is attached.
- (k) Except as otherwise provided in this subsection, whoever violates 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. ~~(ORC 4511.53)~~

Section 6. Section 373.08 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED; PEDESTRIAN PRIORITY

- (a) No person shall operate a bicycle or electric bicycle:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle or electric bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without ~~both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d)~~ keeping at least one hand upon the handlebars;
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.
- (b) Where operation is otherwise permitted under this Traffic Code, a person operating a bicycle or electric bicycle on a sidewalk, a path set aside for the exclusive use of bicycles, or a shared-use path shall:
- (1) Yield the right-of-way to pedestrians;

- (2) Give an audible warning sufficiently in advance of overtaking or passing a pedestrian;
- (3) When operating on a sidewalk, travel at a speed not exceeding five miles per hour. Compliance with this paragraph does not relieve the operator of the duty to travel at a lower speed when reasonably necessary to comply with subsection (a)(5) or to yield to, overtake, or pass a pedestrian safely as required by this subsection;
- (4) Reduce speed to a speed that is reasonable and prudent for safely overtaking or passing;
- (5) Maintain a safe lateral distance when overtaking or passing a pedestrian;
- (6) Not overtake or pass a pedestrian when passing would be unsafe because of oncoming traffic, path width, visibility, surface conditions, congestion, or other conditions; and
- (7) If a pedestrian cannot be safely overtaken or passed while riding, dismount and walk the bicycle or electric bicycle or wait until safe passage is reasonably available.

(c)(1) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person 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.

Section 7. Section 373.09 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

373.09 PARKING OF ~~BICYCLE~~ BICYCLES AND ELECTRIC BICYCLES.

- (a) ~~No~~ In addition to the stopping, standing, and parking restrictions applicable under the Traffic Code, no person shall park or leave a bicycle or electric bicycle ~~upon a sidewalk in such a manner so as to unduly interfere with:~~
- (1) So as to obstruct a pedestrian traffic or upon access route or reduce its required clear width, including by obstructing any curb ramp, landing, or detectable warning surface;
 - (2) Across or so as to obstruct a building entrance, park entrance, gate, driveway, or other public access point;
 - (3) Within a roadway so, except in a lawful parking space or as to otherwise authorized by law;
 - (4) Upon a bicycle lane, or upon or across a path set aside for the exclusive use of bicycles or a shared-use path in a manner that obstructs or materially interferes with its use;
 - (5) In any manner that creates an unreasonable tripping hazard or unduly interfere interferes with pedestrian or vehicular traffic.
- (b) The City Administrator or the City Administrator's designee may designate bicycle and electric bicycle parking locations by sign, marking, rack, or other device and may, for a City facility or event, require bicycles and electric bicycles to be parked only in the designated locations when notice of that requirement is conspicuously posted.

- (c) This section applies only when the bicycle or electric bicycle is parked or left on property owned or controlled by the City or within a public right-of-way under the jurisdiction of the City. Subsection (a)(2) applies when the bicycle or electric bicycle is located on such property or right-of-way and obstructs access to an entrance, gate, driveway, or other access point, regardless of whether the adjoining premises are publicly or privately owned.
- (d) (1) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.
- (2) The offenses established under subsection (d)(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 8. Section 373.12 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

373.12 ELECTRIC BICYCLES.

(a) Places of Operation.

- (1) Sidewalks. A class 1 or class 2 electric bicycle may be operated on a sidewalk only as permitted by Section 331.37(a)(1), with the electric motor not engaged and providing no propulsion or assistance. No person shall operate a class 3 electric bicycle on a sidewalk. Nothing in this paragraph prohibits a person who is dismounted from walking or pushing an electric bicycle on a sidewalk.
- (2) The operation of a City-Controlled Paved Bicycle and Shared-Use Paths. A class 1 ~~electric bicycle and~~ a or class 2 electric bicycle ~~is permitted~~ may be operated on a paved path set aside for the exclusive use of bicycles or on a paved 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 under the jurisdiction or control of the City only with the electric motor not engaged and providing no propulsion or assistance.~~ No person shall operate a class 3 electric bicycle on such a path. Nothing in this paragraph prohibits a person who is dismounted from walking or pushing an electric bicycle.
- (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) City-Controlled Natural-Surface and Similar Trails. No person shall operate a class 1 ~~electric bicycle,~~ a class 2 ~~electric bicycle,~~ or a class 3 electric bicycle on a path or trail under the jurisdiction or control of the City 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~~ except as authorized pursuant to subsection (a)(6).

- (4) **Exception for Law Enforcement.** Subsections (a)(1), (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.

- (5) **Paths and Trails Controlled by Other Public Authorities.** The operation of an electric bicycle on a path or trail controlled by another public authority is governed by applicable law and by any rule or regulation adopted by the authority having control over the path or trail.

- (6) **Alternative Rules for City-Controlled Paths and Trails.** Notwithstanding subsections (a)(2) and (a)(3), the City Administrator may, when reasonably warranted by the design, width, surface, condition, intended use, user volume, pedestrian activity, visibility, maintenance needs, or other safety characteristics of the path or trail, authorize or prohibit the operation of one or more classes of electric bicycles on a path or trail under the jurisdiction or control of the City, or impose alternative operating conditions, provided that the alternative rule or operating condition is conspicuously posted at customary entrances to the affected path or trail before it is enforced against the public.

(b) **Temporary No-Ride Zones.**

- (1) The City Administrator or Police Chief may establish a temporary no-ride zone on City-owned or City-controlled property, or on a sidewalk, path, trail, plaza, or other public pedestrian area under the jurisdiction or control of the City, when reasonably necessary for public safety because of an event, emergency, or crowding. A zone shall be limited in area and duration to that reasonably necessary and shall not remain in effect for more than fourteen consecutive days without approval of Council. A zone may apply to all bicycles or electric bicycles only. Notice of the zone shall be provided by signs, barricades, pavement markings, or other reasonably visible means.
- (2) No person shall ride or operate a bicycle or electric bicycle subject to a temporary no-ride zone contrary to posted notice or the lawful direction of a police officer or other person designated to implement the zone. A person may dismount and walk the bicycle or electric bicycle through the zone.
- (3) Subsection (b) shall be administered consistently with the Americans with Disabilities Act and other applicable disability-access law and does not limit any reasonable modification required by such law.

(c) **Statewide Class 3 Restrictions.**

- (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.

(d) **Local Age, Helmet, and Passenger Restrictions.** Subsections (d)(1) to (4) apply only while an electric bicycle is being operated upon a public street, sidewalk, bicycle path, shared-use path, recreational trail, playground, parking lot, or other public property or privately owned property open to public use.

~~(3)~~ (1) No person under twelve years of age shall operate a class 1 or class 2 electric bicycle.

- (2) No person under eighteen years of age shall operate or be a passenger on a class 1 electric bicycle or a class 2 electric bicycle unless the person is wearing a properly fitted and securely fastened protective helmet that meets the standards set forth in subsection ~~(b)~~ (c)(2).

~~(4)~~(3) No person shall operate a class 1 or class 2 electric bicycle while carrying a passenger under eighteen (18) years of age unless that passenger is wearing a properly fitted and securely fastened protective helmet that meets the standards set forth in subsection ~~(b)~~(c)(2).

~~(5)~~ (4) No person under eighteen years of age shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle while carrying or transporting any passenger, regardless of whether the electric bicycle is designed or equipped to carry more than one person.

~~(6)~~(e) **Labels, Equipment, and Modifications.**

(1) No person shall knowingly operate an electric bicycle that is required by Ohio Revised Code Section 4511.522(A)(1) to bear a label if the required label is absent.

(2) No person shall knowingly remove, conceal, counterfeit, falsify, or materially alter a label required under subsection (e)(1), except as necessary to accurately reflect a modification as required by law.

(3) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching without also modifying the required label to accurately reflect the modification.

(4) The absence of a label required under Ohio Revised Code Section 4511.522(A)(1) does not, standing alone, establish that a device fails to qualify as an electric bicycle under Section 301.24.

(5) No person shall knowingly operate a class 3 electric bicycle that is not equipped with a speedometer that displays its speed in miles per hour.

(6) Subsections (e)(1) and (e)(5) apply only while the electric bicycle is being operated at a location described in subsection (d). Subsections (e)(2) and (e)(3) apply only to conduct occurring within the corporate limits of the City. Subsection (e)(4) is a rule of construction and applies whenever classification of a device is at issue under this Traffic Code.

(f) **Parent Culpability.** No parent, guardian, or legal custodian shall knowingly permit a person under eighteen (18) years of age in their care to violate ~~any provision of subsections (b)(1) to (5) of~~ subsection (c)(1) or (2), or subsection (d)(1) through (4) of this section.

~~(e)~~(g) **Penalty.**

(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~~ Except for a violation for which this section expressly specifies a culpable mental state, the offenses established under subsection ~~(e)~~(g)(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 9. Section 373.13 of the Codified Ordinances of the City of Obetz is hereby enacted to read as follows:

373.13 JUVENILE EDUCATION AND ENFORCEMENT; DEVICE CUSTODY.

- (a) When a person under eighteen years of age is alleged to have committed a bicycle- or electric-bicycle-related violation of Section 331.37, 373.02, 373.08, 373.09, or 373.12, or is alleged to have violated any state or local law governing the licensing, registration, equipment, or operation of a two- or three-wheeled device that has a seat or saddle for the operator, is propelled or assisted by an electric motor, and does not qualify as an electric bicycle under Section 301.24, a police officer may, before initiating formal juvenile-court proceedings and consistent with applicable law and written departmental policy, use one or more of the following measures:
- (1) Issue a written warning and explain the applicable safety requirement;
 - (2) Notify the person's parent, guardian, or legal custodian;
 - (3) Direct that the bicycle, electric bicycle, or other device not be operated further until a required helmet is obtained or an observed equipment defect is corrected and, when reasonably necessary for safety, notify a parent, guardian, or legal custodian or take other action authorized by law and written departmental policy;
 - (4) Provide safety materials or offer referral to an electric-bicycle or bicycle-safety course approved by the Police Chief; or
 - (5) Refer the person to an applicable pre-initial appearance diversion program established or approved by the juvenile court, consistent with applicable law, court rules, and program requirements.
- (b) The Police Chief may establish written policies governing warnings, education, parent or guardian notification, safety referrals, and other informal enforcement measures authorized by this section. The Police Department may participate in or make referrals to a pre-initial appearance diversion program established or approved by the juvenile court. Participation in an educational or diversionary measure is not a right and does not limit the authority of a prosecuting authority or court.
- (c) In determining whether to use an educational or informal enforcement measure or initiate formal juvenile-traffic proceedings, an officer may consider the nature and seriousness of the violation, any prior warnings or violations, the existence of an immediate or substantial safety risk, and other relevant circumstances. Such circumstances may include, without limitation, a collision causing injury or property damage, reckless operation, flight from a lawful stop, refusal to provide identifying information when lawfully required, a knowingly falsified or altered label, or failure to comply with a prior written warning.
- (d) Nothing in this section requires an officer to issue a warning, provide an educational measure, or make a diversion referral before taking otherwise lawful enforcement action. The availability or nonuse of any measure authorized by this section does not create a defense to a violation or otherwise affect the validity of an enforcement action.
- (e) A police officer may seize, take custody of, or impound a bicycle, electric bicycle, or other device regulated by this chapter only when authorized by Chapter 303, to the extent applicable, by other applicable law, by a warrant or court order, or by another independent lawful basis. A violation of this chapter, standing alone, does not authorize seizure or impoundment of the bicycle or device.
- (f) When a bicycle, electric bicycle, or other device used or possessed by a minor is lawfully taken into custody and need not be retained as evidence or pursuant to other law, the Police Department shall make reasonable efforts to notify the owner, parent, guardian, legal custodian, or other person entitled to possession and shall provide a reasonable opportunity for lawful retrieval. The bicycle or device shall otherwise be handled in accordance with applicable law and written departmental policy. No storage, release, or other fee shall be imposed except as authorized by law.

(g) Nothing in this section alters the jurisdiction, procedures, rights, or requirements applicable to a juvenile traffic offender under state law or the Ohio Rules of Juvenile Procedure.

(h) For purposes of this section, the term “device” does not include a low-speed micromobility device as defined in Ohio R.C. 4511.01, an electric personal assistive mobility device as defined in Ohio R.C. 4501.01, a motorized wheelchair, or another power-driven mobility device being used by an individual with a mobility disability.

Section 10. Existing Sections 301.07, 301.24, 331.37, 351.03, 373.02, 373.08, 373.09, 373.12 are hereby repealed and replaced as provided in Sections 1 through 8 of this Ordinance. All other provisions of the Codified Ordinances remain in full force and effect.

Section 11. Council finds and determines that all formal actions concerning and relating to the passage of this Ordinance were taken in an open meeting of Council, and that all deliberations of Council and any of its committees that resulted in those formal actions were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Ohio Revised Code Section 121.22.

Section 12. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application, and to that end the provisions of this Ordinance are severable.

Section 13. This Ordinance shall take effect and be in force thirty (30) days after its passage, in accordance with Section 4.07(B) of the Charter of the City of Obetz.

Passed this _____ day of _____, 2026.

ATTESTS:

Stacey Boumis, Clerk of Council

Angela M. Kirk, Mayor

Derek Varney, Council Pres. Pro-Tem

APPROVED AS TO FORM:

Eugene L. Hollins, Esq., Law Director

ORDINANCE: 35 – 26

PASSED: _____

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2026, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.

Stacey Boumis, Clerk

Date