

**ARTICLE VI. BICYCLES\***

**\*Editor's note:** Ord. No. O-78-58, enacted Sept. 11, 1978, amended Art. VI, relative to bicycles, to read as set out in §§ 21-41--21-66. Prior to amendment Art. VI was derived from Ord. of April 26, 1971, §§ 1--3, and Ord. No. O-74-49, § 1, adopted July 15, 1974.

**Sec. 21-41. Definitions.**

- (a) *Bicycle:* A nonmotorized vehicle with two (2) or three (3) wheels tandem, a steering handle, one or two (2) saddle seats, and pedals by which the vehicle is propelled. (GS 20-171.1)
- (b) *Bikeway:* A thoroughfare suitable for bicycles, and which may either exist within the right-of-way of the modes of transportation, such as highways, or along a separate and independent corridor. The term "bikeway" may include "bike lanes", "bike paths" and "bike trails".
- (c) *Bike lanes:* That portion of a roadway set aside for the use of bicycles and so designated as provided in section 21-42.
- (d) *Bike path:* A separate pathway for bicycles and pedestrians paralleling a roadway, located within the right-of-way of said roadway and so designated as provided in section 21-42.
- (e) *Bike trail:* A pathway for bicycles and pedestrians located within a public easement or right-of-way other than that of a roadway and so designated as provided in section 21-42.
- (f) *Moped:* A vehicle having two or three wheels and operable pedals and equipped with a motor which does not exceed fifty cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than twenty (20) miles per hour on a level surface. (NCGS 20-401(d1); Ord. No. O-78-58, 9-11-78; Ord. No. 86-11-10/O2, § 1)

**Sec. 21-42. Establishment of bikeways; signs.**

The town manager shall place or cause to be placed appropriate signs or other markings indicating the bikeways designated below:

- (a) The following are designated as bike paths:

East Franklin Street (north side)--Estes Drive to Hillsboro Street.

Airport Road (east side)--Hillsboro Street to Estes Drive.

Airport Road (west side)--Umstead Drive to North Columbia Street.

Columbia Street (west side)--Airport Road to Cameron Avenue.

Columbia Street (east side)--Cameron to Rosemary Street.

Pittsboro Street (west side)--From Cameron Avenue to a point 50 feet north of University Drive West Extension.

Raleigh Road (north side)--NC 15-501 Bypass to Country Club Road

- (b) The following are designated as bike lanes:

Country Club Road (east side)--Gimghoul Road to Boundary Street.

- (c) The following are designated as bike lanes for 7:00 a.m. to 9:45 a.m.:

Cameron Avenue (south side)--South Columbia Street to Merritt Mill Road.

- (d) The following are designated as bike lanes from 3:00 p.m. to 6:00 p.m.:

Cameron Avenue (north side)--Fetzer Lane to a point 160 feet west of the center line of Graham Street.

- (e) The following are designated as bike trails:

Muirhead Trail--From Cleveland Road to Ridgefield Road.

Glendale Trail--From Weaver Road right-of-way to Valley Park Drive.

(Ord. No. O-78-58, 9-11-78; Ord. No. O-79-52, 9-10-79; Ord. No. O-82-56, 7-12-82; Ord. No. O-84-31, § 2, 4-24-84; Ord. No. O-85-42, § 6, 7-15-85)

**Cross references:** Bike lane overlay zones, § 21-27.3.

#### **Sec. 21-43. Shared facilities.**

While roadways are provided for the safety and convenience of vehicles, sidewalks are provided for the safety and convenience of pedestrians and bikeways are provided for the safety and convenience of bicycles, it is recognized that in many instances such facilities may be shared. On shared facilities, the following regulations shall apply:

(a) When using bike paths and bike trails, pedestrians shall walk as far to the right as practicable; shall walk no more than two (2) abreast; and shall exercise due care. Bicyclists shall give audible signal before passing a pedestrian on a bike path or trail.

(b) When using sidewalks, bicyclists shall not exceed seven (7) miles per hour, shall yield the right-of-way to pedestrians and shall pass only on the left and only after giving audible warning to pedestrians.

(c) When using a roadway, bicyclists shall ride as far to the right as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, and shall not pass standing or slower moving vehicles in their lane on the right except as permitted by G.S. 20-150.1.

(d) Persons riding bicycles upon a sidewalk or bikeway shall ride single file except when passing another bicycle.

(Ord. No. O-78-58, 9-11-78; Ord. No. 99-9-13/

O-6.1)

#### **Sec. 21-44. Reserved.**

**Editor's note:** Ord. No. 86-11-10/O-2, § 1, adopted Nov. 10, 1986, provided in part for the repeal of § 21-44, prohibiting bicycles on certain sidewalks, which derived from Ord. No. O-78-58, adopted Sept. 11, 1978.

#### **Sec. 21-45. Applicability of traffic laws.**

Every person riding a bicycle upon a public street, bikeway or sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, this Code or other ordinances of this town applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application, and except as otherwise provided in this chapter.

(Ord. No. O-78-58, 9-11-78; Ord. No. O-81-39, 5-26-81)

#### **Sec. 21-46. Obedience to traffic-control devices.**

Any person operating a bicycle shall obey the instructions of official traffic-control signs, and other control devices applicable to vehicles and bicycles, unless otherwise directed by a police officer.

(Ord. No. O-78-58, 9-11-78)

#### **Sec. 21-47. Entering bikeway or roadway.**

The operator of a bicycle, before entering a bikeway, shall yield the right-of-way to all bicycles and pedestrians approaching on such bikeway, and before entering a roadway shall yield the right-of-way to all vehicles or bicycles approaching such roadway.

(Ord. No. O-78-58, 9-11-78)

#### **Sec. 21-48. Reserved.**

**Editor's note:** Ord. No. O-81-30, § 1, enacted April 13, 1981, repealed § 21-48, relative to riding bicycles on a roadway adjacent to bicycle paths or lanes. Said section was derived from Ord. No. O-78-58, adopted Sept. 11, 1978, and Ord. No. O-81-7, adopted Jan. 12, 1981.

**Sec. 21-49. Direction of travel.**

The following bikeways are designated for two-directional traffic:

Airport Road (east side)--Estes Drive to 646 feet south of Estes Drive;

Muirhead Trail;

Glendale Trail.

All other bikeways shall carry bicycle traffic only in the direction of the nearest adjacent traffic lane.

(Ord. No. O-78-58, 9-11-78; Ord. No. O-81-30, § 1, 4-13-81)

**Sec. 21-50. Right-of-way at intersection.**

Right-of-way at intersections shall be determined by General Statute wherever applicable. Bicycles using bike lanes and bike paths shall have the right-of-way over vehicles making turning movements from parallel lanes of roadway.

(Ord. No. O-78-59, 9-11-78)

**Sec. 21-51. Walking bicycles.**

Bicycles may be walked subject to all provisions of law applicable to pedestrians.

(Ord. No. O-78-59, 9-11-78)

**Sec. 21-52. Driving vehicles across bikeways.**

No person shall drive a motorized vehicle upon or across a bikeway except at public street intersections or to enter a driveway. No person shall drive upon or across a bikeway as permitted by this section except after giving the right-of-way to all bicycles within the lane.

(Ord. No. O-78-59, 9-11-78; Ord. No. O-81-39, 5-26-81)

**Sec. 21-53. Equipment.**

Every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at

least three hundred (300) feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least two hundred (200) feet to the rear of such bicycle, when used at night. (GS 20-129 (e))

(Ord. No. O-78-59, 9-11-78)

**Sec. 21-53.1. Safety regulations for operators and passengers of bicycles.**

(a) Every person fifteen (15) years of age or under operating a bicycle on a public right-of-way within the town shall wear a protective helmet on his or her head, with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the ANSI (American National Standards Institute) Z90.4 or subsequent bicycle helmet standards, or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Cycling or subsequent standards.

(b) No person operating a bicycle on a public right-of-way shall allow anyone four (4) years old or younger, and weighing forty (40) pounds or less, to ride as a passenger on the bicycle, other than in a seat which shall adequately retain the passenger in place, and protect the passenger from the bicycle's moving parts; or else astride a regular seat of a tandem bicycle.

(c) No person operating a bicycle on a public right-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a helmet as defined in subsection (a) above or else is in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.

(d) A person's first violation of subsections (a), (b), or (c) above shall be dismissed if the person charged with the violation submits proof that equipment meeting the standards has been acquired for use by the operator or passenger. Otherwise any violation is punishable by a civil penalty of not more than ten dollars (\$10.00).

(Ord. No. 91-10-14/O-2a)

**Sec. 21-54. Owner protection and identification; finding and declaration of necessity.**

It is hereby found that the number of bicycles owned by the citizens and residents of the Town of Chapel Hill and the operation of bicycles on the public streets have greatly increased in recent years; that the number of accidents involving bicycles while being operated on the public streets has been growing; that larceny of bicycles has risen to many hundreds in recent years with consequent monetary losses formerly in excess of twenty-five thousand dollars (\$25,000.00) per year, and now more than double, and that the rate of monetary loss is steadily increasing; that many of the accidents have occurred by reason of improperly maintained, equipped, or operated bicycles and that the operators thereof have lacked proper personal identification; that theft of bicycles is being encouraged by reason of a lack of registration and proper identification and their recovery is unlikely; that proper identification of bicycles temporarily the subject of unauthorized use and subsequently recovered as abandoned has not been possible, and proper notification to owners has been impeded by lack of sufficient information; that a comprehensive program of inspection, operator education, registration and identification of all bicycles owned and operated in the Town of Chapel Hill as a means of owner protection and identification is necessary and that it is in the public interest that such program be instituted as soon as possible and that the necessity for the provisions hereinafter ordained is hereby declared as a matter of legislative determination to be in the public interest.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-55. Registration of bicycles generally.**

All bicycles located within the town owned by persons living in the Town of Chapel Hill shall be registered with the town and shall at all times bear a valid registration decal issued by the town.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-56. Registration of bicycles temporarily operated within the town.**

Any bicycle temporarily operated upon public streets and sidewalks of the town by persons not living in the Town of Chapel Hill may be registered with the town in accordance with the provisions of this article.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-57. Transfer of ownership.**

The transfer of ownership of any bicycle required to be registered shall be reported to the town and registration by the new owner obtained within thirty (30) days after transfer of ownership.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-58. Duration of registration.**

In order to assure that there exist at all times a current registration and a legible decal on such bicycle for the purpose of identification, registration shall be valid for period ending December 1st in even-numbered years two (2) years after the effective date of these registration provisions; provided, however, that in the event a registration decal becomes illegible by reason of being damaged, defaced, or otherwise mutilated the owner shall immediately apply for a new decal.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-59. Reserved.**

**Editor's note:** Section 21-59, setting forth registration fees for bicycles, derived from Ord. No. O-78-59, adopted Sept. 11, 1978, was repealed by Ord. No. O-81-30, § 1, enacted April 13, 1981.

**Sec. 21-60. Failure to register.**

Any person failing to register a bicycle required to be registered by the provision of this article shall be advised of the requirements of registration and shall be issued a warning that in the event said bicycle is not registered within seven (7) days and proof of said registration filed with the police department, he shall be subject to the penalties for violation of this article.  
(Ord. No. O-78-59, 9-11-78)

**Sec. 21-61. Penalties.**

Any person violating the provisions of section 21-55, 21-57, or 21-58 shall be subject to a fine not to exceed ten dollars (\$10.00).

(Ord. No. O-78-59, 9-11-78)

**Sec. 21-62. Mopeds prohibited on sidewalks, bike paths, bike trails; penalty.**

It shall be unlawful for any person to ride a moped (as defined in § 21-41(f)) on any sidewalk (as defined in section 21-20.1), or bike path or bike trail (as defined in section 21-41(d) and (e) respectively). A person found in violation of this section shall be subject to a civil penalty not to exceed five dollars (\$5.00).

(Ord. No. 86-11-10/O-2, § 1)