

The Mayor and Commissioners
of the Town of Elkton

Ordinance 4-2006

BY: Mayor and Commissioners

INTRODUCTION: January 18, 2006

ADOPTION: February 1, 2006

AN ORDINANCE CONCERNING

**The Code of the Town of Elkton
Title 10
Vehicles and Traffic
Chapter 10.28
Bicycles**

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 10, Chapter 10.28, regulating the use of bicycles, skateboards, and other play vehicles within the town.

WHEREAS, the Constitution of the State of Maryland, Article XI-E; Article 23A, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton, provide the authority under which the Mayor and Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners have previously enacted an ordinance that regulates the use of bicycles, skateboards, and play vehicles in the town under the Code of the Town of Elkton, Title 10, Chapter 10.28; and

WHEREAS, the Mayor and Commissioners have determined that additional regulation of bicycles, skateboards, and play vehicles is necessary to protect and preserve the public safety; and

WHEREAS, the Mayor and Commissioners have further determined that use of skateboards shall be restricted to public places specifically designated for skateboarding for the purposes of enhancing public safety, preserving the peace and harmony of public places, and protecting public and private property.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain the following:

Section 1. The Code of the Town of Elkton, Title 10, Chapter 10.28, shall be repealed; and

Section 2. The Code of the Town of Elkton, Title 10, Chapter 10.28, shall be re-enacted and read as follows:

The Code of the Town of Elkton
Title 10
Chapter 10.28
Bicycles, Skateboards and Play Vehicles

Sections:

- 10.28.010 Definitions.
- 10.28.020 Duty of Parent or Guardian.
- 10.28.030 Applicability.
- 10.28.040 General Regulations.
- 10.28.050 Violation – Penalty.

10.28.10 Definitions.

For the purpose of this chapter, the following words shall have the meanings herein:

- A. “Bicycle” means a vehicle that:
 - 1. Is designed to be operated by human power;
 - 2. Has two or three wheels, of which one is more than fourteen (14) inches in diameter;
 - 3. Has a rear wheel;
 - 4. Has a wheel configuration as follows:
 - A. If the vehicle has two wheels, with both wheels in tandem; or
 - B. If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle.
- B. “Play vehicle” means and includes coasters, roller skates, sleds and other toy vehicles.
- C. “Public place” means any place within the town and owned by the Town of Elkton, or other government, public institution or organization, or any person, including any business organization, and generally including sidewalks, streets, rights-of-way, parking lots, public recreation areas, and other areas open and accessible to the public.

- D. “Skateboard” means a vehicle consisting of a relatively flat piece of wood, metal, fiberglass or other material, usually ranging from four (4) to eight (8) inches in width, twelve (12) to thirty-six (36) inches in length, and less than one (1) inch thickness, referred to as the “deck” to which front and rear axle assemblies, along with four (4) wheels are attached, and generally used for skateboarding.
- E. “Skateboarding” means the act of pushing, propelling, riding, or performing tricks on a skateboard.

10.28.020 Duty of parent or guardian

The parent or guardian of any minor child may not authorize or knowingly permit the minor child to violate any provision of this chapter.

10.28.030 Applicability

The provisions of this chapter, unless otherwise specified, are applicable to bicycles, skateboards, and other play vehicles operated in a public place.

10.28.040 General regulations.

- A. No person shall operate a bicycle at a greater than reasonable and prudent speed under prevailing conditions.
- B. Riding on Bicycles.
 - 1. Operator to be seated. The operator of a bicycle may ride the bicycle only on or astride a permanent and regular seat securely attached to it.
 - 2. Seat Required for Passenger. A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger.
- C. Clinging to Vehicles. A person riding on any bicycle, play vehicle, coaster, skateboard, roller skates, sled or toy vehicle may not attach it or himself to any vehicle on a roadway.
- D. Riding on Roadways or on Highway. Each person operating a bicycle on a roadway:
 - 1. Shall ride as near to the right side of the roadway as practical and safe, except when making or attempting to make a left turn, when operating on a one-way street or when passing a stopped or slower moving vehicle;
 - 2. May ride two abreast only if the flow of traffic is unimpeded;

3. Shall exercise due care when passing a vehicle;
 4. May walk a bicycle on the right side of a highway if there is no sidewalk.
- E. Lamps and Other Equipment on Bicycles.
1. Lamps and Reflectors. If a bicycle is used on a highway at any time when, during insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet, the bicycle shall be equipped:
 - A. On the front, with a lamp that emits a white light visible from a distance of at least five hundred (500) feet to the front;
 - B. On the rear, with a red reflector of a type approved by the Maryland Motor Vehicle Administration and visible from all distances from six hundred (600) feet to one hundred (100) feet to the rear when directly in front of a lawful upper beams of head lamps on a motor vehicle.
 2. A bicycle or bicyclist may be equipped with a lamp that emits a red light or a flashing amber light visible from a distance of five hundred (500) feet to the rear in addition to the red reflector required by subsection (E) (1) (B) of this section.
 3. Bell. A person may not operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet. However, a bicycle may not be equipped with nor may any person use on a bicycle any siren or whistle.
 5. Brake. Every bicycle shall be equipped with a brake that enables its operator to make the braked wheels skid on dry, level, clean pavement.
- F. Audible Signal Required. A person riding a bicycle upon a sidewalk or bicycle path lawfully used by pedestrians shall give audible signal before overtaking and passing such pedestrian.
- G. Use of Sidewalks. A person shall not ride a bicycle or other play vehicle on the sidewalk of any business district of the Town of Elkton between the hours of 6:00 A.M. – 10:00 P.M..
- H. Skateboarding. Skateboarding shall be prohibited in any commercial or industrial zoned district or institutional use of property, regardless of zoning, or in any playground, parkland or recreation area, unless that area has been specifically designed for skateboarding, or unless the person(s) using a skateboard has obtained permission of the specific property owner. Posting of signs prohibiting skateboards or other “play vehicles” may be posted by the property owner.

10.28.050 Violation – Penalty.

All fines and penalties for violation of this Chapter are pursuant to Title 1, Chapter 1.08, of this Code. A violation of any of the regulations set forth herein shall constitute a municipal infraction and shall be subject to a citation to be issued by the Chief of Police or his designated representative. The Board of commissioners shall adopt by resolution an appropriate fine schedule based on the regulations set forth herein, or other penalties as provided by Resolution.

**** END OF SECTION****

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 21st day of February, 2006.

Mayor Joseph L. Fisona
Commissioner John K. Burkley, II
Commissioner Charles H. Givens, Sr.
Commissioner Earl M. Piner, Sr.
Commissioner C. Gary Storke