

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2002-36

Passed

August 6, YEAR 2002

AN ORDINANCE AMENDING SECTIONS 301 AND 331.37 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL AND DECLARING AN EMERGENCY.

WHEREAS, Council has determined that motorized devices utilized on the bike paths of the City of Powell are creating a hazard to residents, and

WHEREAS, adequate provisions do not presently exist to preclude motorized devices from utilizing bike paths and current legislation is void if any clear definition of bike paths, and

WHEREAS, Council has determined that implementation of such legislation is immediately necessary for the health, welfare, and safety of the residents of the Municipality of Powell to preclude the risk of injury to pedestrians and others utilizing bike paths within the City and it is therefore necessary for this legislation to take immediate effect.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That Council hereby amends Chapter 301 of the Codified Ordinances of the Municipality of Powell to include the following definition of "bike paths":

Bike Paths: Those paved portions of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines or separately paved travelways/paths through parklands, city owned property, and/or easements in favor of the city intended for the use of pedestrians and bicycles.

Section 2: That Section 331.37 of the Codified Ordinances of the Municipality of Powell is amended as follows:

331.37 Driving Upon Sidewalks, Bike Paths, Street Lawns, or Other Areas:

- (a) No person shall drive or operate any motor vehicle, other than a bicycle, including motorized scooters but excluding any vehicle designed to assist the handicapped, upon a sidewalk, sidewalk areas, or bike paths except upon a permanent or duly authorized temporary driveway.
- (b) No person shall drive or operate any motor vehicle, other than a bicycle including motorized scooters but excluding any vehicle designed to assist the handicapped, on a street lawn area or curb of a street except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.
- (c) Notwithstanding any other provisions of this Ordinance, City-authorized vehicles may operate on bikepaths in the performance of City duties.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 4: Council having found that an emergency exists as set forth above necessitating the immediate implementation and effectiveness of this Ordinance, this Ordinance shall take effect immediately upon its passage.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE 2002-36: Y 6 N 0

Art Schultz
Art Schultz
Mayor
Date 8/6/02

THIS ordinance is hereby declared an emergency through public passage at the City Council meeting on this date 8/6/02

Dawn Nauman
Dawn Nauman
Clerk of Council
Date 8/6/02

Dawn Nauman
Clerk of Council