ORDINANCE 46 - 2012

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 3 BICYCLES PART 1 BICYCLE REGULATIONS SECTION 3-106 OPERATION AND PARKING

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 3 Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking as follows:

§3-106. Operation and Parking.

Persons operating or parking a bicycle on any street in the City shall comply with all provisions relating to pedalcycles as specified in the Pennsylvania Vehicle Code.

No person shall ride a bicycle on the sidewalk except for members of the Police Department, employees of the Reading Downtown Improvement District, ***and employees of the Reading Parking Authority, while on duty,*** when required for emergency action, who have been duly trained.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance, advertised on Monday, May 7, 2012 in the Reading Eagle, shall be effective in ten (10) days, in accordance with Charter Section 219.

Enacted by Council on May 14, 2012

Council President

Attest:

City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14 day of May A. D. 2012. Witness my hand and seal of the said City this 21 day of May A. D. 2012

CITY CLERK

(Parking Authority)

Submitted to Mayor: _____

Date: 5-15-12

Received by the Mayor's Office: _____

Date: 5/15/12

Approved by Mayor: _____

Date: 5/15/12

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PART 1

BICYCLE REGISTRATION

Operation - see Vehicle Code, 75 Pa.C.S.A. §3501 et seq.
Lighting Requirements; Exemption - see Vehicle Code, 75 Pa.C.S.A. §4303

§3-101. Definitions.

As used in this Part, certain terms are defined as follows:

BICYCLE - a device having two tandem wheels of a diameter not less than 10 inches and propelled by human power. The term "bicycle" as used herein is synonymous with the term "pedalcycle" as used in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. 102.
[*Ord.30-1983*]

STREET - includes all public highways, boulevards, streets, lanes, alleys and all public places within the City.
(*Ord. 5-1961*, 5/24/1961, §1; as amended by *Ord. 30-1983*, 8/24/1983, §1)

§3-102. Registration, Fee and Term; Tag Attachment; Sale, Transfer or Dismantling.
No person shall ride or operate a bicycle upon any public street within the City unless such bicycle has been properly registered, tagged and licensed as hereinafter provided.

A. Every owner of a bicycle residing within the City shall list and register such bicycle with the Police Department at Police Headquarters and shall make application for such registration to the Chief of Police on a form provided for that purpose. If the owner is a minor under the age of 18 years, then his parents, or one of them, or if such minor does not reside with his parents, or either of them, then the adult person having care of such minor, or the adult person with whom such minor resides, shall make such listing and registration, and the application therefore, on behalf of such minor owner. [*Ord. 14-2001*]

B. Registration of bicycles shall be serially numbered and kept on file by the Chief of Police in his office as a public record. [*Ord. 14-2001*]

C. The Chief of Police upon receiving proper registration of a bicycle, shall affix, or cause to be affixed, to the rear mud guard, frame or other rear portion of the bicycle an identification tag or plate serially numbered to correspond to the bicycle registration in such position as to be plainly visible from the rear. A registration card shall be issued to the owner of each properly registered bicycle. [*Ord. 14-2001*]

D. A charge of $1 shall be made for the registration and tagging of bicycles, and an additional charge of $1 shall be made for the issuance of duplicate registration cards or plates.

E. It shall be the duty of the owner to see that such tag or plate is attached to the bicycle for which it is issued and that it remains attached thereto during the existence of such license.

F. The Chief of Police shall keep a record of the following: [*Ord. 14-2001*]

(1) The number of each registration.

(2) The date issued.

(3) The name and address of the person to whom issued.

(4) The make and number of each bicycle frame.

(5) A record of all bicycle registration fees collected.

G. Bicycles registered under the provisions of this Part shall be registered prior to operation on City streets. The Chief of Police shall affix, or cause to be affixed, a new identification tag or plate to each bicycle at the time of such registration. [*Ord.30-1983*]

H. Within 10 days after the sale, transfer or dismantling of any registered bicycle, such information shall be reported to the Chief of Police by the person in whose name the bicycle was registered. Such person may have the identification tag or plate of his former bicycle transferred to another bicycle owned by him without payment of an additional fee upon proper registration of such bicycle with the Chief of Police. [*Ord. 14-2001*]

I. It shall be the duty of any purchaser or transferee of any registered bicycle to make application for new registration of such bicycle and for a new tag or plate.

J. Every person engaged in the business of buying or selling, new or second-hand bicycles shall make a report within 5 days to the Chief of Police as follows:
[*Ord.14-2001*]

(1) Of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold.

(2) A description of such bicycle by name or make.

(3) The frame number thereof.

(4) The number of the identification plate, if any, found thereon.

K. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is properly registered and tagged and unless such bicycle is provided with the equipment required under the terms of this Part.

L. No person shall willfully or maliciously remove, destroy, mutilate or alter the identification tag or plate, frame number of the bicycle, or the registration card issued to the owner thereof.

M. All license cards and registration cards heretofore issued under the provisions of this Part shall remain effective until otherwise provided by Council. [*Ord.30-1983*]

(*Ord. 5-1961*, 5/24/1961, §2; as amended by *Ord. 14-1964*, 4/8/1964, §§1, 2; by *Ord. 19-1981*,

5/7/1981, §1; by *Ord. 30-1983*, 8/24/1983, §1; and by *Ord. 14-2001*, 5/29/2001)

§3-103. Examination of Applicant.
1. Before issuing a bicycle registration the applicant shall be required to demonstrate personally, in such manner as the Chief of Police shall direct, that he or she is the proper person and is capable of riding a bicycle; further such applicant shall satisfactorily pass an examination to determine his knowledge of safe riding rules and practices as this Part and the Chief of Police may from time to time prescribe. [*Ord. 14-2001*]

2. If the owner of a bicycle is a minor for whom an application is made by an adult, as hereinbefore provided, the minor shall be deemed the applicant for the purpose of this Section.
(*Ord. 5-1961*, 5/24/1961, §3; as amended by *Ord. 14-1964*, 4/8/1964, §1; and by *Ord. 14-2001*, 5/29/2001)

§3-104. Bicycle Inspection.
The Chief of Police, or his duly authorized representative, shall inspect each bicycle presented for registration, and shall refuse to license any bicycle found to be in an unsafe condition mechanically or lacking the equipment specified as necessary under the terms of this Part.
(*Ord. 5-1961*, 5/24/1961, §4; as amended by *Ord. 14-1964*, 4/8/1964, §1; and by *Ord. 14-2001*, 5/29/2001)

§3-105. Lights, Brakes, Horn and Equipment.
Bicycle lights, brakes and other equipment shall comply with pedalcycle requirements as specified in the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §3507.
(*Ord. 5-1961*, 5/24/1961, §5; as amended by *Ord. 30-1983*, 8/24/1983, §1)

§3-106. Operation and Parking.
Persons operating or parking a bicycle on any street in the City shall comply with all provisions relating to pedalcycles as specified in the Pennsylvania Vehicle Code.
(*Ord. 5-1961*, 5/24/1961, §6; as amended by *Ord. 30-1983*, 8/24/1983, §1)

No person shall ride a bicycle on the sidewalk except for members of the Police Department, employees of the Reading Downtown Improvement District, and members of the Reading Parking Authority, while on duty, when required for emergency action, who have been duly trained.

§3-107. Compliance with Law.
No operator of a bicycle shall violate any traffic rules or ordinances of the City or laws of the Commonwealth of Pennsylvania, that are applicable to pedalcycles or vehicles, except those provisions which by their nature are inapplicable.
(*Ord. 5-1961*, 5/24/1961, §6)

§3-108. Child's Ability for Safe Operation.
1. No owner of a bicycle shall permit any child to operate his bicycle upon a public street of the City unless such child or person is capable of operating a bicycle with safety to himself and the public generally.

2. If a child has satisfactorily passed an examination by the Police Department or a duly authorized representative to determine his ability to ride a bicycle, and to determine his knowledge of safe riding

rules and practices prescribed under this Part, the passing of such examination shall be prima facie evidence under this Part of the ability of such child to operate a bicycle with safety. [*Ord. 14-2001*] (*Ord. 5-1961*, 5/24/1961, §8; and amended by *Ord. 14-2001*, 5/29/2001)

§3-109. Nonresident Ownership and Operation.
Any bicycle owned and operated by a nonresident of the City shall not be required to be registered under the provisions of this Part, but shall be subject to all other provisions of this Part.
(*Ord. 5-1961*, 5/24/1961, §8)

§3-110. Penalty.
1. If the owner or operator violates any of the provisions of this Part, such bicycle shall be taken and impounded by the Police Department and so held for a period not exceeding 15 days upon the first offense, to be determined by the Chief of Police, and for the second offense for a period not exceeding 30 days.

2. Whoever violates §§3-102(I), (J), (K) or (L) or 3-108 shall be, upon conviction thereof, be sentenced to pay a fine of not less than $10 nor more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not exceed 30 days.

3. Whoever violates any other provision of this Part shall be, upon conviction thereof, be sentenced to a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
(Ord. 5-1961, 5/24/1961, §10; as amended by Ord. 30-1983, 8/24/1983, §1; and by Ord. 14-2001, 5/29/2001)