

ORDINANCE NO. 1104

AN ORDINANCE AMENDING CHAPTER 38 OF THE NICHOLS HILLS CITY CODE BY ADDING REGULATIONS REGARDING BICYCLING AND JOGGING IN THE CITY; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Chapter 38, *Streets, Sidewalks, and Other Public Places*, of the Nichols Hills City Code is hereby amended as follows, with new language underlined, to wit:

ARTICLE VIII. BICYCLING AND JOGGING.

Sec. 38-273. Definitions.

The following words, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Bicycle means either: (1) a device having two wheels and having at least one saddle or seat for the use of a rider that is propelled by human power; or (2) a device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower) whose maximum speed on a paved level surface when powered solely by such motor while ridden is less than 20 miles per hours and weighs no greater than 80 pounds.

Hours of Darkness means any time from one-half hour after sunset to one-half hour before sunrise and any other time when there is not sufficient light or visibility to clearly discern persons on a street at a distance of at least 500 feet.

Jogging means running, trotting, or alternately running, trotting, and walking.

Sec. 38-274. Riding Bicycles.

It shall be unlawful for any person to ride a bicycle on any public street in the City except in accordance with the following regulations:

- (a) Persons riding bicycles are subject to the traffic ordinances of the City except as to special regulations in this Article and except as to those provisions of such ordinances that by their nature can have no application.
- (b) Persons riding bicycles must obey the directions of traffic signals, signs, and other control devices applicable to other vehicles unless otherwise directed by a police officer.

- (c) Persons riding bicycles during Hours of Darkness must wear reflective clothing or reflective items that are visible from the person's front and back and that are adequate to reflect brightly the headlights from a motor vehicle at a distance of at least 500 feet.
- (d) Persons riding bicycles must ride in the same direction as traffic and as near to the edge of the street as practical. Such persons must not ride at a speed greater than is reasonable and proper and must use care to avoid endangering themselves, another bicyclist, a jogger, a walker, or any motor vehicle.

Sec. 38-275. Jogging and Walking.

It shall be unlawful for any person to jog or walk on any public street in the City except in accordance with the following regulations:

- (a) Persons jogging or walking during Hours of Darkness must wear reflective clothing or reflective items that are visible from the person's front and back and that are adequate to reflect brightly the headlights from a motor vehicle at a distance of at least 500 feet or must carry a flashlight that is visible to a motor vehicle at a distance of at least 500 feet.
- (b) Persons must jog and/or walk in the direction facing oncoming traffic and as near to the edge of the street as practical. Such persons must use care to avoid endangering themselves, another jogger or walker, a bicyclist, and any motor vehicle.

These requirements do not apply to any person entering the street for the sole purpose of crossing it.

Sec. 38-276. Procedures.

A police officer, upon finding a person in violation of this Article may ascertain the name and address or such person and warn that person that he is in violation of this Article and may direct that person to comply with it. If any person warned by a police officer that he is in violation of this Article should refuse to follow such directions or if such person has been warned on a previous occasion that he is in violation of this Article, that person may be punished by a fine as established in the City Fine Schedule.

Section 2. Chapter 14 of the Nichols Hills Code, Section 14-106 (City Fine Schedule), thereof, is hereby amended, with the addition of the following fines, with new language underlined, to wit:

<i>Charge</i>	<i>Oklahoma Statute / City Code Creating Offense</i>	<i>Fine, Assessments and Costs Total</i>
<u>Failure to comply with bicycling ordinance</u>	<u>Nichols Hills City Code, Sec. 38-274</u>	<u>\$15.00</u>
<u>Failure to comply with jogging and walking ordinance</u>	<u>Nichols Hills City Code, Sec. 38-275</u>	<u>\$15.00</u>

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 13th day of June, 2017.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 13th day of June, 2017.

ATTEST:

Kristi Word
City Clerk

Sady M. Clements
Mayor

Reviewed as to Form and Legality:

Jim M. Williams
City Attorney