

1 **AMENDED AND APPROVED**

2 Date: 8-23-05

Submitted by: Assemblymember SHAMBERG

Prepared by: Department of Assembly

For reading: May 31, 2005

3 IMMEDIATE RECONSIDERATION FAILED

4

5 **ANCHORAGE, ALASKA**

6 **AO NO. 2005-77**

7

8 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**

9 **ANCHORAGE MUNICIPAL CODE CHAPTER 9.38 REGARDING PARENTAL**

10 **RESPONSIBILITY, APPLICABILITY OF TRAFFIC LAWS, CONDUCT OF**

11 **BICYCLE RIDERS, REPEALING BICYCLE REGISTRATION REQUIREMENTS,**

12 **AND REQUIRING BICYCLE HELMETS FOR MINORS.**

13

14

15 THE ANCHORAGE ASSEMBLY ORDAINS THAT:

16

17 **Section 1:** Anchorage Municipal Code section 9.38.010 is amended to

18 read as follows:

19

20 **9.38.010** **Parental responsibility; applicability of chapter to bicycles**

21 **operated on pathways [BIKEPATH].**

- 22
- 23 A. The parent of any child or the guardian of any ward may not
- 24 authorize or knowingly permit any such child or ward to violate any of
- 25 the provisions of this chapter.
- 26
- 27 B. The provisions of this chapter applicable to bicycles shall also apply
- 28 whenever a bicycle is operated upon any sidewalk, trail, or pathway
- 29 [PATH SET ASIDE FOR THE EXCLUSIVE USE OF BICYCLES],
- 30 subject to those exceptions stated in this chapter.

31

32 **Section 2:** Anchorage Municipal Code section 9.38.020 is amended to

33 read as follows:

34

35 **9.38.020** **Applicability of traffic laws to riders.**

- 36
- 37 A. Every person riding a bicycle [UPON A ROADWAY] shall be granted
- 38 all of the rights and shall be subject to all of the duties
- 39 applicable to the driver of a vehicle by this title, except as to special
- 40 regulations in this chapter, and except as to those provisions of this
- 41 title which by their nature can have no application.
- 42
- 43 B. A person shall not propel a bicycle so as to suddenly leave a curb or
- 44 other place of safety and move into the path of a vehicle that is so
- 45 close as to constitute an immediate hazard.
- 46

1 C. A person propelling a vehicle by human power upon and along a
2 sidewalk, trail or pathway, or across a roadway or driveway
3 intersecting a sidewalk, trail or pathway, shall have all the rights and
4 duties applicable to a pedestrian under the same circumstances.
5

6 **Section 3:** Anchorage Municipal Code section 9.38.030 is amended to
7 read as follows:

8
9 **9.38.30 Obedience to traffic control devices.**

10
11 A. Any person [OPERATING] propelling a bicycle shall obey the
12 instructions of official traffic control devices applicable to vehicles,
13 unless otherwise directed by a police officer, school crossing guard,
14 professional flagman, or other individual operating in an official
15 capacity to assist traffic.
16

17 B. Whenever authorized signs are erected indicating that no right turn or
18 left turn or U-turn is permitted, no person operating a bicycle may
19 disobey the direction of any such sign, except where such person
20 dismounts from the bicycle to make any such turn, in which event
21 such person shall then obey the regulations applicable to
22 pedestrians.
23

24
25 **Section 4:** Anchorage Municipal Code section 9.38.040 is amended to
26 read as follows:

27
28 **9.38.040 Riding on seat required; carrying other persons.**

29
30 A. A person propelling a bicycle may not ride other than upon or astride
31 a permanent and regular seat attached thereto.
32

33 B. No person propelling a bicycle may carry another person, unless the
34 bicycle is equipped with a seat or a trailer for the passenger. [NO
35 BICYCLE MAY BE USED TO CARRY MORE PERSONS AT ONE
36 TIME THAN THE NUMBER FOR WHICH IT IS DESIGNED AND
37 EQUIPPED].
38

39
40 **Section 5:** Anchorage Municipal Code section 9.38.060 is amended to
41 read as follows:

42
43 **9.38.060 Riders to use right edge of roadway; riding abreast[;**
44 **STOP BEFORE ENTERING OR CROSSING STREET].**

45
46 A. Every person [OPERATING] propelling a bicycle upon a roadway or
47 upon a [BIKE] trail or pathway shall ride as near to the right edge of

1 the roadway or trail or pathway as practicable, exercising due care
2 when avoiding hazards and passing or meeting other vehicles,
3 bicycles, pedestrians or users of the roadway or trail, except in the
4 following situations:

- 5
- 6 1. When overtaking and passing another bicycle or vehicle
7 proceeding in the same direction;
- 8
- 9 2. When preparing for a left turn at an intersection or into a
10 private road or driveway;
- 11
- 12 3. When reasonably necessary to avoid conditions including, but
13 not limited to, fixed or moving objects, parked or moving
14 vehicles, bicycles, pedestrians, animals, surface hazards, or a
15 road too narrow, which make it unsafe to continue along the
16 right-hand curb or edge;
- 17
- 18 4. When approaching a place where a right turn is authorized; or
- 19
- 20 5. When it is necessary for a cyclist to fully occupy one traffic
21 lane while waiting to cross an intersection in order to increase
22 the cyclist's visibility to drivers of other vehicles.
- 23

24 B. Persons riding bicycles upon a roadway may not ride more than two
25 abreast, except on paths or parts of roadways set aside for the
26 exclusive use of bicycles or in the case of a licensed or permitted
27 bicycling event.

28

29 [C]. [PERSONS OPERATING A BICYCLE UPON A SIDEWALK,
30 RECREATIONAL TRAIL OR BIKE TRAIL MUST STOP PRIOR TO
31 ENTERING A ROADWAY OR STREET AND SHALL YIELD THE
32 RIGHT-OF-WAY TO TRAFFIC BEFORE CROSSING THE
33 ROADWAY OR STREET.]

34

35

36 **Section 6:** Anchorage Municipal Code section 9.38.070 is amended to
37 read as follows:

38

39 **9.38.070 Riding on sidewalk; giving audible warning.**

40

- 41 A. No person may ride a bicycle upon a sidewalk within a business
42 district.
- 43
- 44 B. The municipal traffic engineer is authorized to erect signs on any
45 sidewalk or roadway prohibiting the riding of bicycles thereon by any
46 person, and when such signs are in place no person may disobey
47 [THE] such signs.

- 1
2 C. Whenever any person is riding a bicycle upon a sidewalk, trail or
3 pathway, such person shall yield the right-of-way to any pedestrian
4 and shall give an audible signal by voice or by bell before overtaking
5 and passing such pedestrian.
6

7
8 **Section 7:** Anchorage Municipal Code section 9.38.100 is amended to
9 read as follows:
10

11 **9.38.100 Lamps and other equipment.**

- 12
13 A. *Lamps and reflectors.* Every bicycle when in use after dusk and
14 before dawn [AT NIGHTTIME] shall be equipped with a lamp on the
15 front of the bicycle, or worn on the body of the person operating the
16 bicycle, which shall emit a white light visible from a distance of at
17 least 500 feet to the front and with a red reflector on the rear which
18 shall be visible from all distances from 100 feet to 600 feet to the rear
19 when directly in front of lawful lower beams of headlamps on a motor
20 vehicle. A lamp emitting a red light visible from a distance of 500 feet
21 to the rear may be used in addition to the red reflector.
22

- 23 B [C]. *Brakes.* Every bicycle shall be equipped with a brake which will
24 enable its driver to stop the bicycle within [15'] **20'** from a speed of 10
25 mph on dry, level, clean pavement.
26

27 ~~[BELL. NO PERSON MAY OPERATE A BICYCLE UNLESS IT IS~~
28 ~~EQUIPPED WITH A BELL OR OTHER DEVICE CAPABLE OF~~
29 ~~GIVING A SIGNAL AUDIBLE FOR A DISTANCE OF AT LEAST 100~~
30 ~~FEET, EXCEPT THAT A BICYCLE MAY NOT BE EQUIPPED WITH~~
31 ~~NOR SHALL ANY PERSON USE UPON A BICYCLE ANY SIREN~~
32 ~~OR WHISTLE.]~~
33

34 *Bell.* No person may operate a bicycle unless it is equipped with a
35 bell or other device capable of giving a signal audible for a distance
36 of at least 100 feet, except that a bicycle may not be equipped with
37 nor shall any person use upon a bicycle any siren or whistle
38

39 **Section 8:** Anchorage Municipal Code sections 9.38.110, .120, .130,
40 .140, .150, and .160 are hereby repealed in their entirety:
41

42 **9.38.110 [LICENSE REQUIRED.]**

43 [NO PERSON WHO RESIDES WITHIN THE MUNICIPALITY MAY RIDE
44 OR PROPEL A BICYCLE ON ANY STREET, OR UPON ANY PUBLIC
45 PATH SET ASIDE FOR THE EXCLUSIVE USE OF BICYCLES, UNLESS
46 SUCH BICYCLE HAS BEEN LICENSED AND A LICENSE PLATE IS
47 ATTACHED THERETO AS PROVIDED IN THIS CHAPTER.]

1
2 **9.38.120 [APPLICATION FOR LICENSE.]**

3 [APPLICATION FOR A BICYCLE LICENSE AND LICENSE PLATE SHALL
4 BE MADE UPON A FORM PROVIDED BY THE MUNICIPALITY AND
5 SHALL BE MADE TO THE CHIEF OF POLICE. A LICENSE FEE OF \$1.00
6 SHALL BE PAID TO THE MUNICIPALITY BEFORE THE LICENSE IS
7 GRANTED.]

8
9 **9.38.130 [ISSUANCE OF LICENSE.]**

- 10 [A. THE CHIEF OF POLICE, UPON RECEIVING PROPER
11 APPLICATION THEREFOR, IS AUTHORIZED TO ISSUE A
12 BICYCLE LICENSE.
13 B. THE CHIEF OF POLICE SHALL NOT ISSUE A LICENSE FOR ANY
14 BICYCLE WHEN HE KNOWS OR HAS REASONABLE GROUND
15 TO BELIEVE THAT THE APPLICANT IS NOT THE OWNER OF OR
16 ENTITLED TO THE POSSESSION OF SUCH BICYCLE.
17 C. THE CHIEF OF POLICE SHALL KEEP A RECORD OF THE
18 NUMBER OF EACH LICENSE, THE DATE ISSUED, THE NAME
19 AND ADDRESS OF THE PERSON TO WHOM ISSUED, AND THE
20 NUMBER ON THE FRAME OF THE BICYCLE FOR WHICH
21 ISSUED, AND A RECORD OF ALL BICYCLE FEES COLLECTED
22 BY HIM.]

23
24 **9.38.140 [ATTACHMENT OF LICENSE PLATE.]**

- 25 [A. THE CHIEF OF POLICE, UPON ISSUING A BICYCLE LICENSE,
26 SHALL ALSO ISSUE A LICENSE PLATE BEARING THE LICENSE
27 NUMBER ASSIGNED TO THE BICYCLE AND THE NAME OF THE
28 MUNICIPALITY.
29 B. THE CHIEF OF POLICE SHALL CAUSE SUCH LICENSE PLATE
30 TO BE FIRMLY ATTACHED TO THE FRAME OF THE BICYCLE
31 FOR WHICH ISSUED IN SUCH POSITION AS TO BE PLAINLY
32 VISIBLE.
33 C. NO PERSON MAY REMOVE A LICENSE PLATE FROM A
34 BICYCLE FOR WHICH ISSUED.]

35
36 **9.38.150 [INSPECTION PRIOR TO ISSUANCE OF LICENSE.]**

37 [THE CHIEF OF POLICE, OR AN OFFICER ASSIGNED SUCH
38 RESPONSIBILITY, SHALL INSPECT EACH BICYCLE BEFORE
39 LICENSING THE BICYCLE AND SHALL REFUSE A LICENSE FOR ANY
40 BICYCLE WHICH HE DETERMINES IS IN UNSAFE MECHANICAL
41 CONDITION.]

42
43 **9.38.160 [RE-REGISTRATION ON TRANSFER OF OWNERSHIP.]**

44 [UPON THE SALE OR OTHER TRANSFER OF A LICENSED BICYCLE,
45 THE TRANSFEREE SHALL, WITHIN TEN DAYS OF THE DATE OF
46 TRANSFER, REGISTER THE BICYCLE IN THE NAME OF THE
47 TRANSFEREE. THE TRANSFER FEE SHALL BE \$1.00.]

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3
4 **Section 9:** Anchorage Municipal Code section 9.38.170 is amended to
5 read as follows:

6
7 **9.38.170** **Applicability of requirements to rented bicycles.**

8
9 A rental agency may not rent or offer any bicycle for rent unless the bicycle
10 is [LICENSED AND A LICENSE PLATE IS ATTACHED THERETO AS
11 PROVIDED IN THIS CHAPTER AND SUCH BICYCLE IS] equipped with
12 the lamps and other equipment required by this chapter.

13
14
15 **Section 10:** Anchorage Municipal Code section 9.38.190 is amended to
16 read as follows:

17
18 **9.38.190** **Alteration or mutilation of serial number or registration.**

19
20 It is unlawful for any person to willfully or maliciously remove, destroy,
21 mutilate or alter the number of any bicycle frame licensed pursuant to this
22 section. [IT IS ALSO UNLAWFUL FOR ANY PERSON TO REMOVE,
23 DESTROY, MUTILATE OR ALTER ANY LICENSE PLATE, SEAL OR
24 REGISTRATION CARD DURING THE TIME IN WHICH SUCH LICENSE
25 PLATE, SEAL OR REGISTRATION CARD IS OPERATIVE, PROVIDED,
26 HOWEVER, THAT N] Nothing in this section shall prohibit the police
27 department from stamping numbers on the frames of bicycles on which no
28 serial number can be found, or on which the number is illegible or
29 insufficient for identification purposes.

30
31
32 **Section 11:** Anchorage Municipal Code chapter 9.38 is amended by
33 adding a new section to read as follows:

34
35 **9.38.200** **Wearing of bicycle helmets.**

36
37 Wearing a bicycle helmet is mandatory for any person [seventeen] fifteen
38 years of age or younger when on a bicycle in public places. Public places
39 include, but are not limited to, streets, sidewalks, pathways, trails, parking
40 lots and skate parks. Failure to wear a bicycle helmet or other protective
41 headgear is a traffic violation which shall result in a warning for a first
42 offense and which carries a fine of \$25 for each subsequent offense.
43 The fine may be waived if proof that a bicycle helmet has been
44 obtained is presented to the Anchorage Police Department. [carries a
45 fine of \$25.00 for each offense, which fine can be waived if proof of
46 purchase of a bicycle helmet dated after the citation has been issued is
47 presented to the Anchorage Police Department.]

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005-77

Title: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 9.38 REGARDING PARENTAL RESPONSIBILITY, APPLICABILITY OF TRAFFIC LAWS, CONDUCT OF BICYCLE RIDERS, REPEALING BICYCLE REGISTRATION REQUIREMENTS, AND REQUIRING BICYCLE HELMETS FOR MINORS.

Sponsor: Assemblymember Shamberg
Preparing Agency: Department of Assembly
Others Impacted: Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

There will be some costs associated with enforcement. There will also be minimal revenue produced from fines. Neither the cost nor the revenue is anticipated to approach \$30,000

PRIVATE SECTOR ECONOMIC EFFECTS:

The cost of a bicycle helmet is minimal. Most common models are priced between \$15 and \$30. Helmet retailers should see increased demand. The benefit of improved public safety is difficult to measure.

Prepared by: Mike Gutierrez
Reviewed by: Elvi Gray-Jackson

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 373-2005

Meeting Date: May 31, 2005

1 **From:** Assemblymember Shamberg

2 **Subject:** An ordinance of the Anchorage Municipal Assembly regarding bicycles.

3
4 AO 2005-77 updates the Municipality of Anchorage's bicycle code by amending sections
5 dealing with traffic laws, deleting outdated and un-enforced licensing provisions, and by
6 adding a helmet requirement.

7
8 The current code only applies to paths which are "set aside for the exclusive use of
9 bicycles." However, as we are all aware, bicycles are a very popular form of recreation
10 on the multi-use trails in Anchorage. Under this proposal, the bicycle rules and
11 regulations will apply whenever a bike is operated on any sidewalk, trail, or pathway.
12 Certain rules of the road are brought up-to-date and others are clarified.

13
14 Outdated and un-enforced license requirements are deleted under this proposal. Under
15 current code each bicycle in the city is required to be licensed by the Chief of Police with
16 a license plate visibly attached to the frame. Additionally, the Chief is required to inspect
17 each and every bike prior to issuing a license. Since these provisions have not been
18 enforced for many years, deleting this requirement is practical.

19
20 The final section of this proposal would add a helmet requirement for every bicycle rider
21 age 17 and under while operating a bike in a public place (a street, sidewalks, parks,
22 trails, etc.). It is estimated that more than half a million bicyclists visit the emergency
23 room with injuries every year, many with head and/or brain injuries. It is also estimated
24 that up to 88% of bicycle related brain injuries can be prevented with a helmet. The
25 direct costs (medical bills etc.) nation-wide due to injuries incurred to bicyclists not
26 wearing helmets is an estimated \$81 million each year. The indirect cost (lost work time,
27 permanent disabilities and loss of productivity) of these injuries has been put at 2.3
28 billion nationally each year. In contrast to this, the cost of helmets is cheap. The typical
29 model can be found at a discount store priced from \$10 to \$15.

30
31
32 Prepared By: Mike Gutierrez, Utility Budget Analyst

33 Reviewed By: Elvi Gray-Jackson, Director of Assembly Budget and Legislative Services

34 Submitted By: Assemblymember Shamberg

Content Information

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Type: Ordinance - AO

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 9.38 REGARDING

Title: PARENTAL RESPONSIBILITY, APPLICABILITY OF TRAFFIC LAWS, CONDUCT OF BICYCLE RIDERS, REPEALING BICYCLE REGISTRATION REQUIREMENTS, AND REQUIRING BICYCLE HELMETS F

Author: gray-jacksone

Initiating Dept: Assembly

Date Prepared: 5/24/05 11:35 AM

Director Name: Anna Fairclough

Assembly

Meeting Date 5/31/05

MM/DD/YY:

Public Hearing

Date 6/28/05

MM/DD/YY:

H.O.A.
 2005 MAY 24 PM 2:22
 CLERKS OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	5/24/05 11:36 AM	Checkin	gray-jacksone	Public	002918

Attestation —