

**CITY OF FORT MITCHELL
KENTON COUNTY, KENTUCKY
ORDINANCE 2026-12**

**AN ORDINANCE AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES OF
THE CITY OF FORT MITCHELL TO REGULATE THE OPERATION OF ELECTRIC
BICYCLES ON PUBLIC SIDEWALKS AND OTHER PEDESTRIAN FACILITIES**

WHEREAS, the City of Fort Mitchell finds that sidewalks are constructed primarily for pedestrian travel and are frequently used by children, seniors, individuals with disabilities, and other vulnerable users; and

WHEREAS, the increasing use of electric scooters, electric bicycles, electric motor-driven cycles, and other electric mobility devices presents new public safety concerns for pedestrians, motorists, and operators alike; and

WHEREAS, City of Fort Mitchell contains residential neighborhoods, parks, schools, sidewalks, shared-use paths, and commercial districts where pedestrian safety is of paramount importance; and

WHEREAS, the City of Fort Mitchell finds that certain electric mobility devices are capable of speeds and acceleration that make their operation on sidewalks, trails, parks, and other pedestrian facilities incompatible with the safe use of those facilities; and

WHEREAS, City of Fort Mitchell has authority to regulate the use of its sidewalks, parks, some areas of public rights-of-way, and public property to protect the public health, safety, and welfare;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL,
COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

SECTION I

The following sections of Chapter 73 of the City of Fort Mitchell Code of Ordinances are amended as follows:

§ 73.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE or ATV. Any motor vehicle used for recreational off-road use.

BICYCLE. A human-powered vehicle with two wheels that are in tandem propelled by pedaling.

MOPED. A motorized bicycle whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than 30 miles per hour.

MOTORCYCLE. A motor vehicle with two or three wheels designed primarily for use on roadways, powered by an internal combustion engine, and typically larger and faster than motor assisted vehicles.

MOTOR ASSISTED VEHICLE. ~~Any device powered by an electric motor, such as electric scooters, electric bicycles, and similar devices designed primarily for the transportation of persons or property for short-distance urban travel and/or pedestrian pathways. Any two-wheeled, three-wheeled, or similar personal transportation device powered wholly or partially by an electric motor and designed primarily for the transportation of persons or property, including electric scooters and similar electric mobility devices, but excluding Electric Bicycles, Electric Motor-Driven Cycles, mobility devices used by persons with disabilities, and any other vehicle or device separately defined or regulated by this chapter.~~

CLASS 1 ELECTRIC BICYCLE. An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches a speed of twenty (20) miles per hour.

CLASS 2 ELECTRIC BICYCLE. An electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, regardless of whether the rider is pedaling, and that is not capable of providing assistance when the electric bicycle reaches a speed of twenty (20) miles per hour.

CLASS 3 ELECTRIC BICYCLE. An electric bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches a speed of twenty-eight (28) miles per hour.

ELECTRIC BICYCLE. A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts (one horsepower) that meets the definition of a Class 1, Class 2, or Class 3 Electric Bicycle.

ELECTRIC MOTOR-DRIVEN CYCLE (E-MOTO): A two-wheeled or three-wheeled vehicle powered wholly or partially by an electric motor that is designed to be operated in the manner of a motorcycle or motor-driven cycle, including operation by straddling a seat or saddle, and that is capable of speeds greater than twenty-eight (28) miles per hour under motor power, has a continuous rated motor output exceeding seven hundred fifty (750) watts (one horsepower), or otherwise does not meet the definition of an electric bicycle as defined in this ordinance. The term includes, but is not limited to, electrically powered dirt bikes, pit bikes, motocross

motorcycles, mini motorcycles, dual-purpose motorcycles, and similar vehicles, regardless of whether they are equipped with pedals.

§ 73.02 OPERATION OF MOTOR ASSISTED VEHICLES, CLASS 1 AND CLASS 2 ELECTRIC BICYCLES, AND BICYCLES.

(A) Any person riding a motorized assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, or bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before passing the pedestrian.

(B) Motor assisted vehicles, Class 1 Electric Bicycle, Class 2 Electric Bicycle, and bicycles shall not exceed a maximum speed of 15 miles per hour when operated on sidewalks.

(C) No motor assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, or bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(D) No person riding on any motor assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, or bicycle shall attach the vehicle or bicycle or himself to any vehicle on a roadway.

(E) No operator of a motor assisted vehicle, Class 1 Electric Bicycle, or Class 2 Electric Bicycle shall operate the vehicle in any public park, except on a roadway or in a parking area.

(F) No motorized assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, or bicycle shall be parked, placed, or left standing in a manner that obstructs or interferes with the safe and accessible use of any sidewalk, ADA access route, fire hydrant, driveway, crosswalk, transit stop, or building entrance.

Nothing in this chapter shall be construed or applied to prohibit, restrict, or otherwise interfere with the lawful use of a wheelchair, mobility scooter, or other mobility device by a person with a disability, or to limit any reasonable modification, reasonable accommodation, or other protection required by applicable federal or state law. This chapter shall be administered and enforced in a manner consistent with the Americans with Disabilities Act, the Fair Housing Act, and other applicable federal and state disability-access laws.

§ 73.03 OPERATION OF MOTORCYCLES, MOPEDS, AND ALL-TERRAIN VEHICLES, CLASS 3 ELECTRIC BICYCLES, AND ELECTRIC MOTOR-DRIVEN CYCLES.

(A) No person shall operate a motorcycle, moped, or all-terrain vehicle, Class 3 Electric Bicycle, or Electric Motor-Driven Cycle on the sidewalks of the city. For purposes of this subsection only, a Class 3 Electric Bicycle and Electric Motor-Driven Cycle shall be subject to the same prohibition applicable to motorcycles, mopeds, and all-terrain vehicles with respect to operation on sidewalks. Nothing herein shall be construed to classify a Class 3 Electric Bicycle and Electric Motor-Driven Cycle as a motorcycle or moped for any other purpose under Kentucky law.

(B) No operator of any motorcycle, moped, or all-terrain vehicle, Class 3 Electric Bicycle, or Electric Motor-Driven Cycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(C) No operator of a motorcycle, moped, or all-terrain vehicle, Class 3 Electric Bicycle, or Electric Motor-Driven Cycle shall operate the vehicle in any public park, except on a roadway or in a parking area.

(D) No operator of a motorcycle, moped, or all-terrain vehicle, Class 3 Electric Bicycle, or Electric Motor-Driven Cycle shall operate the vehicle in any play lot or tot lot.

(E) No motorcycle, moped, all-terrain vehicle, Class 3 Electric Bicycle, or Electric Motor-Driven Cycle shall be parked, placed, or left standing in a manner that obstructs or interferes with the safe and accessible use of any sidewalk, ADA access route, fire hydrant, driveway, crosswalk, transit stop, or building entrance.

§ 73.04 SKATING AND COASTING.

It shall be unlawful for any person on skates, or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

§ 73.05 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

§ 73.06 EQUIPMENT.

(A) Every bicycle, motor assisted vehicle, Class 1 Electric Bicycle, and Class 2 Electric Bicycle operated within the City shall comply with all applicable equipment requirements established by Kentucky law and administrative regulation, including KRS 189.287 and 601 KAR 14:020, as amended from time to time, and to the extent such requirements are applicable to the particular vehicle. However, Every motor assisted vehicle, Class 1 Electric Bicycle, and Class 2 Electric Bicycle, and bicycle shall also be equipped with at least one and not more than two headlamps on the forward-facing side of the vehicle while operated on a city sidewalk, and said headlamp(s) must be illuminated:

(1) During the period from one-half hour after sunset to one-half hour before sunrise; and

(2) At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period.

(B) Every motor assisted vehicle, Class 1 Electric Bicycle, and Class 2 Electric Bicycle shall be equipped with a red rear light or reflector while operated on a city sidewalk.

(B)(C) Any headlamp equipped on a motor assisted vehicle or bicycle pursuant to this section shall meet United States Department of Transportation regulations, and shall not emit or appear to emit a solid color of light other than white in compliance with the provisions of KRS 189.040.

(C)(D) Any motor assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, and bicycle, when in use on a city sidewalk, shall be equipped with a horn, bell, or other device capable of making an abrupt sound sufficiently loud to be heard from a distance of at least 200 feet under all ordinary traffic conditions. Every person operating a motor assisted vehicle or bicycle as defined by this chapter shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians or other vehicles but shall not sound the horn or sound device unnecessarily.

(E) Every motor assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, and bicycle shall be equipped with functional brakes.

(F) Every operator under eighteen (18) years of age shall wear a properly fitted helmet meeting nationally recognized safety standards while operating a motor assisted vehicle, Class 1 Electric Bicycle, Class 2 Electric Bicycle, and bicycle on a city sidewalk.

(G) Nothing in this section shall be construed to impose equipment requirements on a bicycle that are inconsistent with or preempted by Kentucky law or administrative regulation.

SECTION II

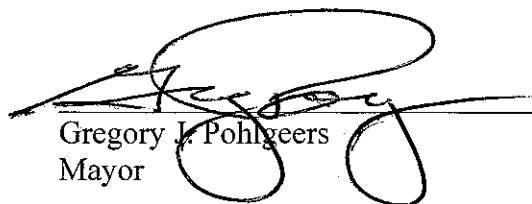
All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

SECTION IV

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION V

This Ordinance shall be in full force and effect from and after its passage and publication according to law, and said publication may be in summary form.


Gregory J. Pohlgeers
Mayor

ATTEST:

Amy R. Guenther
Amy Guenther
City Clerk

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SECOND READING: 8/31/2024

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