



April 8, 2019

Council Meeting of April 16, 2019
Subject: Introduction of Ordinance
Amendment – Safe Passing of
Bicycles

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

In September of 2018 the Safe Passing of Bicycles law went into effect in Michigan. It requires motorists to allow three feet of clearance when passing a bicycle. To be consistent with State law, staff is recommending an amendment to City Ordinance Chapter 42-4 (2) which requires five feet of clearance for motorists when passing a bicyclist. Therefore, the only change would be to amend the clearance from 5 feet to 3 feet. City staff wishes to be in compliance with State law and is, therefore, requesting the City Council to approve the amendment.

If the Council so desires, the attached ordinance amendment will be introduced at the April 16, 2019 meeting and can be adopted at the May 6, 2019 City Council meeting.

Respectfully Submitted,

Mark C. Meyers
City Administrator

AJG/
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

CITY OF NORTON SHORES
COUNTY OF MUSKEGON
STATE OF MICHIGAN

AN ORDINANCE TO AMEND SECTION 42-4 OF THE NORTON SHORES
CODE OF ORDINANCES TO ADDRESS THE PASSING OF BICYCLES

ORDINANCE NO. _____

THE CITY OF NORTON SHORES ORDAINS:

Section 1. Section 42-4 of Article 1 of Chapter 42 of the Norton Shores City Code is added to read as follows:

Sec. 42-4. – Passing of bicycles. Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:

(1) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe.

(2) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle. If there is not enough room on the roadway to allow for a 3 foot separation, motorists are directed to slow down and, considering the safety of the bicyclists proceed with caution.

(3) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when otherwise prohibited by local ordinance or state law.

(4) Any person violating the provisions of this Section shall be responsible for a municipal civil infraction.

Section 2. Severability. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

Section 3. Ordinance Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective 10 days after adoption and publication.

Shelly Stibitz, City Clerk

Introduced:
Adopted:
Published:
Effective:



Internal Memo

March 26, 2019

TO: Mark C. Meyers, City Administrator
FROM: Jon Gale, Chief of Police
SUBJECT: Bicycle Safety Ordinance Amendment

In September of 2018 the Safe Passing of Bicycles law went into effect in Michigan. To be consistent with state law, I am recommending an amendment to city ordinance Chapter 42-4 (b) which requires a five foot clearance for motorists when passing a bicyclist. If adopted, the new ordinance will require motorists proceeding in the same direction as a bicycle to allow a three foot clearance when passing. Therefore, the only change would be to amend the clearance from the 5 foot to the 3 foot rule. The Police Department wishes to be in compliance with State law and is therefore requesting the City Council to approve the amendment.

I have drafted a proposed Amendment (attached) to Chapter 42-4(b) which is in compliance with state law. I would like to see this ordinance amendment introduced at the April 16, 2019 City Council meeting. The Police Department will then educate motorists to the changes in the ordinance.