

RECORD OF ORDINANCES

Ordinance No. 2026-39Passed JULY 01, 2026

SPONSOR: SAFETY

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE TO REGULATE LOW-SPEED MICROMOBILITY DEVICES, ELECTRIC SCOOTERS, AND ELECTRIC BICYCLES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village desires to promote the safety of pedestrians, motorists, and users of emerging mobility technologies; and

WHEREAS, the use of low-speed micromobility devices, electric scooters, and electric bicycles has increased within the Village; and

WHEREAS, Council finds it necessary to amend the Codified Ordinances to establish clear regulations consistent with the Ohio Revised Code and local safety concerns; and

WHEREAS, this Council finds and determines that the adoption of these regulations is necessary for the public health, safety, and welfare;

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Sections 72.058 and 75.09 of the Codified Ordinances of the Village and to adopt Section 72.060 of the Codified Ordinances of the Village, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Sections 72.058 and 75.09 of the Codified Ordinances of the Village and adopts Section 72.060 of the Codified Ordinances of the Village, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediate regulation of electric scooters and similar devices is necessary to address safety concerns, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Passed JULY 01, 20 26

Michael Raddick 7-1-26
President of Council Date

Priscilla K. 7-1-26
Mayor Date

Attest:

[Signature]
Clerk-Treasurer

EXHIBIT A

§ 72.058 LOW-SPEED MICROMOBILITY DEVICES.

(A) “Low-speed micromobility device” means a human-powered or electrically assisted device designed for individual transportation at low speeds, excluding electric scooters as defined in §72.060, electric bicycles as defined in §4511.01 of the Ohio Revised Code and §75.09, motorized bicycles as defined in §4511.01 of the Ohio Revised Code and §75.09, electric personal assistive mobility devices as defined in §72.056, and motorized wheelchairs.

~~(A)(B)~~ (1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this title that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

~~(B)(C)~~ No operator of a low-speed micromobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

(a) A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

(b) A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

~~(C)(D)~~ (1) No person who is under 16 years of age shall rent a low-speed micromobility device.

(2) No person shall knowingly rent a low-speed micromobility device to a person who is under 16 years of age.

(3) No person shall knowingly rent a low-speed micromobility device on behalf of a person who is under 16 years of age.

~~(D)(E)~~ No person shall operate a low-speed micromobility device at a speed greater than 20 miles per hour.

~~(E)(F)~~ (1) Whoever violates this section is guilty of a minor misdemeanor.

(2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and R.C. §2901.20 does not apply. The designation of that offense

as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

~~—(F) Notwithstanding division (A)(1) of this section, the municipality, county, township, metropolitan park district, township park district, recreation district, or any division of the Ohio Department of Natural Resources if the division has the approval of the Ohio Director of Natural Resources may do any of the following:~~

~~—(1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;~~

~~—(2) Include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;~~

~~—(3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to \$1,000,000 per occurrence and \$2,000,000 per aggregate.~~

(R.C. § 4511.514) Penalty, see § 70.99

§72.060 ELECTRIC SCOOTERS.

(a) “Electric scooter” or “e-scooter” means a device consisting of a footboard mounted on two or more wheels with a steering handle, powered by an electric motor, and designed to allow the rider to stand or sit while keeping both feet on the footboard. An e-scooter shall not include a motorized bicycle as defined in §4511.01 of the Ohio Revised Code and §75.09. An e-scooter under this Section shall also not include electric personal assistive mobility devices as defined under Section §72.056 or low-speed micromobility devices as defined under Section §72.058.

(b) Every person operating an e-scooter upon any public street or roadway within the Village shall obey all traffic laws, rules of the road, and right-of-way requirements applicable to bicycles, except as otherwise provided in this Section.

(c) E-scooters may be operated in the following location and manner:

(1) E-scooters may be operated on public streets and roadways where bicycles are permitted, subject to the limitations set forth herein.

(2) E-scooters shall not be operated on sidewalks or any path located in a Village park.

(3) No e-scooter shall be operated in a manner that impedes pedestrian movement or endangers persons or property.

(4) No person shall operate an e-scooter at a speed greater than fifteen (15) miles per hour.

(d) No person operating an e-scooter shall do any of the following:

(1) Carry more than one person on the device at any time;

(2) Operate the device in a reckless, negligent, or unsafe manner;

(3) Operate the device while wearing earphones or headphones covering both ears;

(4) Alter the e-scooter from the original manufacturer’s design in a manner that increases speed or power.

(e) Age and Safety Equipment.

(1) No person under twelve (12) years of age shall operate an e-scooter in the Village.

(2) No person under fourteen (14) years of age shall operate or use an e-scooter on Cleveland Avenue, Mogadore Road, Gilchrist Road, or Albrecht Road, in any manner or for any purpose

(3) Any person under sixteen (16) years of age operating an e-scooter shall wear a properly fitted and fastened protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(f) No person shall operate an e-scooter between sunset and sunrise unless the device or operator is equipped with:

(1) A white light visible from at least five hundred (500) feet to the front; and

(2) A red reflector or red light visible from at least one hundred (100) feet to the rear.

(g) No person shall operate a gas-powered or combustion-driven scooter of any kind on any public street, sidewalk, path or public property within the Village.

(h) A violation of this section shall be a minor misdemeanor unless otherwise specified by law.

(i) The provisions of this section are intended to supplement, not replace, any existing codified ordinances concerning other mobility devices. Compliance with this Section does not exempt individuals from adhering to all applicable ordinances and regulations governing such devices.

(j) This section is intended to be compliant with the Americans with Disabilities Act (ADA) and does not intend to circumvent or limit any rights or protections provided under the ADA. In the event of any conflict between the provisions of this section and the ADA, the ADA shall supersede and take precedence over any such restriction.

§75.09 ELECTRIC BICYCLES.

(A) (1) “Electric bicycle” and “class 1 electric bicycle,” “class 2 electric bicycle,” and “class 3 electric bicycle,” shall all have the means ascribed to them in §4511.01 of the Ohio Revised Code.

(2) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall permanently affix a label, in a prominent location, to each electric bicycle. The label shall specify whether the electric bicycle is a class 1, class 2, or class 3 electric bicycle, the top assisted speed that the electric bicycle is capable of reaching, and the motor wattage of the electric bicycle.

(2)(3) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching unless the person also modifies the label required under division (A)(1) of this section to reflect the modification.

(B) (1) The manufacturer of an electric bicycle shall ensure that the electric bicycle complies with the equipment and manufacturing requirements for bicycles established by the consumer product safety commission under 16 C.F.R. §1512, et seq.

(2) The manufacturer shall manufacture all class 1 electric bicycles and class 3 electric bicycles so that when the rider ceases pedaling the electric motor ceases to provide assistance. The manufacturer shall manufacture all class 2 electric bicycles so that when the rider applies the brakes or releases or activates a switch or similar mechanism the electric motor ceases to provide assistance.

(3) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

(C) (1) Class 1, class 2 and class 3 bicycles may be operated on public streets and roadways where bicycles are permitted, subject to the limitations set forth herein.

(2) Class 1, class 2 and class 3 bicycles shall not be operated on sidewalks or any path located in a Village park.

(3) No class 1, class 2 or class 3 bicycles shall be operated in a manner that impedes pedestrian movement or endangers persons or property.

~~The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Village county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.~~

~~—(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Village county, township, municipal corporation, or local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.~~

~~—(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or~~

~~other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use, unless the Village county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.~~

(4) Divisions (C)(1~~2~~) ~~to and~~ (C)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.

(D) (1) No person under 12 years of age shall operate a class 1 or class 2 electric bicycle; however, a person under 12 years of age may ride as a passenger on a class 1 or class 2 electric bicycle that is designed to accommodate passengers.

(2) No person under 16 years of age shall operate a class 3 electric bicycle; however, a person under 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(3) No person under 16 years of age shall operate or be a passenger on a class 1 or class 2 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(4) ~~(2)~~ No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(5) No person under 14 years of age shall operate or use any electric bicycle, of any class, on Cleveland Avenue, Mogadore Road, Gilchrist Road, or Albrecht Road, in any manner or for any purpose.

(E) (1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under division (C) of this section and whoever violates division (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under division (E)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(R.C. § 4511.522)