9.09.010 Purpose Of Chapter

For the purpose of promoting the safety and general welfare of persons, and guarding against accidents in traffic and upon public property, this chapter shall provide reasonable rules and regulations for the operation of motorized scooters, electrified bicycles and other personal transport vehicles within the city of Council Bluffs, Iowa.

(Ord. 5802 § 1 (part), 2004)

9.09.020 Definitions - Motorized Scooters, Electrified Bicycles And Other Personal Transport Vehicles

For the purpose of this chapter, the following words, terms, and phrases shall have the following meanings:

Electrified bicycle: A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts (one horsepower), whose maximum speed on a paved level surface when powered solely by such motor while ridden is less than twenty (20) miles per hour and weights no greater than eighty (80) pounds. Note under this definition, a gasoline powered bicycle, retrofitted or otherwise, is never a bicycle in City limits and is either a motorcycle or a motorized bicycle that requires registration, insurance, and licensure to operate according to Iowa Code.

Motorized scooter: A device with an electric motor designed to transport only one person with at least two wheels in contact with the ground, propelled or with the capability to propel exclusively or in combination with the application of human power and which cannot attain a speed of more than twenty (20) miles per hour on a paved level surface without the application of human power. Note under this definition, a gasoline powered scooter, retrofitted or otherwise, is never a motorized scooter in City limits and is either a motorcycle or a motorized bicycle that requires registration, insurance, and licensure to operate according to Iowa Code.

~~Motorized scooters, electrified bicycles and o~~Other personal transport vehicles: A device with at least one ~~two~~ wheel~~s~~ in contact with the ground, that is designed to be stood on or sat upon by the operator~~, with handlebars for steering,~~ and equipped with and powered by an electric motor of less than 750 watts (one horsepower) that is incapable of propelling the device up a three percent grade, on dry concrete pavement, at a speed of greater than twenty (20) miles per hour.~~, and has the capability to be propelled by human power alone. Note under this definition, a gasoline powered bicycle, retrofitted or otherwise, is never a bicycle in City limits and is either a motorcycle or a motorized bicycle that requires registration, insurance, and licensure to operate according to Iowa Code.~~

Operator: Any person who operates or is in actual physical control of a motorized scooter, electrified bicycle or other personal transport vehicle.

Roadway: That portion of the street or highway improved, designed, or ordinarily used for vehicular traffic, and does not include the sidewalks or any other area of public property between the roadway portion of the street or highway and the abutting private property line.

Sidewalk: That portion of the street between the curb lines and the adjacent property lines.

Street or highway: The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(Ord. 5802 § 1 (part), 2004)

HISTORY
Amended by Ord. 6403 on 11/18/2019

9.09.030 Prohibited Operation

It shall be unlawful to operate any motorized scooter, electrified bicycle, ~~(other than defined in CBMC 9.12.010)~~ or other personal transport vehicle upon any highway or any sidewalk within the Skateboard Free Zone designated in CBMC 9.10.040~~, roadway, sidewalk, street, or other public property of~~ in the city of Council Bluffs, Iowa.

(Ord. 5802 § 1 (part), 2004)

(Ord. No. 6237, § 1, 6-8-2015)

9.09.040 Exceptions

1. This chapter shall not apply to any device used for the transportation or as a conveyance for persons where such device is considered a legitimate medical necessity, and the person operating the device can show proof of such necessity. Any person operating such a device within the confines of this exception shall obey all other applicable ordinances of the city of Council Bluffs, Iowa.
2. This chapter shall not apply to motorized scooters, electrified bicycles or other personal transport vehicles used temporarily in conjunction with traditionally accepted civic, patriotic, or religious holidays.

(Ord. 5802 § 1 (part), 2004)

9.09.050 Penalty

Any person who violates a provision of this chapter shall be guilty of a simple misdemeanor and, upon conviction, shall be subject to the penalty provisions contained in CBMC 8.02.020. At the discretion of the city attorney, any violation of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95, in lieu of criminal prosecution.

(Ord. 5802 § 1 (part), 2004)