ORDINANCE NO. 6459

AN ORDINANCE TO AMEND TITLE 9-TRAFFIC BY AMENDING CHAPTER 9.09.020 "DEFINITIONS-MOTORIZED SCOOTERS, ELECTRIFIED BICYCLES AND OTHER PERSONAL TRANSPORT VEHICLES" AND CHAPTER 9.09.030 "PROHIBITED OPERATION" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 9-Traffic of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 9.09.020 "Definitions-Motorized Scooters, Electrified Bicycles and Other Personal Transport Vehicles" and amending Chapter 9.09.030 "Prohibited Operation" to read as follows:

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 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.

Other personal transport vehicles: A device with at least one wheel in contact with the ground, that is designed to be stood on or sat upon by the operator 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.

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.

9.09.030 Prohibited Operation
It shall be unlawful to operate any motorized scooter, electrified bicycle or other personal transport vehicle upon any highway or any sidewalk within the Skateboard Free Zone designated in CBMC 9.10.040 in the city of Council Bluffs, Iowa.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND June 28, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 6-14-21
Second Consideration: 6-28-21
Public Hearing: N/A
Third Consideration: _____