

ORDINANCE NO. 6403

AN ORDINANCE TO AMEND TITLE 9-TRAFFIC BY AMENDING CHAPTER 9.09.020 “DEFINITIONS-MOTORIZED SCOOTERS, ELECTRIFIED BICYCLES AND OTHER PERSONAL TRANSPORT VEHICLES” OF THE 2015 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 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 9.09.020 “Definitions-Motorized Scooters, Electrified Bicycles and Other Personal Transport Vehicles” 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:

Motorized scooters, electrified bicycles and other personal transport vehicles: A device with at least two wheels 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)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

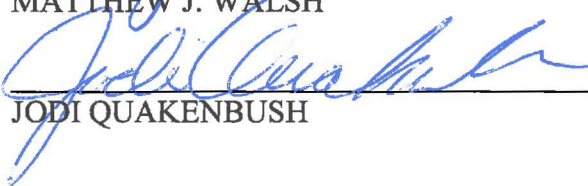
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

November 18, 2019.

Attest:



MATTHEW J. WALSH Mayor


JODI QUAKENBUSH City Clerk

First Consideration: 11-4-19
Second Consideration: 11-18-19
Public Hearing: n/a
Third Consideration: Waived

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Richard Wade

Ordinance 6403
ITEM 6.A.

Council Action: 11/18/2019

Description

Ordinance to Amend Title 9 Traffic by amending Chapter 9.09.020 "Definitions-Motorized scooters, electrified bicycles and other personal transport vehicles"

Background/Discussion

Police officers have recently had several encounters with motorized scooters, electrified bicycles and also some self-made/fabricated transport vehicles. A review has been done of our current Section 9.09.020 and information has been gathered from other similar cities. Some clarifications have been made to this section to simplify and clarify what type of transport vehicles are legal or not legal and to assist our officers during these encounters.

Recommendation

It is recommended to approve this amendment.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6304 Redline	Ordinance	11/12/2019
Ordinance 6304	Ordinance	11/12/2019

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6403

AN ORDINANCE TO AMEND TITLE 9-TRAFFIC
BY AMENDING CHAPTER 9.09.020
"DEFINITIONS-MOTORIZED SCOOTERS,
ELECTRIFIED BICYCLES AND OTHER PERSONAL
TRANSPORT VEHICLES" OF THE 2015 MUNICI-
PAL 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 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 9.09.020 "Definitions-Motorized Scooters, Electrified Bicycles and Other Personal Transport Vehicles" 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:

Motorized scooters, electrified bicycles and other personal transport vehicles: A device with at least two wheels 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)

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.

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 07th day of December, 2019.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 7th day of December, A.D. 2019.

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
APPROVED
November 18, 2019.

MATTHEW J. WALSH Mayor

Attest:
JODI QUAKENBUSH City Clerk

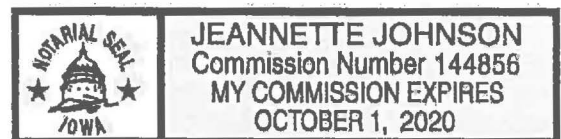
First Consideration: 11-4-19
Second Consideration: 11-18-19
Public Hearing: n/a
Third Consideration: Waived
2019(12)7-1 Saturday


Tom Schmitt
Daily Nonpareil Publisher


Jeannette Johnson
Notary Public

Filed this 7th day of December, A.D. 2019.

Publication Cost: \$54.14



Customer Number: 1003258
Order Number: 0000100792