

## ORDINANCE 2134

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 76 BICYCLE REGULATIONS

**BE IT ENACTED** by the City Council of the City of Ankeny, Iowa:

**SECTION 1. SECTION MODIFIED:** That Chapter 76 **BICYCLE REGULATIONS** of the Code of Ordinances of the City of Ankeny, Iowa, is repealed and the following adopted in lieu thereof:

#### CHAPTER 76 BICYCLE AND PERSONAL TRANSPORTATION DEVICES REGULATIONS

76.01 Purpose	76.07 Responsible Riding
76.02 Definitions	76.08 Place of Riding
76.03 Scope of Regulations	76.09 Parking
76.04 Traffic Code Applies	76.10 Equipment Requirements
76.05 Motor Vehicle Operations	76.11 Violations
76.06 Actions Against Bicycles and Personal Transportation Devices	

**76.01 PURPOSE.** The purpose of this Chapter is to set forth regulations for operating bicycles, electric scooters and personal transportation devices on the city's roadways, streets, sidewalks, and multi-use trails as enabled by *Code of Iowa*, Section 321.235 and 321.236[10].

#### **76.02 DEFINITIONS.**

1. "Bicycle" means either of the following: (1) A device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power. (2) A low-speed electric bicycle.

*(Code of Iowa, Sec. 321.1[40.c.] )*

2. "Bicycle lane" means a portion of a street designed for exclusive or preferential use by persons using bicycles, electric scooters or personal transportation devices. Bicycle lanes are to be distinguished from the portion of the street used for motor vehicle traffic by physical barrier, striping, marking, or other similar device.
3. "Bicycle path" means a paved or unpaved surface, separate from the street, in the right-of-way at or greater than eight feet (8') in width under the jurisdiction and control of the state or a local political subdivision thereof for use primarily by bicycles, electric scooters, personal transportation devices, and pedestrians.
4. "Electric scooter" means a device weighing less than one hundred pounds that is equipped with two or three wheels, handlebars, and an electric motor, and which is solely powered by the rider

or by an electric motor capable of propelling the device without additional propulsion supplied by the rider, at a maximum speed on a paved level surface of no more than twenty miles per hour, or both.

5. “Low-speed electric bicycle” means a device having a saddle or seat for the use of a rider, up to four wheels, equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes:
  - a. “Class 1 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.
  - b. “Class 2 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.
  - c. “Class 3 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

*(Code of Iowa, Sec. 321.1[36A])*

6. “Multi-use trail” means a paved or unpaved surface, separate from the street, in the right-of-way at or greater than eight feet (8’) in width under the jurisdiction and control of the state or a local political subdivision thereof for use primarily by bicycles, low-speed electric bicycles, electric scooters, personal transportation devices, and pedestrians. No multi-use trail shall be considered as a street or highway.
7. “Other Power-Driven Mobility Device (OPDMD)” means any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, including, electronic personal assistance mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair or a golf cart.
8. “Personal Transportation Device” means a mobility device under one hundred fifty pounds, which may be equipped with an electric motor for assistance or sole propulsion, designed for conveying the operator, with speeds of less than twenty miles per hour, but excluding a bicycle, low-speed electric bicycle, or electric scooter.
9. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
10. “Street” means 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.
11. “Sidewalk” means a paved or unpaved surface, separate from the street, in the right-of-way less than eight feet (8’) in width under the jurisdiction and control of the local political subdivision thereof for use primarily by pedestrians.
12. “Residential district” means a territory not comprising a business district and which is occupied mainly by structures for residential dwellings.
13. “Business district” means a territory not comprising a residential neighborhood and which is occupied mainly by buildings in use for business purposes.

**76.03 SCOPE OF REGULATIONS.** These regulations shall apply whenever a bicycle, electric scooter, or personal transportation device is operated upon any public street, roadway, park road, any multi-use trail, sidewalk, or in any bicycle lane and path, subject to those exceptions and regulations stated herein.

**76.04 TRAFFIC CODE APPLIES.**

1. Every person, including a peace officer, riding a bicycle, electric scooter, or personal transportation device upon a roadway or in a bicycle lane shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application or those for which specific exceptions have been set forth regarding police bicycles. This does not apply to the use of a bicycle, electric scooter or personal transportation device in a parade authorized by proper permit from local authorities.

*(Code of Iowa, Sec. 321.234[2, 5])*

2. Bicycles, electric scooters, or personal transportation devices are not subject to registration, licensure, titling, inspection, and proof of financial liability coverage provisions of *Code of Iowa*, Chapter 321.
3. Riders of bicycles, electric scooters, or personal transportation devices are not required to have possession of a driver's license or permit.
4. Whenever such person dismounts from a bicycle, electric scooter, or personal transportation device, the person shall be subject to all regulations applicable to pedestrians.
5. A peace officer riding a police bicycle in the line of duty may do any of the following:
  - a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - b. Exceed the maximum speed limits as long as the rider does not endanger life or property.

*(Code of Iowa, Sec. 321.231)*

**76.05 MOTOR VEHICLE OPERATIONS.**

1. Bicycle lane right-of-way. Operators of all motor vehicles shall yield the right-of-way to bicycles, electric scooters, and personal transportation devices in a designated bicycle lane and shall not operate a motor vehicle within a bicycle lane, unless provisions of law establish other requirements and regulations at intersections and other places affecting such bicycle lanes, then such other provision of law shall control. No person shall drive a motor vehicle in a bicycle lane established on a roadway or street except as follows:
  - a. To prepare for a turn within a distance of 200 feet from the intersection.
2. Lateral Passing Distance. The driver of a motor vehicle overtaking a bicycle, electric scooter, or personal transportation device that is traveling on a paved shoulder or in a bicycle lane, shall give at least three feet of lateral passing distance between the outside of the vehicle and the rider and device.
3. Opening Doors. No person shall open any door of a motor vehicle located on a roadway or street without first taking precaution to ensure that this action does not interfere with the movement of traffic or endanger any other person or vehicle. In addition, no person shall leave open any

door of a motor vehicle located on a roadway for a period of time longer than necessary to load or unload passengers or cargo.

4. Yield to persons in crosswalks. The driver of a motor vehicle shall yield right-of-way, slowing down or stopping if need be to so yield, to a pedestrian or person dismounted from a bicycle, electric scooter, or personal transportation device, or a person mounted on a bicycle, electric scooter, or personal transportation device within any marked crosswalk or unmarked crosswalk at an intersection.
5. Parking. Drivers of motor vehicles shall not park in bicycle lanes, bicycle paths, or multi-use trails.

#### **76.06 ACTIONS AGAINST BICYCLES AND PERSONAL TRANSPORTATION DEVICES.**

1. A person operating a motor vehicle shall not steer the motor vehicle unreasonably close to or toward a dismounted pedestrian or a person riding a bicycle, an electric scooter, or personal transportation device on a roadway or street, including the adjacent shoulder.
2. A person shall not knowingly project any object or substance at or against a dismounted pedestrian or a person riding a bicycle, an electric scooter, personal transportation device, or OPDMD on a roadway or street, adjacent shoulder, sidewalk, multi-use trail, or any other location.

*(Code of Iowa, Sec. 321.281)*

#### **76.07 RESPONSIBLE RIDING.**

1. Double Riding Restricted. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle, electric scooter, or personal transportation device shall be used to carry more persons at one time than the number for which it is designed and equipped. This does not apply to the use of a bicycle, electric scooter, or personal transportation device in a parade authorized by proper permit from local authorities.

*(Code of Iowa, Sec. 321.234[3, 4, 5])*

2. Speed. A person shall not operate a bicycle, electric scooter, personal transportation device, or OPDMD at a speed greater than is careful and prudent at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the surroundings and environment, such as inclement weather, infrastructure conditions, and grade. A person shall not operate a class 3 low-speed electric bicycle on a sidewalk. A person shall not operate a class 3 low-speed electric bicycle on a bicycle lane, bicycle path, or multi-use trail in excess of the posted or applicable speed limit, or if there is no posted or applicable speed limit, twenty miles per hour.

*(Code of Iowa, Sec. 321.235B[9.b.])*

3. Control of bicycle, electric scooter, personal transportation device, or OPDMD. The operator shall keep the device under directional, speed, and stopping control at all times.
4. Improper riding. No person shall operate a bicycle, electric scooter, personal transportation device, or OPDMD in an irregular or reckless manner so as to disregard the safety of the operator, others, or property.

5. Right of way. Riders of electric scooters, low speed electric bicycles, and other electric personal transportation devices shall yield right of way to pedestrians, human-powered bicycles, and other human-powered conveyances. Riders of bicycles and other human powered devices shall yield right of way to pedestrians.
6. Emerging from an Alley or Driveway. The operator of a bicycle, electric scooter, or personal transportation device emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

*(Code of Iowa, Sec. 321.353)*

7. Class 3 Low-Speed Electric Bicycles. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger on a class 3 low-speed electric bicycle.

*(Code of Iowa, Sec. 321.235B[6])*

8. Hand Signals. Riders of bicycles, electric scooters, or personal transportation devices may, but shall not be required to, signal their turning movements and stopping with their hands and arms as follows:
  - a. Left Turn – left hand and arm extended horizontally to the left
  - b. Right turn – left hand and arm extended upward to the left or right hand and arm extended horizontally to the right
  - c. Stopping or slowing – left hand and arm extended downward.
9. Following Emergency Vehicles. No person riding a bicycle, electric scooter, or personal transportation device shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code section 321.1 which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.
10. Towing. It is unlawful for any person riding upon any bicycle, electric scooter, or personal transportation device to attach the device or themselves to any moving motor vehicle by tow rope, hand grip or otherwise. This section shall not prohibit attaching a trailer to a bicycle that is designed to accommodate such a device.

## **76.08 PLACE OF RIDING.**

1. Paved Multi-use Trails. Bicycles, electric scooters, personal transportation devices, and OPDMD may be operated on paved multi-use trails, subject to the limitations of this Chapter.
2. Roadways and Streets.
  - a. When riding on the roadway or street, riders of bicycles, electric scooters and personal transportation devices shall ride in the same location and manner as motorized vehicles unless, a multi-use trail, bicycle path or bicycle lane exists adjacent to a roadway or street in which case riders may ride in the aforementioned location and riders of electric scooters and personal transportation devices shall not use the roadway; except that the operator of an electric scooter or personal transportation device shall not be required to use or remain on the aforementioned locations:

- i. When the trail, path, or lane is of insufficient width to permit safe bicycle, electric scooter, or personal transportation device operation; or
    - ii. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe bicycle, electric scooter or personal transportation operation on the trail, path, or lane.
  - b. Electric scooters and personal transportation devices shall not be ridden on roadways with a speed limit greater than twenty-five (25) miles per hour unless there is a bike lane present.
  - c. This section does not apply to the use of a bicycle, electric scooter or personal transportation device in a parade or special event authorized by the city.
- 3. Public Sidewalks and Bicycle Paths.**
- a. Bicycles, electric scooters, and personal transportation devices may be operated upon the public sidewalks in residential districts only in a careful and prudent manner except where signs or pavement markings explicitly prohibit riding on the sidewalk, or upon sidewalks along the business districts, or in specified dismount zones where users shall walk their bicycle, electric scooter, or personal transportation device. Careful and prudent manner shall be consistent with Section 76.07 Responsible Riding.
  - b. Electric scooters, low-speed electric bicycles, and personal transportation devices may be operated upon bicycle paths and multi-use trails that are equal to or greater than eight feet (8') in width except where signs or pavement markings explicitly prohibit riding on the bicycle path or multi-use trail.
  - c. Electric scooters and personal transportation devices may only operate on sidewalks less than eight feet (8') in width if the following applies:
    - i. When the roadway is of insufficient width to permit safe, electric scooter, or personal transportation device operation.
    - ii. Where no bicycle lane, bicycle path, or multi-use trail is available and where the speed limit on the roadway is greater than twenty-five (25) miles per hour.
    - iii. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe bicycle, electric scooter, or personal transportation operation on the roadway.
    - iv. When it is necessary to enter or leave adjacent property.
  - d. OPDMD's may be operated by persons with mobility disabilities on all sidewalks provided that they do not risk damage to the sidewalks, surrounding environment, or pose a risk to the safety of other sidewalks users.

## **76.09 PARKING.**

- 1.** Parking locations for bicycles, electric scooters, or personal transportation devices shall retain access to:
  - a. an ADA-compliant pedestrian pathway
  - b. a fire hydrant
  - c. a US Postal Service mailbox
  - d. a crosswalk or curb ramp
  - e. loading zones

- f. transit zones, including bus stops, shelters, or other passenger waiting areas
- g. accessible parking spaces
- h. street furniture or amenities that require pedestrian access
- i. entryways
- j. driveways.

**76.10 EQUIPMENT REQUIREMENTS.** Every person riding a bicycle, electric scooter, or personal transportation device shall be responsible for providing and using equipment as provided herein:

1. Every device when in use between sunset and sunrise and when weather conditions provide insufficient lighting to render clearly discernable persons and vehicles on the road at a distance of 300 feet ahead, shall be equipped with a lamp on the front emitting a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, may be used in lieu of a rear light. The lamps or reflector may be attached to the rider of the device rather than the device itself provided the visibility requirements are met. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

*(Code of Iowa, Sec. 321.384 and Sec. 321.397)*

2. Equivalent equipment such as headlamps and red-light attachments to the head, back, arm, or leg may be used in lieu of a lamp on the front and a red light on the rear of the device.
3. Brakes Required. Every device shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

*(Code of Iowa, Sec. 321.236[10])*

4. A device shall not be equipped with and a person shall not use upon such device any siren or whistle. This shall not apply to bicycles ridden by peace officer in the line of duty.

*(Code of Iowa, Sec. 321.434)*

**76.11 VIOLATIONS.** Violations of any provision of this chapter shall be punished by a fine as established by section 4.01 of this Code.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

**PASSED** at Ankeny, Iowa, this 20<sup>th</sup>, day of March, 2023.

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Mark E. Holm, Mayor

ATTEST:

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Michelle Yuska, City Clerk

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2<sup>nd</sup> Con 3/06/23  
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