

Executive Summary

Model Bicycle Ordinance

The [Street](#) Collective has prepared this model bicycle ordinance proposing improvements intended to enhance the safety and usability of city streets [that have proven successful in other states and cities](#). To do this, the Street Collective's Advocacy and Education Committee started from the existing language from the Des Moines Code of Ordinances. The changes are mainly based on work done by the Iowa Bicycle Coalition and dedicated outreach to the MPO's Bicycle and Pedestrian Roundtable, local law enforcement, and other key stakeholders. The Iowa Bicycle Coalition's work can be found here: <https://iowabicyclecoalition.org/legislation/model/>

The changes are described in the first section, with specific language changes linked to the corresponding sections of code. The following sections are the full ordinances with proposed changes. Changes to the ordinances are in red text.

The change to add the “stop sign as yield, and red light as stop rule” is based on Idaho, Colorado, and Delaware state law, and the description of the change is provided by the League of American Bicyclists. <https://bikeleague.org/content/bike-laws-topics-explanations-and-best-practices>

Overview of Changes

Change lanes to pass bikes: [Sec. 114-300](#)

The Collective's ordinance change will make it easier for peace officers to enforce safe-passing laws and will more clearly communicate proper behavior to motor vehicle drivers.

Yield to bikes in crosswalks [Sec. 114-327](#)

State law requires drivers to yield to pedestrians in crosswalks. The proposed ordinance change adds the requirement to yield to people riding bikes in crosswalks as well.

Door zone protection [Sec. 114-355](#)

This proposed ordinance change provides a clear rule to assign responsibility to what some people might see as an unavoidable accident – an opened door hitting or being hit by passing traffic. This puts the responsibility for opening vehicle doors on the person opening the door, rather than the people passing their vehicle. And, it provides a clear incentive for people to look for oncoming traffic – whether bikes, cars, or pedestrians – before opening their door.

Stop sign as yield, and red light as stop rule [Sec. 114-683](#)

This proposed ordinance change allows a bicyclist to treat a stop sign as a yield sign. Rather than being required to come to a stop, the bicyclist is required to slow down, stop if required for safety, and yield the right of way to any approaching vehicle or pedestrian before proceeding through an intersection controlled by a stop sign. And it allows a cyclist to proceed through a red light after stopping and yielding. This proposed ordinance change addresses some of the difficulties of being a cyclist in a traffic system that was not designed for cyclists. It will make cycling easier and, based on the available evidence, make it safer.

Remove unnecessary specificity in control of bicycle requirement [Sec. 114-686](#)

Because the ordinance already requires keeping one's bicycle under control at all times, the proposed ordinance change removes specific requirements to keep one or both hands on the handlebars and feet on the pedals if brakes are foot-operated.

Far to the right exemptions [Sec. 114-687](#)

In Iowa, the law that applies to bicyclists regarding road position requires a position as far to the right as "practicable." This proposed ordinance change recognizes that the "practicable" language is not clear enough for motorists, bicyclists, and others to understand how to behave appropriately.

Clarification of Bicycle Lanes Extending Through Intersections [Sec. 114-688](#)

This text added: "A bicycle lane exists in an intersection if the bicycle lane is marked on opposite sides of the intersection in the same direction of travel.

Update parking requirements [Sec. 114-693](#)

The proposed ordinance change adds a prohibition on attaching bicycles to trees on public property in commercial districts and updates the bike parking language to simply state the requirement to leave an adequate pedestrian path.

Right arm to signal right turn [Sec. 114-694](#)

This proposed ordinance change allows bicyclists to use the right arm to signal a right turn. The right arm is much more intuitive for bicyclists turning right. Often the right side of the bicyclist is on the same side that a right turning motorist may see before cutting off a right turning bicyclist. Most other states have similar laws. Even the National Highway Traffic Safety Administration teaches the right hand right turn signal as the standard. Children learn the right arm signal more easily than the left signal. Bicyclists can start riding at very young ages and use of proper hand signals could prevent crashes.

DIVISION 4. - OVERTAKING AND PASSING

Sec. 114-297. - Driving on right-hand side of roadway.

(a) A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.
 - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.
 - (4) Upon a roadway restricted to one-way traffic.
- (b) Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, a private road or a driveway.

(c) A vehicle shall not be driven upon any roadway, having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) of this section. This subsection shall not be construed as prohibiting the crossing of the centerline making a left turn into or from an alley, a private road, or a driveway.

(C62, § 30-132; O.8084, 8626; C75, C79, § 27-140; C91, § 27-297; O.11,650)

State Law reference— Similar provisions, I.C. § 321.297.

Sec. 114-298. - Meeting and yielding.

Except as otherwise provided in section 114-297 of this division, persons on horseback or in vehicles, including motor vehicles, meeting each other on the public highways shall yield one-half of the traveled way thereof by turning to the right.

(C62, § 30-133; O.8084, 8626; C75, C79, § 27-141; C91, § 27-298; O.11,650)

State Law reference— Similar provisions, I.C. § 321.298.

Sec. 114-299. - Overtaking a vehicle.

The following shall govern the overtaking and passing of vehicles proceeding in the same direction subject to those limitations, exceptions and special rules stated:

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(C62, § 30-134; O.8084; C75, C79, § 27-142; C91, § 27-299; O.11,650)

State Law reference— Similar provisions, I.C. § 321.299.

Secs. 114-300, 114-301. - Reserved.

[Sec. 114-300 - Motorists change lanes to pass bicyclists.](#)

[\(a\) The driver of a motor vehicle overtaking a person operating a bicycle proceeding in the same direction on a roadway shall pass to the left of the bicycle in an adjacent travel lane or on the](#)

opposite side of the roadway and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

(b) The driver of a motor vehicle overtaking a person operating a bicycle which is traveling on a paved shoulder or in a lane designated for the travel of bicycles shall give at least three feet of lateral passing distance between the outside of the vehicle and the person.

Sec. 114-302. - Overtaking on right.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
- (b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lanes of moving traffic when such movement can be made in safety.

(C62, § 30-135; O.8084; C75, C79, § 27-143; C91, § 27-302; O.11,650)

State Law reference— Similar provisions, I.C. § 321.302.

Sec. 114-303. - Limitations on overtaking on left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must always return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(C62, § 30-136; O.8084; C75, C79, § 27-144; C91, § 27-303; O.11,650)

State Law reference— Similar provisions, I.C. § 321.303.

Sec. 114-304. - Reserved.

Sec. 114-305. - One-way roadways and rotary traffic islands.

- (a) Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(C91, § 27-305; O.11,650)

State Law reference— Similar provisions, I.C. § 321.305.

Sec. 114-305.01. - Locations of one-way streets.

The streets or parts of streets set out in division 5 of article XVI of this chapter are designated as one-way streets, and vehicular traffic shall move thereon only in the direction indicated, when signs are erected giving notice thereof.

(C62, § 30-247; O.8084; C75, C79, § 27-257; C91, § 27-305.01; O.11,650)

Sec. 114-305.02. - Erection of signs for one-way streets.

The city engineer shall place and maintain signs indicating the direction of lawful traffic movement at every intersection of the streets designated in division 5 of article XVI of this chapter where movement of traffic in the opposite direction is prohibited.

(C62, § 30-248; O.8084; C75, C79, § 27-258; C91, § 27-305.02; O.11,650)

Sec. 114-305.03. - One-way street parking.

- (a) Unless prohibited by this Code or other city ordinances regulating or restricting the parking or standing of vehicles on the streets as designated in division 5 of article XVI of this chapter, vehicles may be stopped or parked on such one-way streets with the left-hand wheels adjacent to and within 18 inches but not closer than two inches of the left-hand curb of such streets. Any motorcycle may be stopped or parked with its rear wheel within 18 inches of the left-hand curb.
- (b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-249; O.8084, 8754; C75, C79, § 27-259; C91, § 27-305.03; O.11,650, 14,244)

Sec. 114-305.04. - One-way alleys designated.

- (a) All alleys less than 20 feet in width within any business district shall be one-way alleys. Except for the portion of such alleys in which two-way traffic is permitted, all east and west alleys in any business district shall be traversed from east to west, and all north and south alleys shall be traversed from south to north.
- (b) The north and south alley between Rollins Avenue and Crocker Street from Forty-first Street to Forty-second Street shall be traversed from south to north.
- (c) The east and west alley between East Twenty-first Street and East Twenty-second Street, just north of East University Avenue, shall be traversed from west to east.
- (d) The east and west alley between Second Avenue and Third Street, 160 feet south of Court Avenue, shall be traversed from east to west.
- (e) The east and west alley between Second Avenue and Third Street, 310 feet south of Court Avenue, shall be traversed from west to east.

(C62, § 30-245; O.8084, 8839; C75, C79, § 27-255; O.10,638; C85, § 27-255; O.11,402; C91, § 27-305.04; O.11,650, 13,218)

Sec. 114-305.05. - Erection of signs for one-way alleys.

The city engineer shall place and maintain signs indicating the direction of lawful traffic movement at every intersection of the alleys designated in section 114-305.04, and vehicular traffic shall move thereon only in the direction indicated when such signs are erected.

(C62, § 30-246; O.8084; C75, C79, § 27-256; C91, § 27-305.05; O.11,650)

Sec. 114-306. - Marking of traffic lanes; rules for travel.

- (a) The city engineer is authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- (b) Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section, shall apply:
 - (1) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from that lane until such movement can be made with safety.
 - (2) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 - (3) Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.
 - (4) Vehicles moving in a lane designated for slow moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

(C62, § 30-137; O.8084; C75, C79, § 27-145; C91, § 27-306; O.11,650)

State Law reference— Similar provisions, I.C. § 321.306.

Sec. 114-306.01. - Traffic lanes allocated.

No person shall operate a vehicle in violation of the signs erected or pavement markings installed giving notice of the allocation of lanes of the street designated in this section. The director of traffic and transportation shall cause necessary and appropriate signs to be posted or necessary pavement markings installed along the street designated as follows, informing the general public of the restrictions:

- (1) On Southeast First Street, from Southwest Water Street to Indianola Road, one lane northbound, one lane southbound, and the center lane northbound and southbound left turn only.
- (2) On Sixth Avenue, from Ascension Street to Euclid Avenue, two lanes northbound, two lanes southbound, and the center lane northbound and southbound left turn only.
- (3) On Southwest Ninth Street, from West Street to Wade Street, one lane northbound, one lane southbound, and the center lane northbound and southbound left turn only.
- (4) On Southwest Ninth Street, from a point 230 feet south of McKinley Avenue to a point 300 feet south thereof, two lanes northbound, two lanes southbound, and the center lane northbound and southbound left turn only.
- (5) On Easton Boulevard, from East Twenty-second Street to Avenue Frederick M. Hubbell, one lane eastbound, one lane westbound, and the center lane eastbound and westbound left turn only.
- (6) On Bell Avenue, from 200 feet east of Fleur Drive to 150 feet west of Druid Hill Drive, one lane eastbound, one lane westbound, and center lane eastbound and westbound left-turn only.
- (7) On Grand Avenue, from West Third Street to East Sixth Street, one lane eastbound and the remaining lanes westbound.
- (8) On Crocker Street, from Sixteenth Street to Nineteenth Street, two lanes westbound and one lane eastbound.
- (9) On Hickman road, from 400 feet west of Thirtieth Street to Fortieth Place, two lanes eastbound, two lanes westbound and the center lane eastbound and westbound left turn lane.
- (10) On Hickman Road, from a point 300 feet west of Beaver Avenue to Fifty-seventh Street, two lanes eastbound, two lanes westbound and the center lane eastbound and westbound left turn lane.
- (11) On University Avenue, from Twenty-fourth Street to 650 feet west of Forty-eight Street, two lanes eastbound, two lanes westbound, and the center lane eastbound and westbound left turn only.
- (12) On Beaver Avenue, from Urbandale Avenue to a point 290 feet north of Madison Avenue, and from Shawnee Avenue to Aurora Avenue, one lane northbound, one lane southbound, and the center lane northbound and southbound left turn only.
- (13) On Lower Beaver road, from Douglas Avenue to Valdez Drive (west leg), on lane northbound, one lane southbound, and the center lane northbound and southbound left turn only.
- (14) On East Court Avenue, from a point 500 feet east of East Seventh Street to a point 300 feet west of East Fourteenth Street, one lane eastbound, one lane westbound, and the center lane eastbound and westbound left turn only.
- (15) On Ingersoll Avenue, from a point 300 feet west of Martin Luther King Jr. Parkway to a point 150 feet east of Polk Boulevard, one lane eastbound, one lane westbound, and the center lane eastbound and westbound left turn only.
- (16) On Scott Avenue, from a point 150 feet west of Southeast Fourth Street to Southeast Sixth Street, one lane eastbound, one lane westbound, and the center lane eastbound and westbound left turn only.

(C62, § 30-138; O.8084, 8096, 8389; C75, § 27-146; O.8974, 9070; C79, § 27-146; O.10,722; C85, § 27-146; O.11,340; C91, § 27-306.01; O.11,650, 11,848, 11,935, 13,707, 13,972, 14,057, 14,336, 14,437, 14,472, 14,580, 14,884, 15,209)

Sec. 114-307. - Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(C62, § 30-139; O.8084; C75, C79, § 27-147; C91, § 27-307; O.11,650)

State Law reference— Similar provisions, I.C. § 321.307.

Secs. 114-308—114-310. - Reserved.

ARTICLE VI. - PEDESTRIAN RIGHTS AND DUTIES

Sec. 114-325. - Obedience to traffic signals.

- (a) Pedestrians shall be subject to traffic control signals at intersections as declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 114-327 to 114-330 of this article.
- (b) Any person failing to heed the command of an automatic traffic control signal shall be subject to punishment as provided in subsection 1-15(b) of this Code.

(C62, § 30-122; O.8084; C75, C79, § 27-130; C91, § 27-325; O.11,650)

State Law reference— Similar provisions, I.C. § 321.325.

Sec. 114-326. - Reserved.

Sec. 114-327. - Right-of-way.

Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian or bicyclist crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection except as otherwise provided in this chapter.

(C62, § 30-123; O.8084; C75, C79, § 27-131; C91, § 27-327; O.11,650)

State Law reference— Similar provisions, I.C. § 321.327.

Sec. 114-327.01. - Designation of crosswalks and establishment of safety zones.

The city engineer is authorized to:

- (1) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections and at such other places as he or she may deem necessary where there is particular danger to pedestrians crossing the roadway.
- (2) Establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

(C62, § 30-131; O.8084; C75, C79, § 27-139; C91, § 27-327.01; O.11,650)

Sec. 114-328. - Yielding.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) This section has no application under the conditions stated in section 114-328.01 of this article when pedestrians are prohibited from crossing at certain designated places.

(C62, § 30-124; O.8084; C75, C79, § 27-132; C91, § 27-328; O.11,650)

State Law reference— Similar provisions, I.C. § 321.328.

Sec. 114-328.01. - Prohibited crossing.

- (a) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (b) No pedestrian shall cross a roadway other than in a crosswalk in any business or school district.

(C62, § 30-125; O.8084; C75, C79, § 27-133; C91, § 27-328.01; O.11,650)

Sec. 114-329. - Duty of driver to exercise due care.

- (a) Notwithstanding section 114-328 of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.
- (b) Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a street whenever the driver is notified of their presence by a flagperson or a warning sign.

(C62, § 30-126; O.8084; C75, C79, § 27-134; C91, § 27-329; O.11,650)

State Law reference— Similar provisions, I.C. § 321.329.

Sec. 114-330. - Use of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(C62, § 30-127; O.8084; C75, C79, § 27-135; C91, § 27-330; O.11,650)

State Law reference— Similar provisions, I.C. § 321.330.

Sec. 114-331. - Soliciting rides.

- (a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.
- (b) Nothing in this section or chapter shall be construed to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle.

(C62, § 30-128; O.8084; C75, C79, § 27-136; C91, § 27-331; O.11,650)

State Law reference— Similar provisions, I.C. § 321.331.

Sec. 114-332. - White canes restricted to blind persons.

No person except one wholly or partially blind shall carry or use on any public street, highway or sidewalk a cane or walking stick white in color or white tipped with red.

(C62, § 30-129; O.8084; C75, C79, § 27-137; C91, § 27-332; O.11,650)

State Law reference— Similar provisions, I.C. § 321.332.

Sec. 114-333. - Duty of drivers to blind pedestrians.

- (a) Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red

or being led by a guide dog wearing a harness and walking on either side of or slightly in front of such blind person shall immediately come to a complete stop and take such precautions as may be necessary to avoid accident or injury to such person.

- (b) It shall be unlawful for any person to carry a cane or walking stick such as prescribed in I.C. § 321.332 contrary to this section or to fail to heed the approach of a person lawfully so carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog or assistive animal, as defined in I.C. § 216C.11, or to fail to immediately come to a complete stop and take precautions against accident or injury to such person.

(C62, § 30-130; O.8084; C75, C79, § 27-138; C91, § 27-333; O.11,650)

State Law reference— Similar provisions, I.C. § 321.333.

Secs. 114-334—114-339. - Reserved.

Sec. 114-340. - Driving through safety zones.

No vehicle shall at any time be driven through or within a safety zone.

(C62, § 30-161; O.8084; C75, C79, § 27-168; C91, § 27-340; O.11,650)

State Law reference— Similar provisions, I.C. § 321.340.

Sec. 114-340.01. - Driving in zones of quiet.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle except in an emergency.

(C62, § 30-159; O.8084; C75, C79, § 27-166; C91, § 27-340.01; O.11,650)

Sec. 114-340.02. - Driving on sidewalks.

No person shall drive a vehicle upon any sidewalk or within any sidewalk area except at a permanent or temporary driveway.

(C62, § 30-163; O.8084; C75, C79, § 27-170; C91, § 27-340.02; O.11,650)

Sec. 114-340.03. - Driving on public lands.

- (a) As used in this section, the term "public land" shall mean any land owned by the city, the county, the state, or the federal government, not specifically designated a public park, which lies within the law enforcement jurisdiction of the city police department. The term shall include levees constructed and located along the banks of the Des Moines and Raccoon Rivers in this city.
- (b) It shall be unlawful for any person to ride or drive any motorized vehicle upon any public land except upon established roads and ways designated and marked for such purpose on such land, and no person shall exceed a speed limit of 20 miles per hour upon any such road or way.
- (c) The owner of public land as set forth in subsection (a) of this section shall cause to be erected at the entrance to or borders of such land signs which state that motor vehicles are prohibited thereon. The sign shall identify the governmental entity which owns or controls the land.
- (d) Nothing contained in this section shall be construed to forbid the owner of public land as set forth in subsection (a) of this section from designating specific areas upon which motorized vehicles may be ridden or driven other than on established roads and ways.

(C79, § 27-170.01; O.9934; C91, § 27-340.03; O.11,650)

Sec. 114-340.04. - Encroachment on end portion of dead-end streets or culs-de-sac for recreational activities.

- (a) At the request of an abutting property owner, the city council shall determine whether to allow an encroachment for recreational activities at the end portion of a dead-end street or cul-de-sac.
- (b) Before granting such request the city council shall hold a hearing upon such proposed encroachment with written notice of such hearing mailed to each abutting property owner by certified mail, return receipt requested, at least ten days prior to the date of the hearing. The city council shall determine at the public hearing whether the encroachment necessary to the anticipated recreational activity may be safely erected, maintained and utilized as proposed and whether such recreational activity is compatible with maintaining reasonable use of the street right-of-way by the other abutting owners and their families, business and social visitors and invitees.
- (c) Upon approval of such encroachment, the abutting owner who is desirous of erecting and maintaining such encroachment over, upon or in the public right-of-way shall secure a license or lease for such encroachment pursuant to article VIII of chapter 102 of this Code; provided, however, in issuing such license or lease the city engineer shall require pursuant to section 102-612 liability insurance in an amount not less than \$100,000.00 general liability coverage with the city named as an additional insured on the policy.
- (d) Upon the granting of such a license or lease for encroachment, the city engineer shall cause an appropriate warning sign to be installed in accordance with the provisions of the state manual on uniform traffic control devices as most recently adopted by the state department of transportation. Whenever such signs are erected no person shall drive a vehicle upon any such street or portion thereof, except those persons whose residences are within the encroachment area, their families, business or social visitors and invitees, or drivers of emergency vehicles, and then all such drivers shall exercise the greatest care in driving upon such street or portion thereof.
- (e) Any such encroachment already existing in the public right-of-way prior to the effective date of the ordinance from which this section derives shall be brought to the attention of the city council by the city engineer so that this section may be followed.

(C62, § 30-160; O.8084; C75, C79, § 27-167; C85, § 27-167; O.11,102; C91, § 27-340.04; O.11,650)

Sec. 114-340.05. - Operation for purpose of advertising prohibited.

No person shall operate on any street any vehicle for the primary purpose of advertising.

(C62, § 30-166; O.8084; C75, C79, § 27-173; C91, § 27-340.05; O.11,650)

ARTICLE VIII. - STOPPING, STANDING AND PARKING⁴

Footnotes:

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Cross reference— Outdoor parking lot, § 30-126 et seq.; off-street parking and loading, § 134-1376 et seq.

Sec. 114-354.01. - Buses.

- (a) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone, except in an emergency.
- (b) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of the vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to impede unduly the movement of other vehicular traffic.
- (c) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-679; O.8084; C75, C79, § 27-694; C91, § 27-354.01; O.11,605, 14,244)

Secs. 114-355, 114-356. - Reserved.

Sec. 114-355 - Opening doors into moving traffic.

- (a) No person shall open any door of a motor vehicle located on a street, highway, or park road 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 highway for a period of time longer than necessary to load or unload passengers.

Sec. 114-357. - Parking on viaducts.

- (a) No person shall park or permit a vehicle to stand on any viaduct within the city.
- (b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-673; O.8084; C75, C79, § 27-688; C91, § 27-357; O.11,650, 14,244)

Sec. 114-358. - Prohibited in specified places.

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 - (1) On a sidewalk.
 - (2) In front of or within two feet of a public or private driveway.
 - (3) Within an intersection.
 - (4) On a crosswalk.
 - (5) Within ten feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
 - (6) Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone.
 - (7) Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
 - (8) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Adjacent to or on the center parkway or dividing area of any divided street.
- (11) In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.
- (12) Adjacent to or in front of a curb bump-out when such stopping, standing or parking would obstruct traffic.

A person who violates any provision of subsection (a) shall pay a \$15.00 fine.

(b) No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) Within five feet of a fire hydrant.
- (2) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when property signposted.
- (3) Where any official traffic control device prohibits stopping or parking.
- (4) Within a distance up to 150 feet from an intersection, where the city traffic engineer has determined that parking in such area would restrict the turning movement or visibility of traffic on an approaching side street and has caused official parking restriction signs to be installed to clearly identify the restricted parking area.

A person who violates any provision of subsection (b) shall pay a \$30.00 fine.

(c) No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer or traffic control device, upon any street when the stopping, standing or parking is prohibited by the sections of this chapter relating to removal of snow or ice from the streets. A person who violates the provisions of this subsection shall pay a \$35.00 fine.

(C62, § 30-663; O.8084, 8817, 8855; C75, C79, § 27-678; C91, § 27-358; O.11,650, 14,244, 14,518, 15,577)

State Law reference— Similar provisions, I.C. § 321.358.

Sec. 114-359. - Moving vehicles of others into prohibited areas.

No person shall move a vehicle not owned by him or her into any area prohibited by this article or an unlawful distance away from a curb.

(C62, § 30-668; O.8084; C75, C79, § 27-683; C91, § 27-359; O.11,650)

State Law reference— Similar provisions, I.C. § 321.359.

Sec. 114-360. - Parking in spaces in front of assembly places.

(a) A space of 25 feet is reserved at the side of the street in front of every theater, auditorium, hotel having more than 25 sleeping rooms, office building having more than three stories or other building where large assemblages of people are being held. No motor vehicle shall be left standing, parked or stopped within these spaces except in taking on or discharging passengers or freight or picking up tickets, and then only for a length of time necessary for such purposes, provided that such spaces shall first be marked by signs with the words "no parking - loading zone" or "no parking - ticket pick-up" thereon, as appropriate, or the curbing adjacent thereto painted with yellow paint.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-671; O.8084; C75, C79, § 27-686; O.10,418; C91, § 27-360; O.11,650, 14,244)

State Law reference— Similar provisions, I.C. § 321.360.

Sec. 114-361. - Parking at right-hand curb.

(a) Except as otherwise provided in this chapter and including as specifically provided in section 114-305.03 of this chapter as to one-way streets, every vehicle stopped or parked upon a roadway where

there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and within 18 inches but not closer than two inches of the right-hand curb.

- (b) It shall be unlawful to drive any vehicle against or upon any curb damaging any part thereof.
- (c) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-661; O.8084; C75, C79, § 27-676; C91, § 27-361; O.11,650, 14,244)

State Law reference— Similar provisions, I.C. § 321.361.

Sec. 114-361.01. - Angle parking.

- (a) The initiation of angle parking at any location where such parking is not in existence is prohibited except at the following locations:

- (1) Bridal Row, on the east side, from Fifteenth Street to Pleasant Street.
- (2) Court Avenue, on the south side, from Water Street to Fifth Avenue.
- (3) Keosauqua Way, on both sides, from Sixth Avenue to Seventh Street.
- (4) East Hillside Avenue, on the south side, from Southeast Sixth Avenue to 240 feet west thereof.
- (5) Murphy Street, on the south side, from Southwest Eleventh Street to 500 feet east thereof.
- (6) East Market Street, on the south side, from Southeast Fifth Street to Southeast Sixth Street.

- (b) The initiation of back-in angle parking at any location is prohibited except at the following locations:

- (1) Court Avenue, on the south side, from Water Street to East Third Street.
- (2) Walnut Street, on the north side, from Water Street to East First Street.
- (3) East Fourth Street, on the west side, from Locust Street to Grand Avenue.
- (4) East Fourth Street, on both sides, from Grand Avenue to Des Moines Street.
- (5) East Fifth Street, on the east side, from Walnut Street to Grand Avenue.
- (6) Shaw Street, on the south side, from Southeast Fifth Street to Southeast Sixth Street.
- (7) Twenty-third Street, on the west side, from Ingersoll Avenue to High Street.

- (c) When signs are erected giving notice thereof, no person shall park a vehicle in any parking space designated for back-in angle parking except by positioning their vehicle entirely within the marked space, with the rear of the vehicle to the curb side of the street and the front of the vehicle to the traveled lanes of the street.

- (d) Angle parking shall be permitted to continue at locations where the distance between the painted centerline and the parking curb line is equal to or greater than the minimum requirement established by the following formula:

$$\text{Minimum Width from Centerline to Parking Curb line} = \text{VAVE}/400 \times 10' + 19'$$

- (e) The letters "VAVE" as used in the formula in subsection (b) of this section represent the average hourly volume of cars during the four highest hours of a day.
- (f) The cost of installing and maintaining facilities for angle parking shall be borne by the abutting property owners, and if they or any of them shall fail to refuse to do so, the city reserves the right to withdraw the privilege of this method of parking.
- (g) Nothing within this section shall prohibit parking by more than one motorcycle within one parking space as otherwise provided in this chapter.
- (h) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-662; O.8084, 8754; C75, C79, C85, § 27-677; O.10,894; C91, § 27-361.01; O.11,650, 11,667, 13,600, 13,727, 13,924, 14,244, 14,437, 14,608, 14,901, 15,649, 15,670)

Sec. 114-361.02. - Illegal off-street parking.

- (a) No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property or an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of the privately owned property or facility. If a parking permit is issued by the property owner to the lessee, it must be displayed. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be dealt with pursuant to section 114-485.01 and/or 114-485.11 of this chapter.
- (b) No person shall park a vehicle in violation of the front yard parking provisions in subsection 134-1377(m) of this Code.
- (c) No person shall park a vehicle a vehicle in violation of the site plan parking provisions in subsection 82-219(b) of this Code.
- (d) No person shall park a car in a publicly owned parking space developed as a parking space for an electric vehicle charging station without actively charging their vehicle (by conductive or inductive means).
 - (1) Parking spaces for electric vehicle charging stations that are controlled by parking meters shall require the user to insert payment in accordance with the parking meter rates defined in section 114-643.
- (e) A person who violates any provisions of this section shall pay a fine of \$40.00.

(C62, § 30-664; O.8084, 8557; C75, C79, § 27-679; C91, § 27-361.02; O.11,650, 14,195, 14,244, 14,795, 15,079, 15,583)

Sec. 114-361.03. - Designation of parking spaces for city employees and officials on city-owned property.

- (a) The following described parking areas are reserved parking space for city employees and officials, designated by the city manager:
 - (1) The north 133.4 feet of block 3, East Fort Des Moines, lying south of and adjoining East Grand Avenue between Robert D. Ray Drive and East Second Street.
 - (2) All of the entire paved parking lot lying between the west curblineline of East First Street and the Des Moines River and between the north line of East Vine Street and the main line track of the Des Moines Union Railway Company.
 - (3) All of the entire paved parking lot lying between the south line of the Municipal Court Building and such line projected east, and a line ten feet north of and parallel to the centerline of the main line track of the Des Moines Union Railway Company and extending from the east line of East First Street to the west line of East Second Street.
 - (4) All of the entire paved parking lot lying between the south line of the police department garage and such line projected west and the south line of the Municipal Court Building projected east and extending from the east line of the Municipal Court Building to the west line of East Second Street.
 - (5) All of the entire paved right-of-way under the Eighth Street Viaduct from Cherry Street to a point 180 feet north thereof.
 - (6) The south 20 feet of vacated East Vine Street from the east right-of-way line of East First Street to the west right-of-way line of East Second Street, and the north 22 feet of lot 5, all of lots 6 and 7 and the vacated north/south alley of and adjoining lot 7, all in block C, Scott and Dean's Addition.
 - (7) All that part of vacated East Elm Street lying south of and adjoining block 30, Town of De Moine.
 - (8) All of the entire gravel parking lot including lots 7, 8, 9, 10 and 11 and all that part of the vacated north/south alley right-of-way lying west of and adjoining said lots 10 and 11, all in Block D, Scott and Dean's Addition.
- (b) Only the designated city employees and officials shall park in the reserved and restricted areas. Every such employee and official must display an authorized city parking permit on the vehicle.

(c) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-665; O.8084, 8153, 8510; C75, C79, § 27-680; O.9984; C85, § 27-680; O.10,808; C91, § 27-361.03; O.11,650, 14,244, 14,437, 15,670)

Sec. 114-361.05. - Designation of parking spaces for school district lots.

(a) No person shall drive, stop or park a vehicle onto or upon property controlled by the Des Moines Independent Community School District between the hours of 6:00 a.m. to 12:00 midnight, Monday through Friday, except those persons who have obtained permission from the school district and clearly display a permit to park on such property. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the school district, the vehicle may be dealt with pursuant to section 114-485.11 of this chapter.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C85, § 27-680.02; O.10,902; C91, § 27-361.05; O.11,650, 14,244)

Sec. 114-361.06. - Public library lots.

(a) No person shall park a vehicle in the underground reserved section of the main library parking lot at Tenth Street and Grand Avenue without authorization granted by the library director. All non-reserved parking spaces in this area are considered public parking spaces and is restricted to two hour parking only

(b) No person shall park a vehicle in the paved parking lot immediately south of the branch library at 3516 Fifth Avenue after business hours. This lot is reserved for library customers only during business hours.

(c) No person shall park a vehicle in the paved parking lot adjacent to the branch library at 5000 Franklin Avenue after business hours. This lot is reserved for library customers only during business hours.

(d) No person shall park a vehicle in the paved parking lots immediately adjacent to the mid-city branch library at 1305 University Avenue and directly south of the branch library on the south side of University after business hours. These lots are reserved for library customers only during business hours.

(e) A person who violates any provision of this section shall pay a fine of \$15.00.

(C85, § 27-680.03; O.11,211; C91, § 27-361.06; O.11,650, 14,244, 14,748)

Sec. 114-361.07. - Armory parking lot; designation of parking spaces.

(a) The following described portion of the city-owned parking lot located north of and adjacent to the Armory Building at East First and Des Moines Streets is reserved as parking spaces for authorized American Legion employees and city employees and officials:

Lot 1 of block 1, East Fort Des Moines Addition, except the south 27 feet thereof; lot 1, through and including lot 12, Sibley Addition, except the south 27 feet of lot 12; the 14-foot wide alley between lot 9, Water Power Place Plat Two and Sibley Addition; part of lot 9, Water Power Place Plat Two beginning at the northeast corner of such lot 9 thence southerly 330 feet along the east lot line; thence westerly to the top of the riverbank; thence northerly along the top of the riverbank to the east abutment of the Center Street Dam; thence northerly along the east abutment to the north lot line; thence easterly along such north lot line to the point of beginning; also, the south half of lot 13, Griffiths Outlots and the alley between such lot 13 and lot 1, Sibley Addition.

No person except those designated persons shall park in the reserved and restricted area between the hours of 7:00 a.m. and 4:30 p.m. All designated persons must display an authorized city parking permit on their vehicle.

(b) No person shall park a motor truck at any time in the armory parking lot.

(c) The city engineer is directed to erect appropriate signs informing the general public of the restrictions.

(d) A person who parks a vehicle in violation of any provision of this section shall pay a fine of \$15.00.

(C62, § 30-666; O.8084; C75, C79, § 27-681; O.9984; C91, § 27-361.07; O.11,650, 14,244)

Sec. 114-361.08. - Parking without valid registration plates.

(a) No person shall park nor shall any owner knowingly permit to be parked upon any street, park road or publicly owned parking facility any motor vehicle required to be registered unless there shall be

attached thereto and displayed thereon when and as required by law a valid registration plate issued therefor for the current registration year.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C79, § 27-682; O.10,273; C91, § 27-361.08; O.11,650, 14,244)

Sec. 114-361.09. - Parking in alleys.

(a) No person shall park a vehicle in any alley except for the expeditious loading, unloading and delivery which is incident to the loading and unloading of material or merchandise or passengers. In no event shall any vehicle park in any alley for more than 40 minutes at any one time.

(b) A person who violates any provision of this section shall pay a fine of \$30.00.

(C62, § 30-699; O.8084; C75, § 27-684; C91, § 27-361.09; O.11,650, 14,244)

Sec. 114-361.10. - Parking outside curblines.

(a) No person shall park a vehicle on any portion of any street between the curbline and the lot line, except that on recommendation of the city engineer, duly approved by resolution of the city council, parking may be permitted at such locations when requested in writing by property owners.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-670; O.8084; C75, C79, § 27-685; C91, § 27-361.10; O.11,650, 13,620, 14,195, 14,244)

Sec. 114-361.11. - Parking near mail collection boxes adjacent to streets.

(a) No vehicle shall be parked within a distance of 20 feet on either side of a United States post office-owned mail collection box which is so placed and equipped as to permit the deposit of mail from vehicles on the roadway.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-672; O.8084; C75, § 27-687; O.9308; C79, § 27-687; C91, § 27-361.11; O.11,650, 14,244)

Sec. 114-361.12. - Parking under bridge or viaduct.

(a) No person shall park a motor vehicle under any bridge or viaduct within the city when signs giving notice of the regulation have been posted under the bridge or viaduct.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-674; O.8084; C75, C79, § 27-689; C91, § 27-361.12; O.11,650, 14,244)

Sec. 114-361.13. - Parking continuously in one place more than 24 hours.

(a) No person shall park any vehicle and permit it to remain standing upon any public street or public metered lot in the city continuously and in one place for a period of more than 24 hours.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-675; O.8084, 8777; C75, C79, § 27-690; O.10,421; C91, § 27-361.13; O.11,650, 14,244)

Sec. 114-361.14. - Parking for certain purposes prohibited.

(a) No person shall stand or park a vehicle upon any roadway for the principal purpose of:

(1) Advertising.

(2) Displaying it for sale.

(3) Washing, greasing or repairing it, except for repairs necessitated by an emergency.

(b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-676; O.8084; C75, C79, § 27-691; C91, § 27-361.14; O.11,650, 14,244)

Sec. 114-361.15. - Erection of temporary signs prohibiting parking near excavations and obstructions.

- (a) No person shall excavate or obstruct any street until he or she shall have first obtained a permit authorizing such excavation.
- (b) The city engineer may authorize the erection of temporary no parking signs alongside or opposite the area of excavation if the stopping, standing or parking of vehicles therein would obstruct traffic.
- (c) A person who parks a vehicle in violation of the no parking signs erected by authority of this section shall pay a fine of \$15.00.

(C62, § 30-677; O.8084; C75, C79, § 27-692; C91, § 27-361.15; O.11,650, 14,244)

Sec. 114-361.16. - Parking on culs-de-sac and on dead-end streets.

- (a) When signs are erected giving notice thereof, no person shall park a motor vehicle on any cul-de-sac.
- (b) When signs are erected giving notice thereof, no person shall park in the turnaround area nor at any place between the posted sign and the dead end of a dead-end street.
- (c) A person who violates any provision of this section shall pay a fine of \$15.00.

(C75, § 27-692.01; O.9139; C79, § 27-692.01; C91, § 27-361.16; O.11,650, 14,244)

Sec. 114-361.17. - No parking on emergency order of chief of police.

- (a) The chief of police may, upon issuance of an emergency order, cause temporary no parking signs to be posted on or about streets of the city. No person shall park in violation of signs so posted.
- (b) A person who violates any provision of this section shall pay a fine of \$15.00.

(C62, § 30-678; O.8084; C75, C79, § 27-693; C91, § 27-361.17; O.11,650, 14,244)

Sec. 114-361.18. - Special parking permits.

Except as provided by section 114-361.17 of this article, the sections of this chapter regulating the parking and standing of vehicles shall not apply to a vehicle parking or standing in accord with a permit issued by the city engineer.

(C62, § 30-678.01; O.8846; C75, § 27-693.01; O.9218; C79, § 27-693.01; C91, § 27-361.18; O.11,650)

Sec. 114-361.19. - Special parking permit issuance.

- (a) The city traffic engineer is authorized by the city engineer to issue a special parking permit for a vehicle to park or stand on a public street where such parking or standing is otherwise prohibited or regulated by the provisions of this chapter. Application therefor may list one or more specific vehicles, shall be directed to the office of the city traffic engineer, and may contain information as the city traffic engineer shall deem pertinent to the application. Such permit shall only be issued when said parking or standing is required in the performance of a public service or to satisfy a public need as heretofore set forth. Such permit shall grant permission for vehicular parking or standing in a specific area or any public way in the city.
- (b) The effective period of the permit may be a set number of days, not to exceed one year, and the inclusive dates of the permit shall be clearly displayed thereon. The permit may also specify the time or times of day when such parking is authorized as well as the days of the week to which it is limited.
- (c) Except in situations of immediate emergency or in unique situations which have been identified to and approved by the city traffic engineer, such parking shall be prohibited during specific hours in locations where signs are currently in place prohibiting parking during those hours.
- (d) The permit shall be clearly displayed in the window of the vehicle or on the container for which it is issued.
- (e) Applicants are required to pay an application fee and the daily meter rate of the reserved meter(s) for the time period the meters are reserved except as specified in section 114-36.19(g). Payment is required at the time the permit is issued except as specified in section 114-361.19(i). The charges for the application fee, daily meter rate, and the meter hood may be waived at the discretion of the city traffic engineer or his or her designated representative.

- (f) If parking meters are hooded specifically for use after 6:00 p.m. and until 8:00 a.m. the following day, or on meter holidays and weekends, the only charges shall be the application fee and meter hood fee for each meter listed in the permit
- (g) The application fee and meter hood fees shall be defined in the Schedule of Fees. The daily meter rate charged for hooding parking meters shall be calculated using the specific parking meter district location of the meter(s) to be hooded and the daily meter rates designated in section 114-643 of this Code. In all instances the daily meter fee shall be calculated based upon a ten-hour day. The daily meter fee shall be an additional fee only during normal hours of parking meter operations.
- (h) Vehicles owned or operated by governmental agencies, shall be exempt from the permit fee requirements. Vehicles and equipment working directly under contract or subcontract to the City of Des Moines shall also be exempt from these permit fee requirements.
- (i) For a permit issued for special handicap consideration for persons who possess a permanent state of Iowa handicap placard or state of Iowa handicapped license plates, and a physician's certificate that substantiates a significant degree of disability related to coin handling dexterity, the fee for the permit shall be as provided above, but any daily meter fee shall be waived.
- (j) A person who parks a vehicle in violation of any provision of this section or of the terms of the special parking permit shall pay a fine as defined in the Schedule of Fees.

(C75, § 27-693.02; O.9218; C79, § 27-693.02; O.10,600; C85, § 27-693.02; O.11,548; C91, § 27-361.19; O.11,650, 13,727, 14,084, 14,195, 14,244, 14,533, 14,556, 14,811, 15,454)
 Sec. 114-361.20. - Parking permitted by special act of city council.

The city traffic engineer reserves the right to revoke the permit if requirements of the permit are not followed or there are unforeseen impacts to motorized or non-motorized traffic flow as a result of permit issuance. The city council may upon application of any interested person review the issuance, revocation, or denial of any permit issued under this article by the city engineer, either individually or collectively, and, after determining the applicability of the pertinent provisions of section 114-361.21 of this article, direct the issuance, modification or revocation of the permit.

(C75, § 27-693.03; O.9218; C79, § 27-693.03; C91, § 27-361.20, O.11,650, 15,454)
 Sec. 114-361.21. - Standards for issuance of special parking permits.

For the purposes of section 114-361.19 of this article, the term "parking or standing required in the performance of a public service or to satisfy a public need" is defined under authority of the city traffic engineer. This shall generically include but not be limited to the following use of a parking space:

- (1) Funeral vehicles during performance of funeral service.
- (2) Moving vans in actual service.
- (3) Vehicles or equipment parked to facilitate special events.
- (4) Charter buses or school buses parked for special events.
- (5) Construction vehicles while delivering materials, special equipment (e.g., concrete trucks), or mobile construction equipment in use.
- (6) Vehicles involved in utility or city construction or maintenance work in streets right of way.
- (7) Vehicles containing cable or public TV remote facilities in actual service.
- (8) Residents within the parking meter and resident permit parking districts I, II or III who are holders of a valid resident parking permit shall be eligible for issuance of a special parking permit, at no charge, if displaced by an authorized special event. A special parking permit shall not be issued at no charge when parking within the resident permit parking areas is because of an emergency situation beyond the control of the city. No special parking permit shall supersede emergency parking restrictions imposed by an authorized city official.
- (9) Temporary moving storage containers in actual service for adjacent properties.
- (10) Dumpsters in actual service for adjacent construction activity.

(C75, § 27-693.04; O.9218; C79, § 27-693.04; C91, § 27-361.21; O.11,650, 14,084, 14,556, 14,811, 15,454)

ARTICLE XIV. - BICYCLES AND PEDICABS^[6]

Footnotes:

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Editor's note— Ord. No. 15,083, § 1, adopted Feb. 27, 2012, amended Art. XIV in its entirety to read as herein set out. Former Art. XIV, §§ 114-677—114-698, pertained to similar subject matter, and derived from Code 1942, §§ 20-87, 21-4, 21-6, 21-6.01, 21-8—21-19, 21-36. See the Code Comparative Table for complete derivation. Furthermore, Ord. No. 15,487, adopted July 11, 2016, amended the title of Art. XIV to read as herein set out. Formerly, said Art. XIV was entitled "Bicycles."

DIVISION 1. - BICYCLES

Sec. 114-677. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.

Multi-use trail means a way or place, the use of which is controlled by the city as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the city council, and no multi-use trail shall be considered as a street or highway.

(O.15,083)

Sec. 114-678. - Alteration of serial frame number.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle.

(O.15,083)

Sec. 114-679. - Sirens and whistles prohibited.

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

(O.15,083)

Sec. 114-680. - Lamps and reflectors.

- (a) Every bicycle ridden at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of 300 feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 300 feet to the front.
- (b) Every bicycle shall be equipped 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 may be used in lieu of a rear light.
- (c) Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.
- (d) A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

(O.15,083)

Sec. 114-681. - Stopping.

Every bicycle used upon the city streets, sidewalks, highways, park roads or multi-use trails shall be able to come to a complete stop within a safe distance.

(O.15,083)

Sec. 114-682. - Applicability of motor vehicle laws.

Every person operating a bicycle upon the city streets, highways, park roads, or multi-use trails shall be subject to this chapter and other city traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to special regulations in this chapter and except as to those provisions of ordinances and statutes which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

(O.15,083)

Sec. 114-683. - Obedience to signals.

- (a) Every person operating a bicycle shall obey the directions of official traffic signals, signs and other control devices applicable to other vehicles, unless otherwise directed by a police officer, and shall obey direction signs relative to turns permitted, unless such person dismounts from the bicycle, when he or she shall then obey the regulations applicable to pedestrians.
- (b) A person operating a bicycle approaching a stop sign on a roadway shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of roadways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping.
- (c) A person operating a bicycle approaching a steady red traffic control light shall stop before entering the intersection and shall yield to all other traffic. Once the person has yielded, they may proceed through the steady red light with caution. Provided however, that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a right-hand turn. A left-hand turn onto a one-way roadway may be made on a red light after stopping and yielding to other traffic.

(O.15,083)

Sec. 114-684. - Improper riding.

- (a) A person propelling a bicycle on any street, sidewalk, highway, park road or multi-use recreational trail, shall not ride other than upon or astride a permanent and regular seat attached to the bicycle and shall not use a bicycle to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.
- (b) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

(O.15,083)

Sec. 114-685. - Carrying packages.

No person operating a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

(O.15,083)

Sec. 114-686. - Control with hands on handlebars

The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall keep the bicycle under control at all times ~~and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.~~

(O.15,083)

Sec. 114-687. - Place of riding.

- (a) Any person operating a bicycle upon a multi-lane roadway ~~at a speed less than the normal speed of traffic moving in the same direction~~ shall ride in the right-most travel lane, and upon a roadway with no center line shall ride anywhere on the right side of the roadway, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:
- (1) When riding alongside or overtaking and passing another bicycle vehicle proceeding in the same direction.
 - (2) When preparing for a left turn at an intersection or into a private road or driveway.
 - (3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
 - (4) A facility that would allow bicycle traffic on the left side of the roadway.
 - (5) When traveling straight through an intersection that has a dedicated right turn only lane.
 - (6) When a street has parallel parked cars that when doors are opened could create a collision with the person riding a bicycle.
 - (7) When an advanced stop line (bike box) allows for persons operating a bicycle to filter to the front of a traffic sign or signal and turn.
- (b) Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride on the left traffic lanes as near the left-hand curb or edge of such roadway as practicable.
- (c) A person operating a bicycle may ride against the flow of traffic in a bike lane which is designed for counterflow bicycle traffic. (c) —When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.
- (d) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

(O.15,083)

Sec. 114-688. - Bicycle lanes.

- (a) Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway moving in the same direction may ride within the bicycle lane.
- (b) Any person operating a bicycle within a bicycle lane may move out of the lane when overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
- (c) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.
- (d) No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:
- (1) To park where parking is permitted.
 - (2) To enter or leave the roadway.

(3) To prepare for a turn within a distance of 200 feet from the intersection.

(e) A bicycle lane exists in an intersection if the bicycle lane is marked on opposite sides of the intersection in the same direction of travel.

(O.15,083)

Sec. 114-689. - Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(O.15,083)

Sec. 114-690. - Operation on sidewalk.

Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected to prohibit riding on the sidewalk. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian and shall give an audible signal before overtaking and passing.

(O.15,083)

Sec. 114-691. - Clinging to other vehicles.

No person riding upon any bicycle on a street, sidewalk, highway, park road or multi-use trail shall attach the bicycle or himself or herself to any moving vehicle by tow rope, hand grip or otherwise.

(O.15,083)

Sec. 114-692. - Following emergency vehicles.

No person riding a bicycle 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.

(O.15,083)

Sec. 114-693. - Parking.

No person shall park a bicycle on a sidewalk so that there is not an adequate path for pedestrian traffic. ~~Any bicycle parked on public property in a commercial district shall not be attached to trees leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.~~

(O.15,083)

~~Sec. 114-694. - Reckless operation.~~

~~No person shall operate a bicycle with willful or wanton disregard for the safety of persons or property.~~

Sec. 114-694. - Signaling turns.

All signals are given in the following manner:

(a) Left turn – Left hand and arm extended horizontally to left.

(b) Right turn – Left hand and arm extended upward to the left or right hand and arm extended horizontally to right.

(c) Stop or decrease of speed – Left hand and arm extended downward.

(O.15,083)

DIVISION 2. - PEDICABS

Sec. 114-695. - Definitions.

- (a) *Pedicab* means a device having up to four wheels that transports or is capable of transporting passengers on attached seats.
- (b) *Pedicab business* means the business of operating one or more pedicabs for the recreational or physical transportation of the general public for profit, not-for-profit, or as a free service accepting tips or displaying advertising.

(O.15,487)

Sec. 114-696. - Compliance with division 1, bicycles.

Every operator of a pedicab shall comply with all provisions of division 1, bicycles, except section 114-684, improper riding.

(O.15,487)

Sec. 114-697. - License required.

Every pedicab shall have affixed to the back of the pedicab a current City of Des Moines pedicab license, which is clearly visible to others using the roadway.

(O.15,487)

Sec. 114-698. - License application.

- (a) Applications for a pedicab license must be submitted to the City of Des Moines Traffic Engineer and approved prior to operating a pedicab.
- (b) Requirements for approval:
 - (1) Provide to the traffic engineer a certificate of a general liability insurance policy covering the operation of the pedicab(s) including coverage for bodily injury, death and property damage with limits of liability not less than \$1,000,000.00 per occurrence and aggregate combined single limit. Insurance must be effective for same period as the license remains valid and effective.
 - (2) The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide 30 days advance written notice of cancellation, 45 days advance written notice of non-renewal, and ten days advance written notice of cancellation due to nonpayment of premium, and that these written notices shall be provided by e-mail, facsimile, delivery, or regular mail to the traffic engineer.
 - (3) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the pedicab license.
- (c) The pedicab license shall be valid and effective from January 1 to December 31 of the year approved. However, pedicab licenses approved in 2016 will be valid from the approval date to December 31, 2017.

(O.15,487)

Sec. 114-699. - Prohibitions.

- (a) No person under the age of 16 shall operate a pedicab.
- (b) No person shall operate a pedicab without a pedicab license.
- (c) No person shall operate a pedicab which is not solely operated by human power.

- (d) No person shall operate a pedicab on a street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing the street.
- (e) No person, while operating a pedicab, shall stop on a street with a posted speed limit of 35 miles per hour or greater in order to pick up or drop off passengers.

(O.15,487)

Sec. 114-700. - Penalty.

Any person who fails to perform an act required by this division or who commits an act prohibited by this division shall be guilty of a simple misdemeanor punishable by a penalty as provided by section 1-15 of this Code.

(O.15,487)

Secs. 114-701—114-1100. - Reserved.