

## MODEL ORDINANCE FOR BICYCLES AND PERSONAL TRANSPORTATION DEVICES

Notes in red are included as commentary, not as proposed model ordinance language.

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### CH#.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].

### CH#.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 facility" means any type of accommodation designed primarily for the use of people riding bicycles as per current engineering design standards.
3. "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.
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 way or place for the shared use and travel of bicycles, pedestrians, and other authorized devices, which is designated is and controlled by the local jurisdiction. 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 golf carts, electronic personal assistance mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.
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 or low-speed electric bicycle.
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.

#### CH#.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 or other bicycle facility, subject to those exceptions and regulations stated herein.

#### CH#.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 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)
6. If a person riding a bicycle, electric scooter, or personal transportation device has stopped pursuant to the directions of a traffic control device and has a reasonable belief that the traffic control device or signal is unresponsive or not detecting their presence, thus rendering the person stranded, the person may proceed through the intersection, provided that:
  - a. There is no other vehicle approaching or entering the same intersection from a different roadway, or from the same roadway approaching or entering the intersection from the opposite direction;
  - b. The person proceeds exercising due care through the intersection with consideration for all other applicable rules of the road; and
  - c. One complete cycle of the traffic-control device or signal, or 90 seconds, has passed.

#### CH#.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 park where parking is permitted.
  - b. To enter or leave the roadway or street.
  - c. To prepare for a turn within a distance of 200 feet from the intersection.
2. Change Lane to Pass. The driver of a motor vehicle overtaking a person riding a bicycle, electric scooter, or personal transportation device, proceeding in the same direction in the same lane on a roadway or street shall pass to the left of the rider of the device in an adjacent travel lane or on the opposite side of the roadway or street and shall not again drive to the right side of the roadway or street until safely clear of the overtaken rider and device.
3. 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.

4. **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.
5. **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 riding a bicycle, electric scooter, or personal transportation device within any marked crosswalk or unmarked crosswalk at an intersection or any multi-use trail crossing a roadway, street, or driveway. (*Code of Iowa*, Sec. 321.327)
6. **Parking.** Drivers of motor vehicles shall not park in bicycle lanes or other bicycle facilities or multi-use trails.

#### CH#.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 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 person riding a bicycle, an electric scooter, or personal transportation device on a roadway or street, adjacent shoulder, sidewalk, multi-use trail, or any other location.

(*Code of Iowa*, Sec. 321.281)

**Note:** The fine for a violation of 321.281 is \$325 per [805.8A](#).

#### CH#.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])

**Note:** The fine for a violation of 321.234 Subsections 3 and 4 is \$35 per [805.8A](#).

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 bicycle lane 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.]

**Note:** The fine for a violation of 321.235B is \$25 per [805.8A](#).

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])  
**Note: The fine for a violation of 321.235B is \$25 per [805.8A](#).**
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.

#### CH#.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. Unpaved Trails. Bicycles, electric scooters, personal transportation devices, and OPDMD may be operated on unpaved trails, provided that they do not risk damage to the trail,

surrounding environment, or pose a risk to the safety of other trail users.

**Note: This would allow all devices to use unpaved trails. Local jurisdictions may wish to modify this provision to better fit their unpaved trail network conditions.**

### 3. Public Sidewalks.

- a. Bicycles, electric scooters and personal transportation devices, may be operated upon the public sidewalks in a careful and prudent manner except where signs or pavement markings explicitly prohibit riding on the sidewalk or in specified dismount zones. Careful and prudent manner shall be consistent with CH#.07 Responsible Riding.

**Note: This would allow riding all devices on downtown sidewalks. Local jurisdictions may wish to modify this provision to better fit their sidewalk conditions.**

- b. OPDMD 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 sidewalk users.

### 4. Roadways and Streets. 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 bicycle facility, a sidewalk, or multi-use trail is provided along the same corridor, in which case riders may choose to ride in the aforementioned location.

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.

## CH#.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.

## CH#.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 to 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 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)

Note: The fine for a violation of 321.384 is \$45 and the fine for a violation of 321.397 is \$35 per [805.8A](#).

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. A citation issued for failure to have a front or rear lamp or red reflector on a bicycle, electric scooter, or personal transportation device or on a rider of any of these devices as required shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamp. If the person complies with the directive to replace or repair the headlamp or rear lamp within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.
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)

Note: The fine for a violation of 321.434 is \$35 per [805.8A](#).