

CHAPTER 73: BICYCLES, E-BIKES, AND MOPEDS

GENERAL PROVISIONS

§ 73.01 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

Bicycle. A bicycle is a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except children's tricycles.

Electric-assist bicycles and bicycles with helper motors ("E-Bikes"). Low-speed electrically assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top motor-powered speed of less than twenty miles an hour when operated by a rider weighing one hundred seventy pounds on a paved level surface, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied or the rider stops pedaling. Manufacturers and distributors of electric-assist bicycles shall apply a label that is affixed permanently, in a prominent location, to each electric-assist bicycle, indicating its wattage and maximum electrically assisted speed. The owner or user of an electric-assist bicycle shall not remove or tamper with the label. If a user tampers with or modifies an electric-assist bicycle, changing the speed capability, he must replace the label indicating the vehicle's wattage or horsepower. Electric-assist bicycles and bicycles with helper motors are not mopeds.

Moped. A cycle, defined as a motor vehicle, with or without pedals, to permit propulsion by human power, that travels on not more than three wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor of fifty cubic centimeters; or designed to have an input exceeding 750 watts and no more than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

§ 73.02 Application.

- (a) The provisions of this Chapter shall apply to all persons operating a bicycle, E-Bike, or moped on streets and highways under the jurisdiction of the Town.
- (b) This Chapter does not apply to vehicles used by law enforcement in the course and scope of their official duties.

REGULATIONS APPLICABLE TO BICYCLES

§ 73.03 Rights and Duties of Bicyclists.

Every person riding a bicycle upon a roadway 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 this state declaring rules of the road applicable to vehicles or by the traffic regulations of the Town applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and regulations which by their nature can have no application.

§ 73.04 Limitations as to Operation, Riding Position, and Number of Riders of Bicycles.

- (a) A bicyclist propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached to the bicycle.
- (b) No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped.
- (c) A person riding upon any bicycle may not attach it or them or himself to a vehicle upon a roadway.
- (d) A bicyclist operating a bicycle may not carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handlebars.

§ 73.05 Required Equipment for Bicycles.

- (a) A bicycle must be equipped with a brake that will enable the bicyclist to make the braked wheels skid on dry, level, clean pavement.
- (b) A bicycle, when in use at nighttime, must be equipped with a lamp on the front which must emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear that must be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

§ 73.06 Bicyclists Required to use Hand and Arm Signals.

- (a) A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.
- (b) A bicyclist shall indicate a left turn by extending the left arm horizontally.
- (c) A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.
- (d) A bicyclist is not required to give signals provided for in this section continuously if the hand or arm is needed to control the bicycle.

§ 73.07 Abandoned Bicycles.

- (a) It shall be unlawful for any person to abandon any bicycle on any public right-of-way or on any public property within the Town. A bicycle shall be deemed abandoned if it:

- (1) is in such a state of disrepair as to be incapable of being operated in its present condition; or
 - (2) has not been moved or used in more than seven (7) days and bears physical indica of having been abandoned.
- (b) Any bicycle deemed abandoned, pursuant to subsection (a) of this section, may be removed and disposed of by discarding, donation, auction, or any other manner deemed appropriate by the Town.

§ 73.08 Riding Bicycles on Sidewalks.

- (a) No person shall ride or operate a bicycle upon any sidewalk in the Town except:
- (1) Children the age of seventeen (17) and under and any adults accompanying children the age of seven (7) and under may ride on any sidewalk;
 - (2) Where the sidewalk is designated by the Engineering and Development Services Department as a shared use path measuring at least eight (8) feet in width;
 - (3) On sidewalks adjacent to roadways where no bicycle path has been provided; or
 - (4) Where the adjacent highway has a posted speed limit of thirty (30) miles per hour or more, any person may ride a bicycle on the adjacent sidewalk except as otherwise herein prohibited or if there is a dedicated bicycle path on the adjacent highway.
- (b) For the purposes of this section, “bicycle path” means a portion of the roadway or a paved lane separated from the roadway that has been designated by striping, pavement markings, and signage for the preferential or exclusive use of bicyclists.
- (c) Any person permitted under this section to ride or operate a bicycle on a sidewalk, bicycle path, or shared use path shall at all times ride or operate the bicycle with due care and yield the right-of-way to pedestrians using the sidewalk.
- (d) No person shall ride or operate a bicycle on any sidewalk or shared use path in the Town at a speed in excess of ten (10) miles an hour.
- (e) Where permitted in the above subsections, bicycles shall not be operated in a manner which causes damage to public or private property.
- (f) The provisions of this section shall not diminish, detract from, or change the rights and duties of bicyclists under this Chapter or state law.

REGULATIONS APPLICABLE TO E-BIKES

§ 73.09 Rights and Duties of Persons Operating E-Bikes.

Every person operating an E-Bike upon a roadway 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 this state declaring rules of the road applicable to vehicles or by the traffic regulations of the Town applicable to the

driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and regulations which by their nature can have no application.

§ 73.10 Limitations as to Operation, Speed, Riding Position, and Number of Riders of E-Bikes.

- (a) No person shall operate an E-Bike at a speed in excess of fifteen (15) miles an hour.
- (b) An operator of an E-Bike shall operate the E-Bike with due care and yield the right-of-way to pedestrians within public pathways and rights-of-way.
- (c) No person shall ride upon an E-Bike other than upon a permanent and regular seat attached to the E-Bike. Any person operating an E-Bike must keep his or her feet firmly on the pedals or foot pegs while sitting on the seat.
- (d) No E-Bike may be used to carry more persons at one time than the number for which it is designed and equipped.
- (e) No person shall operate an E-Bike while engaged in an activity that is not necessary to the operation of the E-Bike which impairs, or would reasonable be expected to impair, the ability of the person to safely operate the E-Bike.

§ 73.11 Required Equipment for E-Bikes.

- (a) No person under the age of twenty-one (21) shall operate or ride an E-Bike unless he or she wears a protective bicycle helmet.
- (b) An E-Bike must be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) An E-Bike, when in use at nighttime, must be equipped with a lamp on the front which must emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear that must be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

§ 73.12 Operators of E-Bikes Required to use Hand and Arm Signals.

- (a) An operator of an E-Bike shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.
- (b) An operator of an E-Bike shall indicate a left turn by extending the left arm horizontally.
- (c) An operator of an E-Bike shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.
- (d) An operator of an E-Bike is not required to give signals provided for in this section continuously if the hand or arm is needed to control the E-Bike.

§ 73.13 Riding E-Bikes on Sidewalks.

- (a) No person shall ride or operate an E-Bike upon any sidewalk in the Town except:
 - (1) Children the age of seventeen (17) and under and any adults accompanying children the age of seven (7) and under may ride an E-Bike on any sidewalk.

- (2) Where the sidewalk is designated by the Engineering and Development Services Department as a shared use path measuring at least eight (8) feet in width;
 - (3) On sidewalks adjacent to roadways where no bicycle path has been provided; or
 - (4) Where the adjacent highway has a posted speed limit of thirty (30) miles per hour or more, any person may ride an E-Bike on the adjacent sidewalk except as otherwise herein prohibited or if there is a dedicated bicycle path on the adjacent highway.
- (b) For the purposes of this section, “bicycle path” means a portion of the roadway or a paved lane separated from the roadway that has been designated by striping, pavement markings, and signage for the preferential or exclusive use of bicyclists.
- (c) Any person permitted under this section to ride or operate an E-Bike on a sidewalk, bicycle path, or shared use path shall at all times ride or operate the E-Bike with due care and yield the right-of-way to pedestrians using the sidewalk.
- (d) No person shall ride or operate an E-Bike on any sidewalk or shared use path in the Town at a speed in excess of ten (10) miles an hour.
- (e) Where permitted in the above subsections, E-Bikes shall not be operated in a manner which causes damage to public or private property.
- (f) The provisions of this section shall not diminish, detract from, or change the rights and duties of operators of E-Bikes under this Chapter or state law.

§ 73.14 Modification of E-Bike’s Equipment to Increase Horsepower or Speed.

Any E-Bike that exceeds 750 watts or one (1) horsepower and produces speeds in excess of twenty (20) miles an hour shall be deemed a moped under this Chapter and shall be subject to all regulations applicable to mopeds.

REGULATIONS APPLICABLE TO MOPEDS

§ 73.15 Rights and Duties of Persons Operating Mopeds.

Every person operating a moped upon a roadway 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 this state declaring rules of the road applicable to vehicles or by the traffic regulations of the Town applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and regulations which by their nature can have no application.

§ 73.16 Licensing and Registration Requirement for Mopeds.

A person operating a moped on a public highway at all times must have in his possession a valid moped operator’s license or valid driver’s license and moped registration.

§ 73.17 Limitations as to Operation, Speed, Riding Position, and Number of Riders of Mopeds.

- (a) No person shall operate a moped at a speed in excess of twenty-five (25) miles an hour.
- (b) No person shall ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A passenger on a moped shall not ride other than astride a permanent and regular seat attached thereto. All persons riding as a passenger must be able to keep his or her feet firmly on the foot boards or foot pegs while sitting comfortably on the seat.
- (c) No person shall operate a moped carrying more persons at one time than the number for which it is designed and equipped.
- (d) No person shall operate a moped while engaged in an activity that is not necessary to the operation of the moped which impairs, or would reasonably be expected to impair, the ability of the person to safely operate the moped.

§ 73.18 Required Equipment for Mopeds.

- (a) No person shall operate a moped with the muffler removed or altered such that the operation creates a loud and annoying noise.
- (b) No person shall operate a moped without at least one rearview mirror.
- (c) No person shall operate a moped without operable running lights and brake lights which are operable when either brake is deployed.
- (d) No person shall operate a moped unless it is equipped with a bell, horn or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a moped shall not be equipped with nor shall any person use upon a moped any siren or whistle.
- (e) No person under the age of twenty-one (21) shall operate or ride a moped unless he wears a protective helmet. Such helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof.

§ 73.19 Riding Mopeds on Sidewalks and Public Pathways.

No person shall ride or operate a moped upon any sidewalk or public pathway in the Town.

§ 73.20 Modification of Moped's Equipment to Increase Horsepower or Speed.

It is unlawful for a person to modify or change the equipment of a moped so that the vehicle exceeds two (2) brake horsepower and produces speeds in excess of thirty (30) miles an hour on level ground.

§ 73.21 Penalty.

Any person 18 years of age or older violating any of the provisions of this Chapter shall, on conviction in the municipal court therefor, in addition to any other penalties as mentioned in this section and applicable state law, be punished by the payment of a fine not to exceed \$500 or by imprisonment for a term not to exceed 30 days. Any corporation violating any of the provisions of this chapter, on conviction in the municipal court therefor, shall be subject to a fine not to exceed \$500, which may be recovered by an action for debt, and by the suspension or revocation of any license mentioned in this chapter. However, no penalty shall exceed the penalty provided by state law for similar offenses.