

**ORDINANCE NO. 15-10**

**AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 10, CHAPTER 1 BY ADDING A NEW SECTION 4.5 CREATING A PILOT PROJECT ALLOWING ELECTRIC ASSISTED BICYCLES ON CERTAIN HARD-SURFACED, MULTI-USE PATHS BUT EXCLUDING ON ALL NATURAL SURFACE TRAILS UNLESS OTHERWISE DESIGNATED; AND ESTABLISHING A SUNSET DATE OF DECEMBER 31, 2015**

WHERE AS THE CITY COUCIL OF PARK CITY, UTAH, FINDS AND RECITES THE FOLLOWING:

- A. The 2008 Trails Master Plan update and the 2011 Park City Traffic and Transportation Master Plan builds on a strong foundation of success by using a collaborative approach and addressing the current and future transportation needs of the community while integrating with the city's broader sustainability planning initiatives for creating a safe and efficient connected active transportation system.
- B. The purpose of this ordinance is to establish a one-year electric assisted bicycle demonstration Pilot Project (the "Pilot Project"), which would allow and test use of electric assisted bicycles on multi-use path system within the Park City limits unless prohibited by a traffic control device.
- C. The Pilot Project is focused on the urban service area where there is a network of multi-use paths maintained to a transportation standard.
- D. The Pilot Project would not include use on facilities that are pedestrian only or intended to preserve the natural environment. Specifically, electric assisted bicycle use would continue to be prohibited on sidewalks and on the natural surface trail system in Park City.
- E. The Pilot Project will evaluate behavior of electric assisted bicycle users to determine whether these vehicles can co-exist with current uses on these multi-use paths.
- F. The Pilot Project is being implemented to introduce new strategies to increase bicycle mode share and encourage more people to safely complete trips by bicycle.
- G. The city's multi-use pathways and natural surface trails currently do not permit any self-propelled vehicles.
- H. In order to provide assurance that the use of electric assisted bicycles as an alternate mode of transportation contemplated by this program is safe, prudent, and in the best interest of all users of the city's multi-use path system, city staff will evaluate the following factors and data on an ongoing basis:
  - a. The number of electric assisted bicycles on multi-use pathways;
  - b. The speeds associated with electric assisted bicycles on multi-use pathways;
  - c. Public input gathered pertaining to the pilot project;
  - d. The number of reported traffic collisions involving electric assisted bicycles occurring on multi-use paths that results in severe injury or fatality;
  - e. The number of reported close call incidents involving electric assisted bicycles occurring on multi-use paths;

- f. Reported and observed unsafe behavior including speeding and other safety concerns along the multi-use path system by various users including electric assisted bicyclists, regular bicyclists, pedestrians, and other users;
- g. The time spent by Park City Police officers responding to reports or conducting enforcement on the use of electric assisted bicycles on natural surface trails and/or multi-use path system and the number of warnings and citations issued involving electric assisted bicycles.
- h. The number and nature of risk management claims received by Park City involving personal injury.
- I. This program will sunset and be of no further force and effect after December 31, 2015 unless extended by affirmative council action.

**NOW THEREFORE BE IT ORDINED BY THE CITY COUNCIL OF PARK CITY, UTAH:**

Section 1. Municipal Code of the Park City is hereby amended by, including adding a new section 10-1-4.5 as follows:

10-1-4 UNIFORM TRAFFIC CODE.

U.C.A. 41-6a, as amended to this date, is hereby adopted by Park City in full as a Uniform Traffic Code, except as conflicts with Section 4.5 below, and shall be cited as the Municipal Code of Park City, Utah, Section 10-6a and the Sections shall parallel the corresponding Utah Code sections in Chapter 6a and be so cited.

10-1-4.5 NON-MOTORIZED TRAIL USE

(A) DEFINITIONS.

- (1) "Electric assisted bicycle" means a moped
  - a. with an electric motor with a power output of not more than 750 watts; and
  - b. which is not capable of:
    - i. Propelling the device at a speed of more than 20 miles per hour on level ground when
      - 1. Powered solely by the electric motor; and
      - 2. Operated by a person who weighs 170 pounds; and
    - ii. Increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour;
  - c. has fully operable pedals on a permanently affixed cranks; and
  - d. weighs less than 75 pounds
- (2) "Multi-Use Pathway" means a way or path no less than eight (8') feet in width that has a surface of concrete or asphalt and is separated from the roadway by an open space, a curb or other barrier.

- (3) "Natural Surface Trail" means a way or route with a surface other than concrete or asphalt, which serves the primary purpose of passive recreational use, such as hiking, mountain biking, snowshoeing, cross-country skiing and equestrian activities.
- (4) "Power Driven Mobility Device" 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 electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.

(B) PROHIBITION. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, or golf cart on a multi-use pathway or natural surface trail with the following exceptions:

- (1) This prohibition shall not apply to an electric assisted bicycle on a multi-use pathway unless prohibited by a designated traffic control device.
- (2) This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and or biking unless prohibited by a designated traffic control device.
- (3) This prohibition shall not apply to motorized or self-propelled equipment used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.

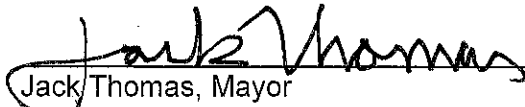
(C) PENALTY. Any person violating the provisions of the Ordinance shall be guilty of a Class B misdemeanor.

(D) ENFORCEMENT. The Park City Police Department, upon notification shall have authority to investigate violations of this section and issue citations.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and expire on December 31, 2015.

PASSED AND ADOPTED THIS 16th DAY OF APRIL, 2015.

PARK CITY MUNICIPAL CORPORATION

  
Jack Thomas, Mayor

Attest:

  
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Marci S. Heil, City Recorder



Approved as to form:

  
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Mark D. Harrington, City Attorney