

ORDINANCE 2016-29

AN ORDINANCE AMENDING TITLE 10, MOTOR VEHICLE, CHAPTER 1 SECTION 4.5, NON-MOTORIZED TRAIL USE, OF THE PARK CITY MUNICIPAL CODE

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 ordinance allows the introduction of new strategies to increase bicycle mode share and encourage more people to safely complete trips by bicycle.
- C. 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 evaluated 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 incidents and risk management claims involving electric assisted bicycles occurring on multi-use paths that results in severe injury or fatality;

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

Section 1. Municipal Code of the Park City section 10-1-4.5 is hereby amended 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~~

- (1) “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.
- (2) “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.
- (3) “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.

1. 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, electric assisted bicycle or golf cart on a ~~multi-use pathway~~ or natural surface trail with the following exceptions:

~~(2) This prohibition shall not apply to an electric assisted bicycle on a multi-use pathway unless prohibited by a designated traffic control device.~~

- a. 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.
- b. This prohibition shall not apply to motorized or self-propelled equipment, **including electric assisted bicycles**, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.
- c. This prohibition shall not apply to **Class I and Class II electric assisted bicycles on natural surface trails, greater than five (5) feet wide, which have been identified as an official transportation corridor by the local highway authority. Additionally, the allowance of electric assisted bicycles shall be designated as such by a traffic control device.**

2. 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, **Class III electric assisted bicycle** or golf cart on a multi-use pathway **or natural surface trail** with the following exceptions:

- a. 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.
- b. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, 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.

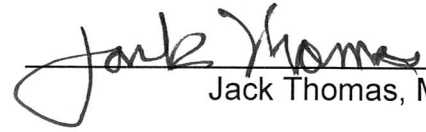
(D) ENFORCEMENT. The Park City Police Department, upon notification shall have authority to investigate violations of this section and issue citations.

Section 2. Effective Date. This Ordinance shall take effect upon publication by City Council.


PASSED AND ADOPTED THIS 30th DAY OF JUNE, 2016.



PARK CITY MUNICIPAL CORPORATION


Jack Thomas, Mayor

Attest:


Michelle Kellogg, City Recorder

Approved as to form:


Mark Harrington, City Attorney