

HAILEY ORDINANCE NO. 1307

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, TITLE 10: VEHICLES AND TRAFFIC, CHAPTER 10.40: BICYCLES, AND TITLE 12: STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.04: PUBLIC SIDEWALKS, PATHWAYS AND STREETS AND SNOW REMOVAL, AND CHAPTER 12.12: PARKS AND PATHWAYS, TO INCLUDE ELECTRIC BICYCLES (E-BIKES), ALTERNATIVE ELECTRIC MOTORED VEHICLES, WHEELCHAIRS, AND OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMDs); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following addition to the Hailey Municipal Code, Title 10, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the proposed additions will allow for the usage of sustainable transportation options; and

WHEREAS, the Hailey City Council has determined that the above-mentioned amendments are appropriate amendments; and

WHEREAS, the text addition set forth in this Ordinance will promote the public health, safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Title 10: Vehicles and Traffic, Chapter 10.40 Bicycles and Title 12: Streets, Sidewalks, Public Places, Chapter 12.04 Public Sidewalks, Pathways and Streets and Snow Removal; Chapter 12.12 Parks and Public Pathways, is hereby modified by the addition of the underlined language, as follows:

Chapter 10.40: Bicycles, E-Bikes, and Alternative Electric Motored Vehicles

SECTION:

10.40.010: Definitions

10.40.020: Traffic Laws Apply To Persons Riding Bicycles, E-Bikes, and Alternative Electric Motored Vehicles

10.40.030: Required ~~Bicycle~~ Equipment

10.40.040: Riding On Bicycles, E-Bikes, and Alternative Electric Motored Vehicles

10.40.050: Clinging To Vehicles

10.40.070: Using Provided Bicycle Lanes And Bicycle Paths

10.40.080: Riding On Sidewalks And Crosswalks

10.40.090: ~~Passing Other Vehicles~~ Speed Limit

~~10.40.100: Bicyclists Not Required To Dismount When Stopping~~

~~10.40.110~~ 10.40.100: Turn Signals

~~10.40.120~~ 10.40.110: Riding In Groups

~~10.40.130~~ 10.40.120: Bicycle Parking

~~10.40.140~~ 10.40.130: Use Of Bicycle Lanes And Bicycle Paths ~~By Other Nonmotorized Modes Of Transportation~~

~~10.40.150~~ 10.40.140: Group Events

~~10.40.160~~ 10.40.150: Unlawful Use Of Bicycle Lanes And Bicycle Paths

~~10.40.170~~ 10.40.160: Reckless Operation

~~10.40.180~~ 10.40.170: Bicycle Licenses

~~10.40.190~~ 10.40.180: Violation; Penalty

10.40.010: DEFINITIONS:

For the purposes of this chapter, the following terms have the following meanings:

ALTERNATIVE ELECTRIC MOTORED VEHICLE: A vehicle, including but not limited to electric scooters, electric skateboards, and "one wheels," provided (i) those device have electrical assist(s) totaling no more than 750 watts and enabling speeds equal to or less than 20 miles per hour.

BICYCLE: Every vehicle having wheels propelled exclusively by human power upon which any person may ride, including tricycles and other multicycles, but excluding scooter and similar devices.

BICYCLE LANE: A portion of a roadway that has been designated by signs and pavement markings for preferential or exclusive use by bicyclists. Bicycle lanes are facilities that are placed on both sides of a street, and they carry bicyclists in the same direction as adjacent vehicle traffic.

BICYCLE PATH OR BIKEWAY: Any road, street or path that in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive bicycle use or are to be shared with other travel modes. (Ord. 1123, 2013)

ELECTRIC BIKE (E-BIKE): A bicycle or tricycle that is equipped with fully operable pedals and the primary propulsion occurs through human power with the assistance of an electric motor.

HUMAN POWER: The motion and energy that is produced from muscles of the human body.

10.40.020: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, E-BIKES, OR ALTERNATIVE ELECTRIC MOTORED VEHICLES:

A. Every person, regardless of age, who operates a bicycle, e-bike, or alternative electric motored vehicle upon a roadway, public parking lot, sidewalk, bicycle path, bicycle lane or other public vehicular right of way in the city of Hailey shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the state of Idaho, and the provisions of this title not in conflict with and as authorized under Idaho Code title 49, except where provisions of those laws and ordinances by their very nature can have no application to bicycles, or where portions of this chapter direct otherwise.

B. Any peace officer of jurisdiction as defined in Idaho Code section 19-5101(d), operating a bicycle during the course of his or her duties is exempt from the requirements of subsection A of this section if the bicycle is being operated under any of the following circumstances:

1. In response to an emergency call.
2. While engaged in rescue operations.
3. In the immediate pursuit of an actual or suspected violator of the law.

C. This section does not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons. (Ord. 1123, 2013)

10.40.030: REQUIRED BICYCLE EQUIPMENT:

No person shall operate a bicycle, e-bike, or alternative electric motored vehicle without the following equipment:

A. Brakes capable of causing the bicycle, e-bike, or alternative electric motored vehicle to stop within twenty five feet (25') at ten (10) miles per hour on dry, level, clean pavement.

~~B. A permanent seat designed for the bicycle being operated.~~

~~C. B.~~ A bell, the human voice or other audible warning device capable of being heard at least one hundred feet (100'), except that no bicycle, e-bike, or alternative electric motored vehicle shall be equipped nor shall any person use upon a bicycle any siren or whistle.

~~D. C.~~ When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a

forward facing white light attached either to the bicycle, e-bike, or alternative electric motored vehicle or the bicyclist-operator which is visible from a distance of at least five hundred feet (500') in front of the bicycle. A bicycle, e-bike, or alternative electric motored vehicle shall be equipped with a front facing white or yellow reflector when the bicyclist-operator uses a generator powered light which is unlit when ~~the bicycle is~~ stopped. (Ord. 1123, 2013)

10.40.040: RIDING ON BICYCLES, E-BIKES, OR ALTERNATIVE ELECTRIC MOTORED VEHICLES:

A. No person riding or operating a bicycle, e-bike, or alternative electric motored vehicle shall ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle, e-bike, or alternative electric motored vehicle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. Every person operating a bicycle shall keep at least one hand on the handlebar at all times, and shall carry nothing which prevents full control of the bicycle or obstructs the operator's vision.

D. No person shall hold in his or her hand a mobile electronic device, as defined in section 10.44.020 Hailey Municipal Code, while riding or operating a bicycle, e-bike, or alternative electric motored vehicle. (Ord. 1254, 2019; Ord. 1123, 2013)

10.40.050: CLINGING TO VEHICLES:

Persons riding or operating bicycles, e-bikes, or alternative electric motored vehicle shall not attach themselves or such bicycles to a moving vehicle. This section shall not prohibit attaching a trailer device to a bicycle, e-bike, or alternative electric motored vehicle which is designed to accommodate such a device. (Ord. 1123, 2013)

10.40.060: RIDING ON ROADWAYS:

A. No person shall operate a bicycle, e-bike, or alternative electric motored vehicle on a roadway against the flow of motorized traffic, except where permitted by official signs or pavement markings.

B. Every person operating a bicycle, e-bike, or alternative electric motored vehicle upon a two-way roadway which does not contain a bicycle lane is entitled to use the lane appropriate for the intended destination, including the right hand lane, and any designated bus lane. The ~~bicyclist-rider~~ operator shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways, a bicycle, e-bike, or alternative electric motored vehicle may be operated in any existing lane.

C. The operator of a bicycle, e-bike, or alternative electric motored vehicle traveling at a rate of speed which delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the bicycle, e-bike, or alternative electric motored vehicle is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the ~~bicyclist~~ operator is within fifty feet (50') of an intersection, ~~he~~ shall not be required to move to the right or left until ~~he has~~ moved through the intersection.

D. In right turn only lanes where traffic signs or signals indicate a bus, ~~trolley or streetcar~~ is permitted to go straight rather than turn right, a bicycle, e-bike, or alternative electric motored vehicle operator shall be permitted to go straight rather than turn right. (Ord. 1123, 2013)

10.40.070: USING PROVIDED BICYCLE LANES AND BICYCLE PATHS:

A. Wherever a bicycle lane is present upon a roadway, ~~a bicyclist~~ the operator of a bicycle, e-bike, or alternative electric motored vehicle shall use that lane and shall not use the roadway; except that the ~~bicyclist~~ operator shall not be required to use or remain in a bicycle lane:

1. When the lane is of insufficient width to permit safe ~~bicycle~~ operation;
2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe ~~bicycle~~ operation in the lane;
3. When moving into position to make a right or left turn;
4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.

B. Wherever a bicycle path has been provided immediately adjacent to a roadway, a ~~bicyclist~~ bicycle, e-bike, or alternative electric motored vehicle operator shall use that path and shall not use the roadway if official signs or markings so direct; except that a ~~bicyclist~~ operator shall not be required to use or remain on a bicycle path:

1. When the path is of insufficient width to permit safe ~~bicycle~~ operation; or
2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe ~~bicycle~~ operation on the path. (Ord. 1123, 2013)

10.40.080: RIDING ON SIDEWALKS AND CROSSWALKS:

A. ~~A bicycle may be operated upon a sidewalk, except when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with one of the pedestrians, in which case the bicycle rider must dismount and walk the bicycle to an area where safe riding may resume. If a bicyclist leaves a sidewalk with an official traffic~~

~~control device or a marking on the roadway requiring a bicyclist to dismount, the bicyclist shall dismount from his/her bicycle and cross the roadway by walking the bicycle only within a marked crosswalk. When riding a bicycle, e-bike, or alternative electric motored vehicle riding on the sidewalk or crosswalk, the operator shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~B. A bicycle may be operated upon and within a crosswalk, unless an official traffic control device or a marking on the roadway requires a bicyclist to dismount, in which case a bicyclist shall dismount from his/her bicycle and cross the roadway by walking the bicycle only within a marked crosswalk.~~

~~C. Any bicyclist riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right of way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.~~

~~D. B. A bicyclist bicycle, e-bike, or alternative electric motored vehicle riding upon the sidewalk, or across a roadway upon or within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.~~

~~E. C. A bicyclist bicycle, e-bike, or alternative electric motored vehicle riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard. (Ord. 1123, 2013)~~

~~10.40.090: PASSING OTHER VEHICLES SPEED LIMIT:~~

~~The operator of a bicycle may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions safely permitting such movement. A bicyclist shall not pass between two (2) lanes of motor vehicles proceeding in the same direction. (Ord. 1123, 2013)~~

~~Persons riding bicycles, e-bikes, or alternative electric motored vehicles shall operate at a safe and appropriate speed, equal to or less than 20 miles per hour.~~

~~10.40.100: BICYCLISTS NOT REQUIRED TO DISMOUNT WHEN STOPPING:~~

~~Whenever a bicyclist is required to bring a bicycle to a stop in conformance with an official traffic control device, the operator shall halt forward motion but shall not be required to dismount or remove his/her feet from the pedals. (Ord. 1123, 2013)~~

~~10.40.110~~ 10.40.100: TURN SIGNALS:

The operator of a bicycle, e-bike, or alternative electric motored vehicle intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous. (Ord. 1123, 2013)

~~10.40.120~~ 10.40.110: RIDING IN GROUPS:

Persons riding bicycles shall not ride more than two (2) abreast except upon bicycle paths of twelve feet (12') or more. Bicyclists operating two (2) abreast upon a roadway or bicycle path shall return to a single file configuration when a vehicle approaches from behind in the same lane. (Ord. 1123, 2013)

~~10.40.130~~ 10.40.120: BICYCLE PARKING:

Bicycles, e-bikes, or alternative electric motored vehicles shall be parked using established bicycle racks. In the event bicycle racks are not available, bicycles shall be parked in such a manner as to not obstruct or impede the movement of pedestrians, motor vehicles or other bicycles, or as to not cause damage to trees, shrubs or other living plants. (Ord. 1123, 2013)

~~10.40.140~~ 10.40.130: USE OF BICYCLE LANES AND BICYCLE PATHS BY OTHER NONMOTORIZED MODES OF TRANSPORTATION:

A. Pedestrians shall not travel upon a bicycle lane where a sidewalk is provided or upon a bicycle path where a separate footpath has been provided.

B. When a pedestrian is traveling upon a bicycle lane or bicycle path, a ~~bicyclist~~ bicycle, e-bike, or alternative electric motored vehicle operator approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian.

C. A ~~bicyclist~~ bicycle, e-bike, or alternative electric motored vehicle operator shall always yield the right of way to a pedestrian who is physically disabled. (Ord. 1123, 2013)

~~10.40.150~~ 10.40.140: GROUP EVENTS:

A bicycle race, parade or other group event for ~~bicyclists~~ operators of bicycles, e-bikes, or alternative electric motored vehicles may be conducted upon public rights of way in the city of Hailey if a special events permit is obtained. Special events permit applications shall be made through the office of the city clerk. (Ord. 1123, 2013)

~~10.40.160~~ 10.40.150: UNLAWFUL USE OF BICYCLE LANES AND BICYCLE PATHS:

It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any bicycle path or bicycle lane in the city of Hailey. (Ord. 1123, 2013)

~~10.40.170~~ 10.40.160: RECKLESS OPERATION:

A person who uses or rides a bicycle, e-bike, or alternative electric motored vehicle on a sidewalk, street, roadway, highway or any public or private property open to public use, carelessly and heedlessly, or without due caution and circumspection, or at such a speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless bicycling operation. (Ord. 1123, 2013)

~~10.40.180~~ 10.40.170: BICYCLE LICENSES:

A. Registration Recommended: The city of Hailey, as a matter of public policy, recommends that all residents of Hailey who own a bicycle, e-bike, or alternative electric motored vehicle have such bicycle registered with and tagged by the Hailey police department or its designated agents. The purpose of ~~a bicycle~~ the license is to assist the bicycle owner, the Hailey police department, or other public safety agencies in ~~recovering a bicycle~~ its recovery should ~~the bicycle~~ it be stolen or otherwise misplaced.

B. Registration: A bicycle, e-bike, or alternative electric motored vehicle may be registered by filing with the Hailey police department the name and address of the owner together with a complete description of ~~the bicycle~~ it on forms provided by or made available to the Hailey police department. The fee for registration may be established by resolution of the Hailey city council. The registration fee applies for the entire period the license registrant owns the licensed bicycle, e-bike, or alternative electric motored vehicle. Registration shall be serially numbered and kept on file by the Hailey police department. Upon such registration, the Hailey police department or its designee shall cause an identification tag to be affixed to the registered bicycle, e-bike, or alternative electric motored vehicle, which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed ~~to~~ the bicycle unless removed by the Hailey police department for cause or for retagging upon reregistration.

C. Destruction Of Tag: Any person who willfully removes, defaces or destroys any bicycle, e-bike, or alternative electric motored vehicle identification tag issued by the city of Hailey on a bicycle, e-bike, or alternative electric motored vehicle not owned by the person shall be guilty of a misdemeanor and, upon conviction, may be sentenced to jail for not more than six (6)

months or may be fined not more than three hundred dollars (\$300.00), or may be punished by both fine and imprisonment.

D. Transfer Or Nonuse: Within ten (10) days after any bicycle, e-bike, or alternative electric motored vehicle registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person in whose name ~~the bicycle~~ it has been registered is encouraged to report such information to the Hailey police department. In case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or registered with a new number and cancellation of the former. (Ord. 1123, 2013)

~~10.40.190~~ 10.40.180: VIOLATION; PENALTY:

Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of an infraction, punishable by a fixed penalty and court costs set forth in the Idaho infraction rules for pedestrian and bicycle, e-bike, or alternative electric motored vehicle infractions. (Ord. 1170, 2015; Ord. 1123, 2013)

Chapter 12.04: Public Sidewalks, Pathways and Streets and Snow Removal

12.04.010: DEFINITIONS

IMPROVED PATHWAY: A ~~nonmotorized~~ path that is constructed of or with concrete, concrete pavers, pavement, gravel or similar material.

12.04.060: MOTORIZED VEHICLES

It shall be unlawful for any person or entity to drive or operate an automobile, motorcycle, moped, alternative electric motored vehicle over 750 watts, or e-bike that does not require human power for primary propulsion (reference 10.40.010) ~~motorized vehicle, including a motoreyele,~~ on or over a public sidewalk, public pathway or planting strip, except for equipment used for snow removal. (Ord. 1115, 2012; Ord. 906 § 1, 2005)

Chapter 12.12: Parks and Public Pathways

12.12.010: DEFINTIONS

OPDMD: Other Power-Driven Mobility Devices, devices that have electrical assist totaling no more than 750 watts and enabling speeds equal to or less than 20 miles per hour.

RAILROAD RIGHT-OF-WAY (BIKE PATH): That certain real property lying within the legal City limits of the City, legally described in section 12.12.090, "Exhibit A", of this chapter.

WHEELCHAIR: A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the purpose of both indoor and outdoor locomotion. Wheelchairs and manually powered mobility aides by individuals with mobility disabilities such as would qualify the user to obtain an Idaho State handicap parking permit or otherwise allowed under the Americans with Disability Act shall be permitted on City pathways, streets, and sidewalks.

12.12.030: RAILROAD RIGHT-OF-WAY (BIKE PATH):

Except as otherwise provided herein, the railroad right-of-way shall only be used for ~~nonmotorized~~ recreational uses by any pedestrians, equestrians, ~~bicycle riders~~, cross country skiers, snowshoers, and ~~similar users~~ bicycles, e-bikes, alternative electric motored vehicles, wheelchairs, and OPDMDs. Except when necessary for construction of improvements or maintenance of the railroad right-of-way, no ~~motorized vehicles, including, without limitation, automobiles, motorcycles, trail bikes, mopeds, alternative electric motored vehicles over 750 watts, or e-bikes that do not require human power for primary propulsion~~ motorized bicycles and motor scooters, shall be permitted on the railroad right-of-way. (Ord. 1030 § 1, 2009)

12.12.060: USE OF SKATEPARK FACILITY:

- A. Use of the skatepark facility is for use by persons using human powered skateboards, in-line skates, scooters and roller skates only. All other uses are prohibited.
- B. The following are expressly prohibited at the skatepark facility:
 - 1. Bicycles, e-bikes, BMX bicycles and similar bicycles, and ~~motorized or electric vehicles or devices~~ alternative electric motored vehicles.
 - 2. Food and drinks on or directly over concrete surfaces.
 - 3. Glass containers or any glass item.
 - 4. Animals.
 - 5. Smoking, chewing or ingestion of a tobacco product or an electronic cigarette by any person regardless of age.
 - 6. Possession of a tobacco product or an electronic cigarette by a minor.
 - 7. Possession of any liquor, beer or wine by any person, regardless of age. (Ord. 1216, 2017; Ord. 1156, 2014; Ord. 1083 §§ 1 - 6, 2011; Ord. 1030 § 1, 2009)

12.12.065: USE OF JIMMY'S GARDEN:

- A. The following are expressly prohibited at Jimmy's Garden:
 - 1. Bicycles, e-bikes, BMX bicycles and similar bicycles, and ~~motorized and electric vehicles or devices~~ alternative electric motored vehicles.
 - 2. Glass containers or any glass item.

3. Animals.
4. Smoking, chewing or ingestion of a tobacco product or an electronic cigarette by any person, regardless of age.
5. Possession of a tobacco product or an electronic cigarette by a minor.
6. Consumption or possession of any liquor, beer or wine by any person, regardless of age. (Ord. 1216, 2017)

12.12.070: PERMITTED AND PROHIBITED USES OF CITY PARKS AND PUBLIC PATHWAYS:

A. Except as otherwise provided, City parks and trails shall ~~only~~ be used by pedestrians, equestrians, ~~bicycle riders~~, cross country skiers and snowshoers, and ~~all other nonmotorized recreational uses~~ bicycles, e-bikes, alternative electric motored vehicles, wheelchairs, and OPDMDs. ~~Licensed motorized vehicles are permitted on designated roadways and parking areas within City parks.~~

B. Except as otherwise provided when necessary for construction of improvements or maintenance of City parks and trails, motorized vehicles, including, without limitation, automobiles, motorcycles, ~~trail bikes~~, mopeds, alternative electric motored vehicles over 750 watts, or e-bikes that do not require human power for primary propulsion ~~bicycles and motorized scooters~~, shall not be permitted on City parks and trails. ~~Motorized vehicles are permitted for construction of improvements or maintenance of the City parks and trails.~~

C. Smoking, chewing, possession or ingestion of a tobacco product or an electronic cigarette by a minor at City park is prohibited.

D. Consumption or possession of any liquor, beer or wine by a minor at City park is prohibited.

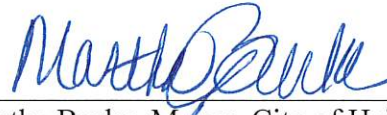
E. All persons using a City park or facility shall do so at their own risk. (Ord. 1216, 2017; Ord. 1171, 2015; Ord. 1100, 2012; Ord. 1083 §§ 1 - 6, 2011; Ord. 1030 § 1, 2009)

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey Ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR THIS 24th DAY OF OCTOBER, 2022.



Martha Burke, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk



AGENDA ITEM SUMMARY

DATE: 08/08/2022 **DEPARTMENT:** Community Development **DEPT. HEAD SIGNATURE:** RD

SUBJECT: Consideration of a City-initiated Text Amendment to the Hailey Municipal Code to Title 10: Vehicles and Traffic, Chapter 10.40 Bicycles and Title 12: Streets, Sidewalks, and Public Places, Chapter 12.04 Public Sidewalks, Pathways and Streets and Snow Removal and Chapter 12.12 Parks and Public Pathways, to include electric bicycles (e-bikes), alternative electric motored vehicles, wheelchairs, and other power-driven mobility devices (OPDMDs).

AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code Title 10
(IF APPLICABLE)

BACKGROUND: On July 11, 2022, the City Council considered and continued the city-initiated text amendment to Title 10, Chapter 10.40 Bicycles and Title 12, Chapter 12.04 Public Sidewalks, Pathways and Streets and Snow Removal and Chapter 12.12 Parks and Public Pathways. The main themes discussed were the appropriate speed limit and which classification of e-bike is appropriate for City pathways. The Council requested more information regarding the variances between the classifications and national and regional policies of e-bikes.

City Staff believes that the regulation of specific classifications of e-bikes will be difficult to enforce due to their similarities in appearance. The primary objective of the text amendment is for safety and what must be managed is the speed in which an e-bike can travel. Staff recommends adopting an e-bike definition that is designed to manage the speed in which it can travel, with an inclusion of language that requires the primary propulsion by human power with the assistance of an electric motor. Staff believes that the language of the text amendment should be broad, and that the speed of 20 mph is appropriate with slow speed signage posted around schools and highly trafficked intersections (e.g., Myrtle Street, Croy Street and Elm Street).

A draft Ordinance is attached, accompanied by the proposed amendments to Title 10 and Title 12.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____

Budget Line Item # _____

Estimated Hours Spent to Date: _____

Staff Contact: Robyn Davis

YTD Line-Item Balance \$ _____

Estimated Completion Date: _____

Phone # 788-9815 #2015

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

____ City Attorney	____ City Administrator	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	____
____ Safety Committee	____ P & Z Commission	____ Police	____
____ Streets	____ Public Works, Parks	____ Mayor	____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD: Motion to approve and conduct a first reading of Ordinance No. _____, an Ordinance amending Title 10: Vehicles and Traffic, Chapter 10.40: Bicycles and Title 12: Streets, Sidewalks, and Public Places, Chapter 12.04 Public Sidewalks, Pathways and Streets and Snow Removal and Chapter 12.12 Parks and Public Pathways, to include

SUMMARY OF HAILEY ORDINANCE NO. 1307

The Following is a summary of the principal provisions of Ordinance No. 1307 of the City of Hailey, Idaho, duly passed and adopted October 24, 2022, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, TITLE 10: VEHICLES AND TRAFFIC, CHAPTER 10.40: BICYCLES, AND TITLE 12: STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.04: PUBLIC SIDEWALKS, PATHWAYS AND STREETS AND SNOW REMOVAL, AND CHAPTER 12.12: PARKS AND PATHWAYS, TO INCLUDE ELECTRIC BICYCLES (E-BIKES), ALTERNATIVE ELECTRIC MOTORED VEHICLES, WHEELCHAIRS, AND OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMDs); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1307 Amends Hailey Municipal Code as follows:

Section 1 amends Hailey Code Title 10, Chapter 10.40 Bicycles and Title 12, Chapter 12.04 Public Sidewalks, Pathways and Streets and Snow Removal, and Chapter 12.12 Parks and Public Pathways, by defining and regulating “E-Bikes”, Alternative Electric Motored Vehicles, Wheelchairs and other Power-Driven Mobility Devices, just as bicycles had previously been, and continue to be, regulated, and limiting the Bike Path, City Parks and Public Pathway use to regulated devices, including human powered e-bikes, alternative electric motored vehicles not over 750 watts, wheelchairs, and OPDMDs, as therein defined.

Section 2 provides a savings and severability clause.

Section 3 provides a repealer clause.

Section 4 provides an effective date.

The full text of Ordinance No. 1307 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1307 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1307, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 24th day of October, 2022.



Christopher P. Simms, Hailey City Attorney

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