

**ORDINANCE NO. O2021-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REPEALING, IN ITS ENTIRETY, YUMA CITY CODE TITLE 21, CHAPTER 213: BICYCLES AND PLAY VEHICLES AND REPLACING WITH YUMA CITY CODE TITLE 21, CHAPTER 213: BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, ELECTRIC MINIATURE SCOOTERS, ELECTRIC SKATEBOARDS, MOTORIZED SKATEBOARDS, MOTORIZED PLAY VEHICLES, SIMILAR DEVICES AND MULTIUSE PATHS TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY PROVIDING FOR THE REGULATION OF THE OPERATION OF BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, ELECTRIC MINIATURE SCOOTERS, ELECTRIC SKATEBOARDS, MOTORIZED SKATEBOARDS, MOTORIZED PLAY VEHICLES AND SIMILAR DEVICES AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

WHEREAS, the City of Yuma (City) has a non-delegable duty to keep its streets and sidewalks reasonably safe; and,

WHEREAS, conflicts between pedestrians and other users of the City sidewalks, roadways and paths are a concern for the City; and,

WHEREAS, the City has evaluated regulations from other municipalities regulating the operation and use of bicycles, electric bicycles, motorized bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized play vehicles and similar devices and the regulatory schemes associated with these devices; and,

WHEREAS, the City has a substantial interest in regulating the right-of-ways, promoting public safety and ensuring the public right-of-way remains unobstructed; and,

WHEREAS, the City values ways to increase transportation accessibility through sustainable and innovative transportation devices.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code Title 21, Chapter 213 titled “Bicycles and Play Vehicles” is hereby repealed in its entirety and replaced with a new Chapter 213 titled “Bicycles, Electric Bicycles, Electric Scooters, Electric Miniature Scooters, Electric Skateboards, Motorized Skateboards, Motorized Play Vehicles, Similar Devices and Multiuse Paths” as follows:

**General Provisions Relating to Bicycles, Electric Bicycles, Electric Scooters, Motorized Bicycles and Similar Devices.**

**§ 213-01 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle* means every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen (16) inches in diameter or having three (3) wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

*Child* means a person who is under the age of eighteen (18) years.

*Custodian* means a person who has lawful custody of a child.

*Electric bicycle* means a bicycle or tricycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts and that meets the requirements of one of the following classes:

(a) *Class 1 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.

(b) *Class 2 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle or tricycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.

(c) *Class 3 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight miles per hour.

*Electric miniature scooter* means a device that weighs less than thirty pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, and is powered by an electric motor or human power, or both, has a maximum speed that does not exceed ten miles per hour, with or without human propulsion, on a paved level surface.

*Electric personal assistive mobility device* means a self-balancing device with one wheel or two non-tandem wheels and an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person

*Electric scooter* means a device that weighs less than seventy-five pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, is powered by an electric motor or human power, or both, has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion, on a paved level surface and does not include an electric miniature scooter.

*Motorized bicycle* means a motorized gas powered bicycle or tricycle that is equipped with a helper motor that has a maximum piston displacement of forty-eight cubic centimeters or less, that may also be self-propelled and that is operated at speeds of less than twenty miles per hour.

*Motorized play vehicle* means a coaster, any other alternatively fueled device (excluding battery-operated toy carts designed for children under the age of eight (8) years to ride in or on), or other motorized vehicle that is self-propelled by a motor or engine, and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

*Motorized skateboard* means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

*Motorized wheelchair* means a self-propelled vehicle that is designed for and used by a physically challenged, injured or incapacitated person.

*Multiuse path* means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

*Owner* means any person holding the legal title of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter or electric scooter or any person who is a lessee, conditional vendee or mortgagor of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter or electric scooter or similar device with a right to immediate possession.

*Sidewalk* means the portion of a street or highway right-of-way designed for preferential or exclusive use by pedestrians.

*Skateboard* means every device propelled by human power, which any person may ride, having a deck and at least two (2) tandem wheels in contact with the ground.

*Vehicle* means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

## **§ 213-02      Impoundment.**

(a) If a Yuma police officer is unable to ascertain the true identity of any person deemed in violation of this article, the police officer shall be empowered to impound any vehicle or device used in the commission of the violation. The vehicle or device shall be returned to the person or the person's parent or guardian upon furnishing of satisfactory identification.

(b) Unlawfully parked, inoperable or abandoned bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters, electric scooters or similar devices may be impounded or relocated by City employees, as necessary, to protect the health, safety and welfare of the public or as otherwise authorized by law.

(c) The City may impose on an owner a fifty-dollar (\$50) impoundment fee and/or a twenty-five dollar (\$25) relocation fee for every impoundment and/or relocation conducted pursuant to this section. The impoundment fee shall be due prior to the release of the impounded bicycle, electric bicycle, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters, electric scooters or similar devices. It is the responsibility of the owner to pay all relocation and other fees due pursuant to this article in a timely manner. Unpaid fees will be due upon receipt of billing and fees not paid within thirty (30) days of initial billing shall be deemed delinquent.

(d) Any owner owing money due for the fees imposed by this section shall be liable in an action brought in the name of the City for recovery of such amount, including reasonable attorney fees.

(e) The City may contract with private entities to assist in the impoundment and processing of bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters or electric scooters or similar devices. Such entities may only perform such duties pursuant to a formal contract with the City and only at the direction of the City personnel specified in Section 213-08(i).

### **§ 213-03 Application of traffic laws.**

Every person riding a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device upon a roadway in the City 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 laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application.

### **§ 213-04 Obedience of traffic-control devices.**

(a) Any person operating a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device shall disobey the direction of any such sign, except where such person dismounts from the bicycle, electric bicycle, motorized bicycle, electric scooter or similar device to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

### **§ 213-05 Emerging from alley or driveway.**

(a) The operator of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar 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 the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(b) The operator of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device on a sidewalk shall yield the right-of-way to pedestrians using the sidewalk.

(c) The operator of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device on a sidewalk shall yield the right-of-way to vehicles while crossing a driveway or intersection.

**§ 213-06 No riding or parking signs.**

The Chief of Police, City Engineer, or Public Works Director or their designee may erect signs on any sidewalk, pathway, public area, bicycle or electric scooter rack, bicycle or electric scooter designated parking area, or roadway prohibiting the riding or parking of bicycles, electric bicycles, motorized bicycles, electric scooters, skateboards or similar devices thereon by any person, and, when such signs are in place, no person shall disobey the same.

**§ 213-07 Speed.**

A person shall not operate a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device on a sidewalk, multiuse path or roadway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. A person shall control the speed of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device as necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

**§ 213-08 Parking**

(a) No person shall park, place or leave a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device except in an upright position and in a bicycle or electric scooter rack or in designated bicycle or electric scooter parking areas or on a sidewalk parallel to the street and as close to the non-street side of the sidewalk as practicable, and in a manner that does not substantially impede pedestrian, wheelchair or other vehicular traffic or obstructs access to public or private facilities. If parking on a sidewalk there shall be no parking within 15 feet of any street corner or access drive nor shall any transit shelter be used for parking.

(b) No bicycle, electric bicycle, motorized bicycle, electric scooter or similar device shall be placed on private property without permission of the owner of that property. For those properties that are not required by the City to provide bicycle parking pursuant to the zoning ordinance, such permission must be in writing.

(c) The property owner of any non-residential property open to the public is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, electric scooter or similar device parking by the general public in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Yuma City Code, state or federal law.

The property owner of any non-residential property open to the public may develop its own rules and regulations as to abandoned or any unlawfully parked, including, but not limited to, violations of subsection (a) above, bicycle, electric bicycle, motorized bicycle, electric scooter or similar devices on the owner's property and may contract with private parties for the removal and impoundment of such bicycle, electric bicycle, motorized bicycle, electric scooter or similar devices. It shall not be the City's responsibility to either enforce parking violations or impound devices on private non-residential property.

(d) The property owner of any multi-family residential property is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, electric scooter or similar device parking by residents and authorized visitors in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Yuma City Code, state, or federal law. The property owner of any multi-family residential property may develop its own rules and regulations as to abandoned or any unlawfully parked, including, but not limited to, violations of subsection (a) above, bicycle, electric bicycle, motorized bicycle, electric scooter or similar devices. It shall not be the City's responsibility to either enforce parking violations or impound devices on private multi-family residential property.

(e) It is unlawful for an owner of any bicycle, electric bicycle, motorized bicycle, electric scooter or similar device to remain parked in a manner not in accordance with this section on publicly owned property after receiving notification from any person of such violation.

(f) It is unlawful for an owner of any bicycle, electric bicycle, motorized bicycle, electric scooter or similar device to remain parked in the same location on publicly owned property for seventy-two (72) hours or more.

(g) It is unlawful for an owner or any other person, to leave an inoperable bicycle, electric bicycle, motorized bicycle, electric scooter or similar device on public property for more than two (2) hours after receiving notification from any person of such violation.

(h) Except as authorized by City permit, no person or owner shall place or park on publicly owned property more than five (5) lawfully parked bicycle, electric bicycle, motorized bicycle, electric scooter or similar devices owned by the same owner within two hundred (200) feet of each other for more than two (2) hours after receiving notification from any person of such violation.

(i) Any employee authorized to issue a notice of violation for parking violations pursuant to Yuma City Code or the City Administrator or designee may issue notices of violations and civil complaints for the enforcement of this section. Nothing in this subsection shall be construed to limit a Yuma police officer or the City Attorney from enforcing any other section of this Chapter.

(j) For purposes of this section, notification to an owner or anyone acting on the behalf of an owner is deemed complete upon sending an email to or calling a phone number belonging to the owner or any of owner's agents.

(k) In addition to any other means authorized by Rule 3 of the Arizona Rules of Procedure for Civil Traffic & Civil Boating Cases, service of a civil complaint issued for a violation of this section may be accomplished and will be deemed proper and complete by mailing a copy of the complaint to the person charged by both regular mail and certified or registered mail, return receipt requested, to the person's last known address. The citation is deemed served on the date it is deposited in the United States Mail.

**§ 213-09 Riding in prohibited areas; class 3 electric bicycles prohibited on sidewalks; electric scooters prohibited on streets with posted speed limits greater than thirty-five miles per hour with exceptions; hours of operations, age restrictions and Transportation Safety Zone dismounting.**

(a) No person shall ride, park or operate a bicycle, electric bicycle, motorized bicycle, electric scooter, skateboard, electric miniature scooter, roller skates or any other non-self-propelled vehicle or device, except wheelchairs or an electric personal assistive mobility device, in or upon any area having posted signs expressly prohibiting such vehicles or devices.

(b) No person shall ride, park or operate a class 3 electric bicycle on any sidewalk or multiuse path within the city.

(c) No person shall ride or operate an electric scooter on a street when the street has a posted speed limit of forty (40) miles per hour or greater, except for crossing that street.

(d) No child under the age of sixteen (16) years shall operate an electric scooter without written permission from a parent or guardian.

(e) Every person shall dismount and walk a bicycle, electric bicycle, motorized bicycle, electric scooter, skateboard or similar device while on a sidewalk within areas designated and posted as no-ride zones by the City.

(f) No person shall operate an electric bicycle, motorized bicycle, electric scooter or similar device not personally owned by that person within areas designated and posted as no ride zones by the City between the hours of 11:30 PM and 5:00 AM.

**§213-10 Refusing to provide truthful name and date of birth when lawfully detained; penalty.**

(a) It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to state the person's true full name and date of birth on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed a violation of the Yuma City Code. A person detained under this section shall state the person's true full name and date of birth, but shall not be compelled to answer any other inquiry of a peace officer.

(b) A person who violates this section is guilty of a class 2 misdemeanor.

**§ 213-11 Riding, operating or actual physical control while under the influence; presumptions; admissible evidence; sentencing.**

(a) It is unlawful for a person to ride, operate or be in actual physical control of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle electric scooter, electric miniature scooter or similar device under any of the following circumstances:

1. While under the influence of intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.

2. If the person has an alcohol concentration of 0.08 or more within two hours of riding, operating or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric scooter, electric miniature scooter or similar device and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric scooter, electric miniature scooter or similar device

3. While there is any drug defined in Arizona Revised Statutes Section 13-3401 or its impairing metabolite in the person's body.

(b) It is not a defense to a charge of a violation of subsection (a), paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.

(c) A person who is convicted of a violation of this section is guilty of a class one misdemeanor.

(d) A person using a drug as prescribed by a medical practitioner who is licensed pursuant to Arizona Revised Statutes Title 32 and who is authorized to prescribe the drug is not guilty of violating subsection (a), paragraph (3) of this section.

(e) In a trial, action or proceeding for a violation of this section, the defendant's alcohol concentration within two hours of the time of riding, operating or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:

1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, that fact shall not give rise to a presumption that the defendant was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.



3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.

(f) Subsection (e) of this section does not limit the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.

(g) A person who is convicted of a violation of this section:

1. Shall be sentenced to serve not less than five (5) consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty (250) dollars.

3. May be ordered by a court to perform community restitution.

(h) Notwithstanding subsection (g), paragraph 1 of this section, at the time of sentencing the judge may suspend all but twenty four hours (24) of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

#### **§ 213-12 Reckless riding; sentencing.**

(a) It is unlawful for a person to ride or operate an electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric scooter, electric miniature scooter or similar device with reckless disregard for the safety of persons or property.

(b) A violation of this section is a class two misdemeanor.

#### **§ 213-13 Electric scooter required equipment.**

(a) An electric scooter that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a lamp on the rear that emits a red light visible from the back at a distance of at least five hundred feet from the back. An electric scooter may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.

(b) A person shall not operate an electric scooter that is equipped with a siren or whistle except that a stand-up electric mini-scooter may be equipped with an anti-theft alarm.

(c) An electric scooter shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

## **General Provisions Relating to Electric Miniature Scooters, Motorized Play Vehicles and Motorized Skateboards and Multiuse Paths.**

### **§ 213-14 Application of traffic laws.**

Every person operating a motorized skateboard, electric miniature scooter or motorized play vehicle upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all 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 laws of the City applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application.

### **§ 213-15 Prohibited operation.**

(a) No person shall ride, operate, place or park a motorized skateboard, electric miniature scooter or motorized play vehicle:

1. On the sidewalk in the City, except for crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
2. In any City parking structures, City park, or other public property except for use on public roadways within a City park.
3. On any private property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."
4. On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.
5. On any private property of another, without the written permission of the property owner, the person entitled to immediate possession of the property, or the authorized agent of either.
6. On any sidewalk, or any designated bicycle lane, unpaved trail or multiuse path.

(b) It is a civil offense for an owner of any motorized skateboard, electric miniature scooter or motorized play vehicle to remain unlawfully parked on publicly owned property after receiving notification from any person of such violation. After notification, such owner shall be subject to the penalties set forth in Section 213-21.

**§ 213-16 General operating restrictions.**

(a) No child under the age of fourteen (14) years shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle without written permission from a parent or guardian.

(b) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle at a speed greater than is reasonable and prudent under the circumstances then existing.

(c) The operator of a motorized skateboard, electric miniature scooter or motorized play vehicle who is approaching a street, sidewalk, bicycle lane, unpaved trail or multiuse path in order to cross such, shall yield the right-of-way to all other users. The operator shall dismount and walk the motorized skateboard, electric miniature scooter or motorized play vehicle across the street, sidewalk, bicycle lane, unpaved trail or multiuse path.

(d) No operator of a motorized skateboard, electric miniature scooter, or motorized play vehicle shall allow passengers when the motorized skateboard, electric miniature scooter, or motorized play vehicle is in operation or motion.

(e) No person operating or riding upon a motorized skateboard, electric miniature scooter, or motorized play vehicle shall attach themselves or the motorized skateboard, electric miniature scooter, or motorized play vehicle in any manner to any other vehicle.

(f) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

(g) No person, other than the owner, shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle without the written permission of the owner.

(h) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle that has been altered from the original manufacturer's design.

(i) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle in a crosswalk.

(j) No operator of a motorized skateboard, electric miniature scooter, or motorized play vehicle shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This prohibits physically attaching fuel packs or containers to the operator's person.

(k) Motorized skateboards, electric miniature scooters, and motorized play vehicles may only be operated between the hours of 8:00 AM and 8:00 PM.

**§ 213-17      Operating restrictions on roadways.**

(a) A person operating a motorized skateboard, electric miniature scooter, or motorized play vehicle on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:

1. If overtaking and passing a bicycle or vehicle proceeding in the same direction.
2. If preparing for left turn at an intersection or into a private roadway or driveway.
3. If reasonably necessary, to avoid hazardous conditions ahead in the roadway.
4. If the lane in which the person is operating the motorized skateboard, electric miniature scooter, or motorized play vehicle is too narrow for a motorized skateboard, electric miniature scooter, or motorized play vehicle and a bicycle or another vehicle to travel safely side by side within the lane.

(b) Persons operating motorized skateboards, electric miniature scooters, or motorized play vehicles on the roadway shall not ride more than two (2) abreast.

**§ 213-18      Required safety equipment.**

(a) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle without a head lamp and rear lamp emitting the following beams any time after sunset, or any other time when there is insufficient light to operate the motorized skateboard, electric miniature scooter, or motorized play vehicle safely:

1. A head lamp shall emit a white light visible from the front at a distance no less than five hundred (500) feet.
2. A rear lamp shall emit a red light visible from the back at a distance no less than five hundred (500) feet.

(b) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on the pavement.

(c) Any child operator of a motorized skateboard, electric miniature scooter, or motorized play vehicle shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall be certified for motorcycle use by the federal motor vehicle safety standard known as FMVSS 218 (49 CFR 571.218).

(d) No person shall operate a motorized skateboard, electric miniature scooter, or motorized play vehicle without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

**§ 213-19 Responsibilities of sellers.**

Any person who sells a new motorized skateboard, electric miniature scooter, or a new motorized play vehicle in the city shall post the following in a conspicuous manner at the place of sale:

(1) Sections 213-16, 213-17 and 213-18 of Chapter 213 of the Yuma City Code, and

(2) Notice that some insurance policies will not cover liability claims involving motorized skateboards, electric miniature scooters, and motorized play vehicles.

**§ 213-20 Multiuse Paths.**

(a) Multiuse paths are for the exclusive use of pedestrians, human-powered vehicles or devices, class 1 and 2 electric bicycles and electric scooters.

(b) A user who is operating a class 1 or 2 electric bicycle, an electric scooter, or a human-powered device or vehicle upon a multiuse path shall yield the right of way to any pedestrian. A user operating a bicycle shall yield to skaters and pedestrians, and skaters shall yield to pedestrians.

(c) All users of multiuse paths shall:

1. Travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, and condition of surface. In every event, the user shall control speed as may be necessary to avoid colliding with other users.

2. Obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multiuse path, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways, including without limitation: speed limit, stop, yield, caution, warning and dismount signs.

3. Exercise due care and caution to avoid colliding with any other users.

4. Refrain from entering any portion of the multiuse path when it is flooded or contains standing water.

5. Travel in a consistent and predictable manner.

6. Travel as near to the right side of the path as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction.

7. Occupy only the right half of the multiuse path, measured from the right side, so as not to impede the normal and reasonable movement of other path users.

8. Pass other users on the left and only when it can be done safely, returning to the right only when safely clear of the user being passed.

9. Give an audible warning signal (e.g. voice, bell, or mechanical or electrical signaling device), in sufficient time to allow response, before passing any user.

10. Remove themselves and any equipment at least three (3) feet off the pathway when stopping, standing, or parking.

### **§ 213-21 Penalties.**

Unless otherwise provided:

(a) A first violation of this Chapter is a civil offense and shall be punished by a fine of not less than fifty dollars (\$50.00) per violation.

(b) A second violation of this Chapter within one (1) year of a finding of responsibility of a first violation is a civil offense and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) per violation.

(c) A third or subsequent violation of this Chapter within one (1) year of a finding of responsibility of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.

(d) Notwithstanding subsection (c) above, the City may designate third or subsequent violations of this Chapter as civil offenses and such violations shall be punished by a fine of not less than five hundred dollars (\$500.00) per violation.

### **§213-22 Exceptions.**

The prohibitions set forth in this Chapter shall not apply to law enforcement, fire or emergency medical officials while engaged in the performance of their official duties.

### **Registration.**

### **§ 213-23 Application.**

Every owner of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device may apply to the Police Department or to persons or entities authorized by the Police Department for registration of a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device.

**§ 213-24 Procedure for Registration.**

Application for registration shall be made on a format as approved by the Police Department.

**§ 213-25 Registration Records.**

The records of registered bicycles, electric bicycles, motorized bicycles, electric scooters or similar devices shall be kept in such manner as the Police Department shall determine, and may, at the discretion of the Police Department, be disposed of after a period of not less than five (5) years.

**§ 213-26 Fees.**

There shall be no fees charged for the registration of bicycles, electric bicycles, motorized bicycles, electric scooters or similar devices under this Chapter.

**§ 213-27 Identification of Registered Bicycles, Electric Bicycles, Motorized Bicycles, Electric Scooters or Similar Devices.**

The Police Department or those authorized by the Police Department may provide plates, stickers, or otherwise mark the bicycle, electric bicycle, motorized bicycle, electric scooter or similar device with the registration number. Identification stickers or plates provided by an issuer at no expense to the City may bear a business or club logo, or name of the issuer, subject to prior design approval by the Police Department.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. Unless otherwise specified in the ordinance violations of this ordinance are subject to the following penalties:

- (a) A first violation of this Chapter is a civil offense and shall be punished by a fine of not less than fifty dollars (\$50.00) per violation.
- (b) A second violation of this Chapter within one (1) year of a finding of responsibility of a first violation is a civil offense and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) per violation.
- (c) A third or subsequent violation of this Chapter within one (1) year of a finding of responsibility of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.

(d) Notwithstanding subsection (c) above, the City may designate third or subsequent violations of this Chapter as civil offenses and such violations shall be punished by a fine of not less than five hundred dollars (\$500.00) per violation.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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Douglas J. Nicholls  
Mayor

ATTESTED:

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Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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Richard W. Files  
City Attorney