

## **CHAPTER 8 E-BIKES AND E-SCOOTERS**

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9-8-1: **DEFINITIONS.** The following terms, whenever used in this Chapter, shall have the meaning ascribed below:

**ABANDONED E-BIKE OR E-SCOOTER.** E-bike(s), E-scooter(s), or any part thereof, left or remaining unattended or unused in a public place for forty-eight (48) consecutive hours or longer after it is tagged with a notice of intention to abate.

**ALLOWED USE AREA.** A section of the City, designated by “geofencing” technology or otherwise, where dockless bikeshare programs utilizing E-bikes and E-scooters may operate.

**BICYCLE PATH.** A travel way, as defined in Title 9, Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

**BICYCLE ROUTE.** A travel way, as defined in Title 9, Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

**CENTRAL DOWNTOWN AREA.** An area within downtown Idaho Falls that includes both sides of North Capital Avenue, North Park Avenue, and North Shoup Avenue between

Broadway and Constitution Way; and includes both sides of “A” Street and “B” Street between Memorial Drive and North Yellowstone Avenue.

**CROSSWALK.** (a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one (1) side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**DOCKLESS BIKESHARE PROGRAM.** A person or entity that provides E-bikes and E-scooters for rent to the general public within a geographical area or City including rental of E-bikes or E-scooters controlled by a computer program or application (such as a smart phone app) and where individual units can be located by GPS.

**ELECTRIC ASSISTED BICYCLE (E-bike).** A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) "Class 3 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An E-bike, as defined in this Chapter, is not a “motor vehicle”, as defined in Idaho Code Title 49, Chapter 1.

**ELECTRIC ASSISTED SCOOTER (E-Scooter).** A two (2) wheeled device that has handlebars, a floorboard designed to be stood upon when riding and an electric motor that: (a) is not operated at a speed of more than twenty (20) miles per hour in City limits; (b) gives the operator the option to propel the device exclusively under human power without the assistance of the motor, and (c) disengages or ceases to function when the device's brakes are applied.

An E-scooter, as defined in this Chapter, is not a “motor vehicle”, as defined in Idaho Code Title Code Title 49, Chapter 1.

**OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER.** E-bike(s), E-scooter(s), or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

**OPERATOR.** A person or persons in exclusive control of an E-bike or E-scooter and using the device for transportation.

**PEDESTRIAN.** Any person afoot and any person operating a wheelchair or a motorized wheelchair or an “electric personal assistive mobility device,” as that term is defined in Idaho Code Title 49, Chapter 1.

**PUBLIC PLACE.** Any publicly owned or operated property, including, but not limited to, roadways, highways, roadways, sidewalks, streets, alleys, rights-of-way, bicycle paths, bicycle routes, parks, public parking lots, and plazas located within the City’s jurisdictional limits.

**RIDER.** A person or persons using an E-bike or E-scooter for transportation, other than the operator.

**9-8-2: TRAFFIC LAWS APPLY TO PERSONS RIDING E-BIKES AND E-SCOOTERS.**

A. Every person, regardless of age, who operates an E-bike or E-scooter, as defined in this Chapter, upon a public place in the City shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by Idaho Code. Provisions of this Chapter not in conflict with Title 49, Idaho Code also apply, except to the extent those laws and ordinances by their very nature can have no application to E-bikes or E-scooters. Any conveyance not meeting the definition of E-bike or E-scooter shall be subject to the respective regulations of this Code and Idaho Code.

B. Exemptions. Any Idaho peace officer, as defined in Idaho Code Section 19-5101(d), operating an E-bike or E-scooter in the course and scope of their official duties is exempt from the requirements of Subsection A of this Section, if the E-bike or E-scooter is being operated under any of the following circumstances:

1. When responding to a 9-1-1 or other emergency call;
2. While en route to or engaged in rescue operations; or
3. While actively pursuing an actual or suspected violator of the law.

**9-8-3: REQUIRED EQUIPMENT.** No person shall operate an E-bike or E-scooter without the following features:

A. Brakes capable of causing the E-bike or E-scooter to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement; and

B. A bell or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no E-bike or E-scooter shall be equipped with nor shall any person use upon an E-bike or E-scooter any siren or whistle; and

C. A red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of the lawful upper beams of a motor vehicle, and a forward-facing, white electric light

visible from a distance of at least five hundred feet (500') in front of the E-bike or E-scooter. Any E-bike or E-scooter equipped with a generator-powered light that is unlit when the E-bike or E-scooter is stopped shall also have a front-facing white or yellow reflector visible at least five hundred feet (500') in front of the E-bike or E-scooter when directly in front of the lawful upper beams of a motor vehicle.

#### 9-8-4: OPERATING E-BIKES OR E-SCOOTERS.

A. No person riding or operating an E-bike or E-scooter shall place themselves other than upon or astride a permanent and regular seat or floorboard attached thereto.

B. No E-bike or E-scooter shall be used to carry more than one (1) person at one time, unless the vehicle is specifically designed, manufactured, or equipped to carry more than one (1) person safely.

D. Every person operating an E-bike or E-scooter shall keep at least one (1) hand on the handlebars at all times while the E-bike or E-scooter is in motion and shall not use the E-bike or E-scooter to transport any items or luggage other than with a backpack or other such device that allows the operator to carry something without actively holding it in the hands or arms.

9-8-5: CLINGING TO MOTOR VEHICLES. Persons operating E-bikes or E-scooters shall not hold on to, cling to, or attach themselves or such E-bikes or E-scooters to a moving motor vehicle.

9-8-6: RIDING ON ROADWAYS. No person shall operate an E-bike or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings. The operator of an E-bike or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, except where 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 E-bike or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing. When an operator is within fifty feet (50') of an intersection, they shall not be required to move to the right or left until they have moved through the intersection.

#### 9-8-7: OPERATING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS.

A. An E-bike or E-scooter may be operated upon a sidewalk, except in the Central Downtown Area, and upon and within a crosswalk, except when, based upon existing conditions, operating upon a sidewalk or crosswalk constitutes a public nuisance, in which case the operator of an E-bike or E-scooter shall dismount and walk the E-bike or E-scooter until safe riding conditions exist.

B. Pedestrians shall have primacy of use of sidewalks and crosswalks above operators of E-bikes or E-scooters. Any operator of an E-bike or E-scooter riding upon a sidewalk, or 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.

C. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of an E-bike or E-scooter traveling 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.

9-8-8: E-BIKE AND E-SCOOTER PARKING. E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs, streetlights, benches, or other affixed public property.

9-8-9: RECKLESS OR INATTENTIVE OPERATION. It shall be unlawful for any operator to use an E-bike or E-scooter recklessly, inattentively, carelessly, heedlessly or at a greater speed than reasonable or prudent, under circumstances existing, on any public place.

9-8-10: MAXIMUM POSTED SPEED LIMITS. All E-bike or E-scooter operators shall obey all posted regulations, including maximum speed limits.

9-8-11: REMOVAL OF IDENTIFICATION TAG. It shall be unlawful for any person to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City, other than following the lawful sale or gift of such E-bike or E-scooter to another.

9-8-12: NO E-BIKES OR E-SCOOTERS AT ZOO. It shall be unlawful for E-bikes or E-scooters to operate in the Idaho Falls Zoo at Tautphaus Park.

9-8-13: DOCKLESS BIKESHARE PROGRAM BUSINESS LICENSE AND E-BIKE AND E-SCOOTER REGISTRATION.

A. The City, as a matter of public policy, requires all Dockless Bikeshare Programs doing business in City limits to have a City Dockless Bikeshare Program business license and to have all of their E-bikes and E-scooters registered with and tagged by the City Police Department (“IFPD”) or its designated agents. The purpose of such Dockless Bikeshare Program business licensing and E-bike and E-scooter registration is to assist the City, or other public safety agencies, in recovering E-bikes or E-scooters should they be stolen or otherwise misplaced.

B. Every Dockless Bikeshare Program wishing to do business in the City shall obtain and retain a Dockless Bikeshare Program business license prior to such Program’s operation in the City. Such license shall be issued annually. Failure to hold a current Dockless Bikeshare Program business license, or to renew an expired license within ten (10) days after its expiration, shall result in the immediate impounding of all Dockless Bikeshare Program’s E-bikes and E-scooters until such license deficiency is remedied. The Dockless Bikeshare Program shall be liable for the daily expense of impounding the E-bikes and E-scooters until Dockless Bikeshare Program license annual renewal or the sale of the impounded E-bikes or E-scooters by the City.

C. Every Dockless Bikeshare Program shall register every E-bike and E-scooter by filing with the City the name and address of the owner, together with a complete description of the E-bike or E-scooter on forms provided by or made available through the City. The fee for said registration shall be established from time to time by Resolution of the Council. The registration fee applies for the entire period the licensed registrant owns the licensed device. Registration shall be serially numbered and kept on file by the City. Upon such registration, the City shall cause an identification tag to be affixed to each registered E-bike or E-scooter which shall be serially numbered to correspond with the registration number. Such identification tag shall remain affixed to the E-bike or E-scooter unless removed by IFPD for re-tagging upon re-registration.

D. It shall be unlawful for a Dockless Bikeshare Program to fail to register or to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City.

#### 9-8-14: DOCKLESS BIKESHARE PROGRAM REGULATIONS.

A. Each Dockless Bikeshare Program doing business in the City shall, under the direction and with the permission of the Parks and Recreation Department and Public Works Department, establish allowed use areas and designate locations within allowed use areas for E-bikes and E-scooters to be returned after daily collection and recharging.

B. Dockless Bikeshare Programs shall ensure any E-bikes and E-scooters belonging to the Program found beyond the allowed use areas are collected and relocated within one (1) hour of being found beyond an allowed use area during business hours (8 a.m. to 5 p.m. local time), and within two (2) hours at all other times.

C. An E-bike or E-scooter belonging to a Dockless Bikeshare Program shall prominently display the 24/7 contact phone number of the Dockless Bikeshare Program to which it belongs in a conspicuous and permanent location on the frame of the E-bike or E-scooter. Anyone shall be able to call the number, whether or not the caller is a current customer of the Dockless Bikeshare Program.

D. All E-bikes and E-scooters operating in the City pursuant to a Dockless Bikeshare Program license shall operate with built-in computer programming that prevents the E-bike or E-scooter from reaching speeds above thirty (30) miles per hour.

#### 9-8-15: NOTICE OF VIOLATION AND PROCEDURES.

Upon observing any violation of the provisions of this Chapter, the City is authorized to serve a notice of violation by personally serving the person violating the provisions of this Chapter with a citation.

9-8-16: LABELING REQUIREMENT. Dockless Bikeshare Program, Licensees, shall provide information in legible type permanently affixed in a prominent location on each E-bike or E-scooter or the E-bike or E-scooter shall not be permitted on a public place within the City. Such information shall include the address of the Licensee's webpage containing a copy of this Chapter and the phrases "Do Not Ride on Sidewalks in Central Downtown Area," "Yield to Pedestrians," and "Obey Posted Speeds."

9-8-17: UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE. All E-bikes and E-scooters shall comply with the relevant equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission.

9-8-18: REMOVING E-BIKES AND E-SCOOTERS, NUISANCE ABATEMENT.

A. Nuisance Declared. One (1) or more abandoned or obstructive E-bikes, E-scooters, or any part thereof, in public places promotes urban blight, invites theft and vandalism, and creates a hazard to the general public's health, safety, and welfare, and thereby constitutes a public nuisance. Abandoned or obstructive E-bikes, E-scooters, or any part thereof shall be abated in accordance with this Chapter.

B. Prohibited Behavior. No person shall abandon an E-bike, E-scooter, or any part thereof in a public place. No person shall leave an E-bike or E-scooter, or any part thereof, in a manner that obstructs use of a public place.

C. Enforcement. In accordance with this Chapter, the City and IFPD are authorized to mark abandoned or obstructive E-bikes, E-scooters, or any part thereof, for abatement by removal and to order the removal and impoundment of such abandoned or obstructive E-bikes, E-scooters, or any part thereof, from a public place.

D. Notice Of Intention To Remove Abandoned E-Bikes, E-Scooters, Or Any Part Thereof. All notices of intention to remove shall be firmly and conspicuously affixed to the abandoned and/or obstructive E-bike, E-scooter, or any part thereof. The notice of intention to remove shall contain: the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the notice was posted; the date and time after which the E-bike, E-scooter, or any part thereof shall be removed; and the contact information and address for the location where the E-bike, E-scooter, or any part thereof, shall be impounded, and information on how to request a post-storage administrative review.

E. Notice Of Removal Of Obstructive E-Bike, E-Scooter, Or Any Part Thereof. All notices of removal of an obstructive E-bike, E-scooter, or any part thereof shall be firmly and conspicuously posted as near as possible to the location from where the obstructive E-bike, E-scooter, or part was removed. The notice of removal shall contain the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the E-bike, E-scooter, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement Of Abandoned E-Bike, E-Scooter, Or Any Part Thereof. Not less than forty-eight (48) hours after the posting of a notice of intention to abate by removal, the City may remove and impound an abandoned E-bike, E-scooter, or any part thereof.

G. Storage. All abated abandoned and obstructive E-bikes, E-scooters, or parts shall be stored and disposed of by the City in accordance with Idaho Code. Reasonable storage fees, in an

amount established from time to time by Resolution of the Council, shall be charged to the owner of the abated E-bike, E-scooter, or any part thereof, to cover the costs of removal, impoundment, storage, recordkeeping, and other associated costs. Owners shall be required to pay all storage fees in full prior to the release of E-bikes, E-scooters, or any parts thereof.

H. Post-Storage Administrative Review. Whenever an abandoned or obstructive E-bike, E-scooter, or any part thereof, is abated and impounded by the City, the owner of such property shall be provided with the opportunity for a post-storage administrative review to determine the validity of the removal and storage of such property. In order for an owner to receive a post-storage administrative review, the owner shall request the review in writing from the City within fourteen (14) business days of the posting of the notice of intention to abate. The City shall conduct the post-storage review within forty eight (48) hours of the request, excluding weekends and holidays. Failure by the owner to request or to attend a review shall validate the impoundment and storage of that owner's E-bike, E-scooter, or part thereof. If it is determined at the review that there was not reasonable cause to deem the abated E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

I. Disposal. Any E-bike, E-scooter, or part thereof that is abated and impounded under this Chapter and that is not claimed and redeemed by its owner within the time limits set forth in Idaho Code shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated E-bikes, E-scooters, or parts thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property.

9-8-19: LIABILITY INSURANCE. Every Dockless Bikeshare Program operating in the City shall carry liability insurance naming the City as an insured, with a minimum one million dollars (\$1,000,000) annual coverage policy. Each Dockless Bikeshare Program operating in Idaho Falls also indemnifies and agrees to hold harmless the City for damages in connection with the unsafe operation of any E-bike or E-scooter owned by such Dockless Bikeshare Program.

9-8-20: PENALTIES. Unless otherwise specifically provided in this Chapter, any person who violates any provision of this Chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by a civil infraction penalty, as established from time to time by Resolution of the Council. (Ord. 3298, 2-13-20)