

**TITLE 9
MOTOR VEHICLE AND BICYCLE REGULATIONS**

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5	Snow Removal Parking Restrictions
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CHAPTER 1 TRAFFIC REGULATIONS

SECTION:

- 9-1-1: Applicability of Regulations
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- 9-1-3: Enforcement
- 9-1-4: Obedience to Police Officers
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- 9-1-9: Engine Compression Brakes
- 9-1-10: Prohibition of ATVs, Utility-type Vehicles and Motorbikes on Public Streets:

9-1-1: **APPLICABILITY OF REGULATIONS:** The provisions of this Title shall apply to the operation of all vehicles upon the streets, alleys, and places within the City. “Vehicle” as used in this Title shall have the same meaning as Idaho Code Section 49-123(V)(2) “vehicle”, as amended. (Ord. 3146, 11-21-2017)

9-1-2: **APPLICABILITY OF STATE LAWS:** All traffic and motor vehicle laws of the State of Idaho codified in Title 49, Idaho Code, and any rules and regulations promulgated by the Idaho Department of Law Enforcement pursuant thereto, shall apply to the operation of all vehicles upon the streets and alleys of the City, except to the extent such laws or regulations are expressly inconsistent with the provisions of this Code. The Clerk shall keep at least one (1) copy of this Chapter available for public use and examination in their office at all times.

9-1-3: **ENFORCEMENT:** Any person who violates any traffic or motor vehicle law within the City shall be guilty of an infraction and shall be punishable in accordance with the provisions of Title 49, Chapter 15, Idaho Code, as the same now exists or as amended hereafter. All authorized parking enforcement agents and peace officers shall follow the procedures set forth in such Chapter when issuing citations for infractions. (Ord. 3276, 10-10-19)

9-1-4: **OBEDIENCE TO POLICE OFFICERS:** Any person who fails or refuses to comply with any lawful order or direction of any police officer of the City, or any other police officer of Bonneville County or the State of Idaho, shall be guilty of a misdemeanor.

9-1-5: **CONSTRUCTION CREWS:** This Chapter shall not apply to the operation of any vehicle while the operator is actually engaged in the construction, repair or maintenance of any street, alley, sidewalk, curb, gutter or any utility located therein, if such operator is an employee of the City or has a permit or is otherwise lawfully authorized to perform such work.

9-1-6: **FOLLOWING FIRE ENGINE:** Any person who operates a vehicle within 500 feet of any fire engine, equipment or vehicle responding to a fire alarm, except persons operating a police, fire or public safety vehicle, shall be guilty of an infraction.

9-1-7: **PARKING NEAR EMERGENCY VEHICLES:** Any person who parks any vehicle within 500 feet of any police, fire or emergency vehicle responding to a fire alarm shall be guilty of an infraction.

9-1-8: **CROSSING FIRE HOSE:** Any person who drives any vehicle over any fire hose of the Fire Department while such hose is being used to suppress any fire, without the consent of a police officer or the fire official in command, shall be guilty of an infraction. (Ord. 3003, 4-23-15)

9-1-9: **ENGINE COMPRESSION BRAKES:** No person shall, while operating a motor vehicle within the City, apply or otherwise use "Jake Brakes", Engine Compression Brakes, or any similar braking system which emits a clearly audible noise when measured at a distance of fifty (50) feet directly from the source. Engine Compression Brakes are defined as a braking system which uses compressed air from a motor vehicle's engine to slow the vehicle. Any person who violates this ordinance shall be guilty of an infraction. (Ord. No. 2407, 02-08-01)

9-1-10: **PROHIBITION OF ATV'S, UTILITY-TYPE VEHICLES AND MOTORBIKES ON PUBLIC STREETS:**

(A) **PURPOSE:** The purpose of this Ordinance is to enhance and protect the public safety, ensure that traffic laws are obeyed and prohibit the riding of all-terrain vehicles, utility-type vehicles, and motorbikes on city streets and highways.

(B) **DEFINITIONS:** For purposes of this Section, the following definitions shall apply:

- (1) **All-Terrain Vehicle:** "All Terrain Vehicle" or "ATV" means any vehicle as defined in Idaho Code §67-7101(1).
- (2) **Utility-Type Vehicle:** "Utility-Type Vehicle", or "UTV" means any vehicle, as originally manufactured, which is defined under Idaho Code §67-7101(15).
- (3) **Motorbike:** "Motorbike" means a vehicle as defined under Idaho Code §67-7101(9). However, a motorbike, which has been converted and approved for unrestricted motorcycle registration pursuant to Idaho Code §49-402, and which has been certified that as compliant with federal motor vehicle safety standards by the Idaho Department of Transportation Department of Motor Vehicles, shall not be subject to the prohibitions set forth in this section.

(C) **AREAS CLOSED TO ATV, UTV, OR MOTORBIKE USE:** No person shall drive or operate an ATV, UTV, or Motorbike on any street, sidewalk, alley, jogging path, park, golf course or other public way located within the City of Idaho Falls.

(D) EXCEPTIONS: Nothing herein shall prohibit the operation of an ATV, UTV, or Motorbike under the following circumstances:

- (1) The use of ATV's or UTV's by the City of Idaho Falls personnel for public property or public facility maintenance.
- (2) The use of ATV's or UTV's for snow removal from driveways, sidewalks or parking lots. Any traveling in prohibited areas must be directly related to such snow removal.
- (3) The use of ATV's or UTV's by the City of Idaho Falls Law Enforcement officers or any City authorized parking enforcement agent. (Ord. 3276, 10-10-19)
- (4) The use of ATV's or UTV's for events or activities, in which the user or owner of the machine has received a permit from the Police Department for use of the machine during that event or activity. The Police Department may place reasonable restrictions on such permits, for safety purposes.

(E) PENALTY: Any violation of this section shall be an infraction. (Ord 2799, 2-12-09)

CHAPTER 2
TRAFFIC CONTROL SIGNS AND SIGNALS

SECTION:

- 9-2-1: Adoption of Uniform Manual
- 9-2-2: Display of Unauthorized Signs or Signals
- 9-2-3: Tampering with Traffic Control Devices

9-2-1: **ADOPTION OF UNIFORM MANUAL:** The City hereby adopts the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation, Federal Highway Administration or any other manual adopted by the Idaho Department of Law Enforcement pursuant to the provisions of Idaho Code Section 49-201. All traffic signs, signals and devices installed within the City shall conform to the provisions of such Uniform Manual, except as otherwise expressly ordered by the Council.

9-2-2: **DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS:** Any person who places, maintains or displays upon any street, alley, public right of way or private property any unauthorized sign, signal, marking or device which imitates or resembles any official traffic control sign, signal or device is guilty of a misdemeanor. Such signs, signals or devices may be summarily removed by any police or fire or public safety officer or any employee of the Public Works Department. (Ord. 3003, 4-23-15)

9-2-3: **TAMPERING WITH TRAFFIC CONTROL DEVICES:** Any person who tampers, alters, injures, destroys, removes, defaces or knocks down any official traffic control sign, signal or device, without lawful authority to do so, shall be guilty of a misdemeanor.

**CHAPTER 3
SPEED REGULATIONS**

SECTION:

- 9-3-1: Basic Rule
- 9-3-2: General Speed Limit
- 9-3-3: Establishment of Speed Limits
- 9-3-4: Minimum Speed Regulations

9-3-1: **BASIC RULE:** Any person who operates a vehicle within the limits of the City, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing shall be guilty of an infraction.

9-3-2: **GENERAL SPEED LIMIT:** Subject to the provisions of the preceding section, any person who drives or operates any vehicle in excess of the speed set forth below shall be guilty of an infraction. Such speeds are as follows:

(A) Any speed established pursuant to Section 9-3-3 of this Code.

(B) Twenty-five (25) miles per hour on all streets except as posted in accordance with Section 9-3-3 of this Code.

(C) Twenty (20) miles per hour in all posted school zones, except where a different speed is posted in accordance with Section 9-3-3 of this Code.

(D) Ten (10) miles per hour in all alleys except as posted in accordance with Section 9-3-3 of this Code. (Ord. 2292, 11-12-98)

9-3-3: **ESTABLISHMENT OF SPEED LIMITS:** Whenever the City Council determines, upon the basis of an engineering and traffic study or investigation that any prima facie speed set forth above is greater or less than is reasonable or safe under the conditions found to exist at any location within the City, the Council may determine and declare by resolution a reasonable and safe prima facie speed limit, which, when proper signs giving notice thereof have been erected, shall be the speed limit for such street or portion thereof.

9-3-4: **MINIMUM SPEED REGULATIONS:** Any person who drives a vehicle at such a slow speed as to impede or block the safe and efficient movement of vehicular traffic, shall be guilty of an infraction.

**CHAPTER 4
PUBLIC PARKING**

SECTION:

- 9-4-1: General Parking Restrictions
- 9-4-2: Parking in Alleys Prohibited
- 9-4-3: Parking in Residential Zones
- 9-4-4: Repair of Vehicles on Public Streets
- 9-4-5: Storage of Vehicles, Motorhomes and Trailers on Public Streets
- 9-4-6: Manner of Parking
- 9-4-7: Unattended Motor Vehicle
- 9-4-8: General Parking Restriction
- 9-4-9: Parking at Airport
- 9-4-10: Parking at City Aquatic Center
- 9-4-11: Impounding Vehicles
- 9-4-12: Impounding Fees
- 9-4-13: Payment of Towing and Storage Fees
- 9-4-14: Establishment of Storage Fees
- 9-4-15: Parking Zones Established
- 9-4-16: Designation of Parking Zones
- 9-4-17: Manner of Parking
- 9-4-18: Operating Time Defined, Exceptions
- 9-4-19: Parking in Loading Zones
- 9-4-20: Unlawful Parking
- 9-4-21: Parking For Persons With Disabilities
- 9-4-22: Designation of Parking Spaces For Persons With Disabilities
- 9-4-23: Enforcement on Private Property
- 9-4-24: Notice of Parking Violations
- 9-4-25: Penalties
- 9-4-26: Additional Remedies Preserved

9-4-1: **GENERAL PARKING RESTRICTIONS:** Any person who parks a vehicle, except when necessary to allow movement of other vehicular traffic or pursuant to the direction of a peace officer or traffic control device, in any of the following designated places, shall be guilty of an infraction, to-wit:

- (A) On a public sidewalk.
- (B) Within any portion of a public or private driveway or entrance to a public street.
- (C) Within an intersection.
- (D) Within fifteen (15) feet of a fire hydrant.

- (E) Within a crosswalk.
- (F) Within twenty (20) feet of a crosswalk located at any intersection.
- (G) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control signal.
- (H) Between a designated safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a traffic regulatory sign indicates a different length is allowed.
- (I) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (J) Within twenty (20) feet of the driveway entrance to any fire station or within seventy-five (75) feet of such entrance when parking on the side of the street opposite such entrance, when regulatory signs indicate such prohibition.
- (K) Beside or opposite any street excavation or obstruction in a manner which obstructs traffic.
- (L) Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic.
- (M) Upon any bridge or elevated structure upon or part of a public highway.
- (N) At any place where traffic regulatory signs prohibit such parking.
- (O) In any fire apparatus access road as defined in the International Fire Code. (Ord. 3253, 05-13-19)

9-4-2: **PARKING IN ALLEYS PROHIBITED:** Any person who parks a motor vehicle in any alley within the City for any purpose other than to load or unload such vehicle in a reasonably expeditious fashion shall be guilty of an infraction. Parking for purposes of loading or unloading a vehicle shall be permitted only if a clearance of at least ten (10) feet in width between the adjacent building or other structures is left on each side of the vehicle.

9-4-3: **PARKING IN RESIDENTIAL ZONES:** Any person who parks a motor vehicle having a gross vehicle weight greater than 10,000 pounds in any residentially-zoned district within the City shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner.

9-4-4: **REPAIR OF VEHICLES ON PUBLIC STREETS:** Any person who uses any street or alley within the City for the purpose of repairing any vehicle, except for temporary emergency repairs, shall be guilty of an infraction.

9-4-5: STORAGE OF VEHICLES, MOTORHOMES AND TRAILERS ON PUBLIC STREETS:

(A) It shall be unlawful for anyone to use City streets or alleys for storage of motorhomes or trailers. Trailers and motorhomes can only be parked upon a street or alley within the City for the purposes of loading and unloading for a period not to exceed two 24-hour periods in a 7-day time period. Any person who parks or allows a trailer or motorhome to be parked upon any street or alley within the City for a period in excess of this time in the same location shall be guilty of an infraction.

(B) Any person who parks or allows a vehicle to be parked upon any street or alley within the City for a period of 48 or more consecutive hours in the same location shall be guilty of an infraction.

(C) Any vehicle, motorhome or trailer unlawfully parked or stored may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this Chapter.

(D) For the purposes of this section, a vehicle shall be considered to be parked "in the same location" notwithstanding movement of the vehicle to another location on a public street or alley within 500 feet in any direction of the original location of the vehicle. "Motorhome" is hereby defined as set forth in Idaho Code § 49-114(12). "Trailer" is hereby defined as set forth in Idaho Code § 49-121(6). (Ord. 2890, 01-22-12)

9-4-6: MANNER OF PARKING: Except as otherwise provided in this Chapter, any person who parks or allows to be parked any vehicle, in the following manner shall be guilty of an infraction, where:

(A) any part of the bumper closest to the curb face is at a distance greater than eighteen inches (18") from the curb face, where the area is designated for angle parking; or

(B) any of the wheels or rims are on top of the curb, behind the back of the curb, or behind the gutter flow line of the curb. (Ord. 3146, 11-21-2017)

9-4-7: UNATTENDED MOTOR VEHICLE: Any person who owns or has control of any motor vehicle and who leaves the vehicle without first stopping the engine, locking the ignition and removing the key therefrom, or who parks such vehicle upon a grade without turning the front wheels to the curb or side of the street, shall be guilty of an infraction.

9-4-8: GENERAL PARKING RESTRICTION: Any person who parks or allows any vehicle to be parked upon any street in violation of any sign restricting parking within such area, shall be guilty of an infraction. All such parking restrictions shall be established only by resolution of the City Council, after receiving the recommendation of the Traffic Safety Committee.

9-4-9: PARKING AT AIRPORT:

(A) Any person who parks or allows a vehicle to be parked at any time of the day or night in the following areas, shall be guilty of an infraction, to-wit:

- (1) International Way.
- (2) That portion of North Skyline Drive located north of International Way.
- (3) That portion of Borah Street located north of International Way.
- (4) That portion of Foote Drive located north of International Way.
- (5) Any ramp, runway, taxiway or area within the Idaho Falls Regional Airport where signs prohibiting such parking have been posted, except as expressly authorized by the Director of Aviation.

Notwithstanding the foregoing, the Council may designate areas within or upon such streets where parking may be allowed, provided signs allowing such parking are prominently displayed.

(B) Any person who parks a motor vehicle unattended for any period of time or any person who parks a motor vehicle for a period of time greater than the minimum amount of time to load or unload passengers and their luggage, within the passenger loading and unloading zone designated by visible signs at the entrance to the Idaho Falls Regional Airport, shall be guilty of an infraction, then the minimum penalty shall be the sum of \$25.00. (Ord. 2432, 10-25-01; Ord 2598, 2-12-09; Ord. 3003, 4-23-15)

9-4-10: PARKING AT CITY AQUATIC CENTER:

(A) Overflow Parking Lot Established: An overflow parking lot is established for the purpose of parking of vehicles owned or operated by patrons of the City Aquatic Center. The overflow parking lot is located at 640 South Lee, immediately east of the City Aquatic Center located at 149 7th Street, Idaho Falls, Idaho.

(B) Overflow Parking Permitted: Except as otherwise provided in this Chapter, whenever all parking spaces within the public parking lot immediately adjacent to the City Aquatic Center are occupied, patrons of the City Aquatic Center shall be permitted to park vehicles owned or operated by them in the overflow parking lot.

(C) Restrictions on Use of Overflow Parking Lot: It shall be unlawful for any person who is neither a patron of the City Aquatic Center nor an employee of School District No. 91 to park any vehicle in the overflow parking lot at any time. It shall be unlawful for any patron of the City Aquatic Center to park or to leave parked any vehicle in the east seventy-four feet (74') of the overflow parking lot between the hours of seven o'clock (7:00) a.m. and five o'clock (5:00) p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday.

9-4-11: **IMPOUNDING VEHICLES:** Any peace officer may remove, cause to be removed and impound any vehicle parked in violation of the provisions of this Chapter.

9-4-12: **IMPOUNDING FEES:** The owner of any motor vehicle or trailer that has been impounded by the Police under any provision of this Code or any law of the State of Idaho shall pay to the City an impound fee in the amount of fifteen dollars (\$15) before such vehicle or trailer shall be released.

9-4-13: **PAYMENT OF TOWING AND STORAGE FEES:** : The owner of any motor vehicle or trailer that has been duly impounded, removed from the City streets, towed or stored at the direction of the Police Department shall pay a reasonable towing and storage fee before such vehicle or trailer may be released. The towing and storage fee shall be paid to the person or company effecting the removal and towing and providing the storage for such vehicle or trailer. If the motor vehicle or trailer is towed or stored by City personnel, the towing and storage fees shall be paid to the City. (Ord. 3003, 4-23-15)

9-4-14: **ESTABLISHMENT OF STORAGE FEES:** The City Council shall annually establish by resolution the towing and storage fees provided for in this Chapter.

9-4-15: **PARKING ZONES ESTABLISHED:** The City Council may establish parking and loading zones upon the streets of the City. The establishment of, and all changes in, such zones shall be only as duly ordered by the City Council and entered in the official minutes of its meeting.

9-4-16: **DESIGNATION OF PARKING ZONES:** The Chief of Police shall designate all parking and loading zones established by the Council by causing appropriate parking signs to be installed upon the streets clearly informing the public of the location of the parking and loading zones and the parking time allowed therein. Such zones shall be designated by painting or otherwise marking lines upon the street surface, or upon the adjacent curb, designating the area within such zones are located.

9-4-17: **MANNER OF PARKING:** Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space; shall be parked parallel or diagonal to the curb in accordance with the markings of the parking space; and in case of diagonal parking, shall be parked so that the front portion of the vehicle closest to the curb is within eighteen inches (18") of the curb.

9-4-18: **OPERATING TIME DEFINED, EXCEPTIONS:** Operating time" is that time when parking within parking zones and loading zones is regulated and is the time between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. of every day. "Operating time" shall not include any Saturday or legal holiday.

9-4-19: **PARKING IN LOADING ZONES:** Notwithstanding the provisions of this Chapter, a person may park a vehicle in a loading zone for the purpose of unloading persons, supplies or merchandise. Parking in a loading zone or space during "operating time" for any other purpose is unlawful.

9-4-20: UNLAWFUL PARKING:

It shall be unlawful for any person to park a vehicle, or, having parked the same, to allow it to remain parked in violation of the regulations of any parking sign located within clear view of a restricted parking area. When the parking sign merely states the duration of time allowed for parking, then the regulation shall be in force only during "operating times." When the sign forbids parking at all times, or at designated times, the regulation is in force at all times, or as stated. Any person who violates this Section shall be guilty of an infraction and shall, upon conviction thereof, be punishable in an amount set from time to time by Resolution of the Council. The Council may set higher or graduated fines for repeated violations. (Ord. 2666, 9-14-06; Ord. 2964, 8-14-14; Ord. 3049, 10-12-15; Ord. 3276, 10-10-19)

9-4-21: DOWNTOWN AREA STREET PARKING

A. For the purposes of this Chapter, the "Downtown Area" shall be defined as the area bounded on the west by Memorial Drive and Capital Avenue, on the south by Cliff Street, on the east by Yellowstone Avenue and on the north by and including D Street. The Downtown Area shall also include the both sides of the streets that form the borders of the Downtown Area.

1. Within the Downtown Area, any person who parks a vehicle in violation of any regulation as stated on any parking sign located within clear view of a restricted parking area shall be liable of a civil parking fine in an amount set from time to time by Resolution of the Council. The Council may set higher or graduated fines for repeated violations.
2. Block Parking.
 - a. Parking signs which display "Block Parking" information shall regulate parking as follows:
 - i. "Block Parking" shall mean all parking spaces along both sides of a street on the same block, which block is bordered by an intersection at each end. Any parking regulation signage which includes the words "Block Parking" shall apply to the entire length of the block on both sides.
 - ii. A vehicle shall not remain parked in any parking space along a signed Block Parking area for a period that exceeds the posted and signed time limit.
 - iii. A vehicle parked in a parking space along a signed Block Parking area shall not return to or occupy another parking space within five hundred (500') feet of where such vehicle was previously parked (within that block) less than twelve (12) hours immediately following the expiration of the time period for such parked vehicle.

- iv. A citation may be issued, as indicated by the Block Parking sign, if a vehicle remains parked or stopped on the same block beyond the designated time for parking, unless:
 - 1. The vehicle has moved five hundred (500') or more lineal feet, from where such vehicle was parked, as measured along the curb or edge line of the block; or
 - 2. the vehicle has vacated that block for not less that twelve (12) hours from when it was last parked on the block.
- B. This Section may be enforced by the Police Department or by any agent authorized to enforce the City's parking regulations in the Downtown Area by the Council, which the Council may authorize or appoint from time to time.
- C. A bona-fide resident of the Downtown Area may apply for a permit which shall exempt them from any two (2)-hour parking limit established for parking spaces within the off-street City-owned parking lot located between Shoup Avenue on the east, Park Avenue on the west, Broadway Avenue on the north, and Cliff Street on the south. Nothing herein shall exempt a person holding this permit from compliance with other parking limits or restrictions in this Code. For purposes of this subsection, a bona-fide resident of the Downtown Area must actually reside within the Downtown Area the time of application for the permit and at all times during the validity of the permit. Discontinuance of residency for a period of thirty (30) consecutive days or more shall automatically void the permit. The downtown resident's permit shall be valid for one (1) year from its issuance. The cost of each permit shall be in an amount set from time to time by Resolution of the Council. Only one (1) permit per licensed driver shall be allowed. The permit shall be displayed in the vehicle as to be visible from outside the vehicle, whenever the permittee parks their vehicle in a two-hour parking space. It shall be unlawful to transfer or to allow another person to use this permit.
- D. Violations of the Downtown Area Parking
 - a. A notice of a violation of the Downtown Area parking regulations may be issued by any police officer or an agent authorized by the Chief of Police or the City Council. The notice of violation shall be issued by placing the notice on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place upon the vehicle. At the minimum, the notice shall state the following:
 - i. The date and time of when the notice was issued; and
 - ii. The nature of the parking violation observed; and
 - iii. The amount of the civil fine imposed; and
 - iv. The procedure to pay or contest the fine.
 - b. A separate notice shall be issued for each parking regulation violated. If the violation is overtime parking, a separate notice may be issued for each hour or

fraction of an hour that, the owner or operator of the vehicle allows it to remain parked in violation of this Section. (Ord. 3276, 10-10-19)

9-4-22: **PARKING FOR PERSONS WITH DISABILITIES:**

1. Any person who parks or allows a vehicle to be parked in any parking space designated for use by persons with disabilities and signed in conformity with this Chapter is guilty of an infraction, and shall, upon conviction thereof, be punishable by a fine in an amount set from time to time by Resolution of the Council.
2. Exceptions:
 - a. Vehicles that are momentarily in the space for the purpose of allowing a disabled person to enter or leave the vehicle, or
 - b. Vehicles which have special license plates or a temporary card issued for the disable pursuant to Idaho Code § 49-410 that is clearly displayed on the vehicle.
3. For the purposes of this section, the registered owner of a vehicle who has expressly or impliedly consented to the use of their vehicle shall be deemed to have allowed the parking of such vehicle by the person to whom such consent was given. The term "person with a disability" shall have the same meaning ascribed in Idaho Code §49-117(7)(b). (Ord. 3276, 10-10-19)

9-4-23: **DESIGNATION OF PARKING SPACES FOR PERSONS WITH DISABILITIES:** For the purposes of this Chapter, a parking space designated for persons with disabilities shall be any parking space or area upon which there is posted immediately adjacent thereto, and visible from each stall or space, a sign which is at least thirty-six inches (36") above the ground, displaying the international symbol of accessibility that shall have the same proportions shown in Idaho Code §49-410. (Ord. 3276, 10-10-19)

9-4-24: **ENFORCEMENT OF DESIGNATED PARKING SPACES FOR PERSONS WITH DISABILITIES ON PRIVATE PROPERTY:** The provisions of this Chapter regulating parking for persons with disabilities and the designating of spaces for persons with disabilities shall be enforceable with respect to handicapped parking spaces upon public property and private property open to public use. (Ord. 3276, 10-10-19)

9-4-25: **NOTICE OF PARKING VIOLATIONS OUTSIDE OF THE DOWNTOWN AREA:**

- (A) A notice of a violation of the parking regulations of this Chapter outside of the Downtown Area may be issued by any police officer or by any person or agent duly authorized by the Chief of Police or the Council. The notice of violation shall be issued by placing it on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place upon the vehicle. A separate notice shall be issued for each parking regulation violated. If the violation is overtime parking, a separate notice shall be issued for each hour or fraction of an hour that, the owner or operator of the vehicle allows it to remain parked in violation of this Chapter.

- (B) The notice of violation shall state the date and time when it is issued and the nature of the parking violation observed. The notice shall advise the owner or operator of the vehicle that they must admit the violation and pay the penalty or deny the violation and appear before a designated hearing officer within fourteen (14) days of the date the notice is issued, in default of which a summons and criminal complaint may be filed with the Bonneville County Magistrate Court and served upon such person.
- (C) Any person issued a parking notice may enter an admission in the following ways:
- (1) Depositing the notice of violation with the amount of penalty stated thereon in any collection box designated by the Police Department;
 - (2) Mailing the notice of violation with the amount of the penalty stated thereon to the address indicated on the notice; or
 - (3) Presenting the notice together with the amount of the penalty indicated thereon at the office of the City Treasurer.
- (D) Within fourteen (14) days of the date of issue of the notice of violation of this Chapter, any person issued a parking notice may deny the violation and may request a hearing before a hearing officer with the Idaho Falls Police Department by contacting the hearing officer.
- (1) The hearing officer shall schedule a hearing within ten (10) working days after being contacted by a person denying a parking violation.
 - (2) During a hearing, the hearing officer shall outline the hearing process, state the allegation of the violation, and permit the person denying the parking violation to present statements, photographs, or other evidence.
 - (3) Within ten (10) days after the hearing, the hearing officer shall make a determination whether the violation occurred.
 - (a) If the hearing officer determines that the parking violation occurred, the hearing officer shall file a summons and criminal complaint with the Bonneville County Magistrate Court and shall refer the parking violation for prosecution by the City Attorney Division.
 - (b) If the hearing officer finds that the parking violation did not occur, the hearing officer shall dismiss the notice of parking violation. (Ord. 3276, 10-10-19)

9-4-26: PENALTIES:

Any person who violates any provision of this Chapter, which does not otherwise provide a specific penalty, shall be guilty of an infraction, and shall, upon conviction thereof, be punishable by a fine in an amount set from time to time by Resolution of the Council. (Ord. 3276, 10-10-19)

9-4-27: **ADDITIONAL REMEDIES PRESERVED:**

The issuance of a notice of violation shall not be the exclusive remedy for enforcing the parking regulations of this Chapter and all other lawful remedies are reserved, including prosecution by filing a criminal complaint for an infraction violation. (Ord. 3276, 10-10-19)

**CHAPTER 5
SNOW REMOVAL PARKING RESTRICTIONS**

SECTION:

- 9-5-1: Purpose
- 9-5-2: Definitions
- 9-5-3: Snow Removal
- 9-5-4: Snow Event Parking Restrictions
- 9-5-5: Other Parking Restrictions
- 9-5-6: Removal of Vehicles
- 9-5-7: Payment of Towing and Storage Fees
- 9-5-8: Penalty

9-5-1: **PURPOSE:** The purposes of this Chapter are to render the removal of snow and ice from the public streets safe and more economical and efficient; to avoid collisions of snow removal equipment with motor vehicles and reduce the possibility of accidents involving

pedestrians; and to provide for more efficient and economical utilization of snow removal equipment. (Ord. 3102, 12-8-16)

9-5-2: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

ARTERIAL OR COLLECTOR STREETS: All Arterial or Collector Streets or portions thereof within the City which are conspicuously signed or designated as “No Parking Any Time.”

DOWNTOWN AREA: The area within the City located east of and including Memorial Drive, south of and including "G" Street, west of Yellowstone Avenue, and north of and including Cliff Street.

EAST-WEST STREET: Any street running in a direction within ten degrees (10°) of true east and west or within ten degrees (10°) of being perpendicular to that section of the North Yellowstone Highway between Broadway and “D” Street.

MOTOR VEHICLE: Every self-propelled vehicle in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except vehicles or devices used exclusively upon stationary rails or tracks. “Motor Vehicle” does not include vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under Title 49, Idaho Code.

MOTORCYCLE: A motor vehicle having a seat or saddle for the use of the rider and designed to travel on no more than three (3) wheels in contact with the ground.

NIGHT-TIME SNOW REMOVAL STREETS: The following public streets and portions thereof within the City:

19th Street: South Yellowstone Avenue to Rollandet Avenue

Milligan Road: Pancheri Drive to the termination of curb and gutter improvements

Pier View Drive: Snake River Parkway to Milligan Road

River Parkway: Broadway to the north property line of 575 River Parkway

Rollandet Avenue: West 21st Street to West 17th Street

NORTH-SOUTH STREET: Any street running in a direction of within ten degrees (10°) of true north and south or within ten degrees (10°) of being parallel to that section of the North Yellowstone Highway between Broadway and “D” Street. For the purposes hereof, Alice Avenue, Cottage Place, Eagle Rock Avenue, Temple Place, and Memorial Drive shall be deemed to be north-south streets.

SNOW AND ICE CONTROL POLICIES AND PROCEDURES MANUAL: A manual detailing the time, place, management, and manner regarding the systematic safe,

economical, and efficient manner of removing snow and ice from public streets as adopted from time to time by Resolution of Council.

SNOW EVENT: Any occurrence in which more than two inches (2”) of snow accumulates on the roadway as determined by the City and as posted on the City’s official website.

SNOW REMOVAL: Practices implemented to clear or remove snow and ice from public streets pursuant to the Snow and Ice Control Policies and Procedures Manual.

TRAILER: Every vehicle without motive power designed to carry persons or property and which is drawn by a motor vehicle.

VEHICLE: As used in this Chapter, “vehicle” shall have the same meaning as under Chapter 1, Title 49 of the Idaho Code.

WINTER SEASON: From midnight local time on November 14 through midnight local time March 15 of the immediately succeeding year.

ZONE A: The area within the City bounded by and including the following streets: Starting at the corner of East 1st Street and Holmes Avenue; thence running south along Holmes Avenue to East 17th Street; thence running west along 17th Street and along Pancheri Drive to the Snake River; thence running north along the east bank of the Snake River to West Elva Street; thence running east along Elva Street to the railroad tracks; thence running south along the railroad tracks to East 1st Street; thence running east along 1st Street to the point of beginning (excluding the Downtown Area, Nighttime Snow Removal Streets, and any Arterial or Collector street within such area).

ZONE B: The entire area within the City, excluding Arterial or Collector streets, Nighttime Snow Removal Streets, the Downtown Area and Zone A. (Ord. 2912, 10-25-12; Ord. 3102, 12-8-16; Ord. 3294, 12-19-19; Ord. 3332, 09-10-20; Ord. 2912, 11-12-20)

9-5-3: **SNOW REMOVAL:** Snow and ice removal from public streets shall occur pursuant to policies established in the City’s Snow and Ice Control Policies and Procedures Manual and the parking and other restrictions set forth in this Chapter. The City will inform the general public regarding snow and ice removal on public streets relative to a specific Snow Event through local media outlets, the City website, and social media. (Ord. 3102, 12-8-16)

9-5-4: **SNOW EVENT PARKING RESTRICTIONS:** During the Winter Season, no person shall stop, stand, or park a motor vehicle, motorcycle, or trailer on public streets contrary to the following restrictions:

- (1) Arterial and Collector Streets. No parking at any time.

(2) Night-time Snow Removal Streets. No parking from eight o'clock (8:00) p.m. local time until eight o'clock (8:00) a.m. local time of the immediately succeeding day.

(3) Downtown Area Streets.

(a) North-South Streets. No parking from midnight until eight o'clock (8:00) a.m. on any even calendar day of the month (e.g., two, four, six, eight, ...).

(b) East-West Streets. No parking from midnight until eight o'clock (8:00) a.m. on any odd calendar day of the month (e.g. one, three, five, seven, ...).

(4) Zone A Streets.

(a) North-South Streets. Beginning at a Snow Event, no parking from eight o'clock (8:00) a.m. local time until five o'clock (5:00) p.m. local time on any even calendar day of the month (e.g., two, four, six, eight, ...) or until snow removal activities are determined by the Street Superintendent to be completed for the Snow Event.

(b) East-West Streets. Beginning at a Snow Event, no parking from eight o'clock (8:00) a.m. local time until five o'clock (5:00) p.m. local time on any odd calendar day of the month (e.g. one, three, five, seven, ...) or until snow removal activities are determined by the Street Superintendent to be completed for the Snow Event.

(5) Zone B Streets.

Beginning at a Snow Event, no parking from midnight on a Snow Event day and continuing until snow removal activities are determined by the Street Superintendent to be completed for the Snow Event.

(Ord. 2912, 10-25-12; Ord. 3102, 12-8-16)

9-5-5: OTHER PARKING RESTRICTIONS: In the event any other ordinance, statute or regulation provides for parking restrictions which are more restrictive than those set forth herein, then such other parking restrictions shall be controlling and may be enforced in accordance with the terms of such other ordinance, statute or regulation. (Ord. 3102, 12-8-16)

9-5-6: REMOVAL OF VEHICLES: Any motor vehicle, motorcycle, or trailer parked upon any public street in violation of this Chapter may be removed at the direction of a City police officer and may be towed to another public street, provided the towing and parking of the vehicle on such other public street does not violate the provisions of this Chapter or any other provisions of this Code. The vehicle may also be towed and stored in any public or private storage lot, without prior notice to the owner or operator of the vehicle. Nothing herein shall preclude the issuance of a citation for a separate or subsequent violation of this Chapter. (Ord. 2555, 9-23-04; Ord. 3102, 12-8-16)

9-5-7: PAYMENT OF TOWING AND STORAGE FEES: The owner or operator of any motor vehicle, motorcycle or trailer towed to or stored in a private impound lot pursuant to the

preceding section shall be responsible for all reasonable towing and storage charges of the owner of the impound lot. Such charges shall be paid to the private towing company before the vehicle, motorcycle or trailer is released. If the vehicle, motorcycle or trailer is towed to an impound lot owned, controlled or leased by the City, the towing charge shall be paid to the City. If the vehicle, motorcycle or trailer is stored on City property, a reasonable storage fee shall be paid to the City. (Ord. 2555, 9-23-04; Ord. 3102, 12-8-16)

9-5-8: PENALTY: Any person who violates this Chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine in an amount as set from time to time by Resolution of the Council. (Ord. 2189, 10-26-95; Ord. 2555, 9-23-04; Ord. 2964, 8-14-14; Ord. 3102, 12-8-16)

**CHAPTER 6
PARKING ON PRIVATE PROPERTY**

SECTION:

9-6-1: Parking on Private Property

9-6-1: **PARKING ON PRIVATE PROPERTY:** Any person who parks or leaves unattended any motor vehicle upon any private property posted in accordance with the terms hereof and located within the City, without the consent of the owner or person thereof, is guilty of an infraction. For the purposes of this Chapter, property is posted when one or more signs legibly printed in the English language are placed upon the premises stating that public parking thereon is prohibited, provided at least one such sign is plainly visible from each vehicular entrance to the premises.

CHAPTER 7 BICYCLES

SECTION:

- 9-7-1: Definitions
- 9-7-2: Establishment of Bicycle Paths and Routes
- 9-7-3: Applicability of Vehicle Traffic Laws
- 9-7-4: Operation of Motor Vehicles upon Bicycle Path
- 9-7-5: Right of Way to Cyclists
- 9-7-6: Two-Way Traffic on Bicycle Paths
- 9-7-7: General Speed Regulation
- 9-7-8: Emerging From Alley or Driveway
- 9-7-9: Carrying Articles
- 9-7-10: (Repealed)

9-7-1: **DEFINITIONS:** The following terms whenever used in this Chapter shall have the meaning ascribed below:

BICYCLE: Every device propelled by human power having one wheel at least 16 inches in diameter.

BICYCLE PATH: A way established, marked and signed specifically for the riding of bicycles, and which is not otherwise part of a public street.

BICYCLE ROUTE: A travel way designated specifically for the riding of bicycles along and upon a public street.

RIGHT-OF-WAY: The privilege of immediate use of a bicycle path or bicycle route.

VEHICLE: Every device, in, upon or by which any person or property is or may be transported or drawn upon a street, highway, alley or other public way, except bicycles.

9-7-2: **ESTABLISHMENT OF BICYCLE PATHS AND ROUTES:** The City Council may by resolution duly passed and approved establish and designate the location of bicycle paths and bicycle routes within the City.

9-7-3: **APPLICABILITY OF VEHICLE TRAFFIC LAWS:** All motor vehicle traffic laws shall apply with respect to the operation of any bicycle upon any bicycle path or bicycle route, except as expressly otherwise provided in this Chapter or except as the context of such ordinance or statute expressly indicates otherwise.

9-7-4: **OPERATION OF MOTOR VEHICLES UPON BICYCLE PATH:** Any person who operates a motor vehicle or parks a vehicle upon or across any bicycle path, except at intersections of a path within a public street or alley or when necessary to enter or leave a driveway, is guilty of an infraction.

9-7-5: **RIGHT OF WAY TO CYCLISTS:** Any person driving any vehicle into or across any bicycle path which intersects a public street or alley or driveway who fails to yield the right of way to any cyclist operating a bicycle is guilty of an infraction.

9-7-6: **TWO-WAY TRAFFIC ON BICYCLE PATHS:** Any person who fails to pass to the right of any oncoming cyclist on a bicycle path shall be guilty of an infraction.

9-7-7: **GENERAL SPEED REGULATION:** Any person who operates a bicycle upon any public street, bicycle route or bicycle path at a speed greater than is reasonable and prudent under the conditions then existing, is guilty of an infraction.

9-7-8: **EMERGING FROM ALLEY OR DRIVEWAY:** Any person operating a bicycle emerging from an alley, driveway or building shall yield the right of way to all pedestrians walking upon any sidewalk or sidewalk area intersecting with the alley, driveway or building egress and upon entering the public street shall yield the right of way to all vehicles approaching on such public street.

9-7-9: **CARRYING ARTICLES:** Any person who carries any package, bundle or article which prevents the rider from keeping at least one hand upon the bicycle handlebars shall be guilty of an infraction.

9-7-10: **(REPEALED)** (Ord. 2776, 8-28-08)

CHAPTER 8 E-BIKES AND E-SCOOTERS

SECTION:

- 9-8-1: Definitions
- 9-8-2: Traffic Laws Apply to Persons Riding E-bikes and E-scooters
- 9-8-3: Required Equipment
- 9-8-4: Operating E-bikes and E-scooters
- 9-8-5: Clinging to Motor Vehicles
- 9-8-6: Riding on Roadways
- 9-8-7: Operating upon Sidewalks and Upon and Within Crosswalks
- 9-8-8: E-bike and E-scooter Parking
- 9-8-9: Reckless or Inattentive Operation
- 9-8-10: Maximum Posted Speed Limits
- 9-8-11: Removal of Identification Tag
- 9-8-12: No E-bikes or E-scooters at Zoo
- 9-8-13: Dockless Bikeshare Program Business License and E-bike and E-Scooter Registration
- 9-8-14: Dockless Bikeshare Program Regulations
- 9-8-15: Notice of Violation and Procedures
- 9-8-16: Labeling Requirement
- 9-8-17: United States Consumer Product Safety Commission Compliance
- 9-8-18: Removing E-bikes and E-scooters, Nuisance Abatement
- 9-8-19: Liability Insurance
- 9-8-20: Penalties

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 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)