



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 5, 2024
NAME OF PROJECT: Regulation of E-bikes and other vehicles.

ITEM: 12

Ordinance 2024-13 / Limitations on Bikes, E-Bikes, and Other Vehicles – Discuss and possibly deny, continue, or adopt proposed Ordinance 2024-13 imposing limitations on bikes, e-bikes, and other motorized vehicles on roads and trails.

BACKGROUND

Electric bicycles (e-bikes) have been around since the 1890s. E-bikes became increasingly popular in China in the early 2000s and have shown rapid growth in popularity in the United States in the last decade.

E-bikes fall into three categories:

Class 1: Bicycle equipped with a motor providing assistance only when the rider is pedaling that ceases to provide assistance when the electric bicycle reaches 20 mph.

Class 2: Bicycle equipped with a pedal-assisted and throttle-actuated motor that ceases to provide assistance when the electric bicycle reaches 20 mph.

Class 3: Bicycle equipped with a motor providing assistance only when the rider is pedaling that ceases to provide assistance when the electric bicycle reaches 28 mph.

E-bikes:

| <u>Class 1</u> | <u>Class 2</u> | <u>Class 3</u> |
|--|---|--|
| Pedal-assist only No throttle Max speed 20 mph Max power 750W | Pedal-assisted & Throttle-assisted Max speed 20 mph Max power 750W | Pedal-assist only No throttle Max speed 28 mph Max power 750W |

E-bikes may be modified/altered to reach greater speeds or “derestrict” the device.

Additional electric vehicles:

1. Electric Scooters:

- Electric motor not exceeding 2000W
- Throttle
- Braking system
- Handlebars and deck for standing or handlebars and seat
- Two wheels in contact with the ground.
- Max speeds up to 20 mph on paved, level surface
- Design for ability to be propelled by human power alone but human effort not required.

2. Electric OHV Motorcycles:

- Throttle
- Foot pegs
- Motor sizes and speeds vary. Capable of 40-50 mph.
- Riders required to wear certified helmets
- Riders required to complete off-highway vehicle education course before riding on public lands (eff. 1/1/23). Advertised as taking less than 30 minutes to complete online.
- Do not require a driver’s license but riders should carry ID at all times.
- Utah considers e-motorcycles to be OHVs (off highway vehicles)
- Only allowed on OHV trails and where OHV vehicles are permitted (maximum speed limits on trails of 15 mph).
- Not permitted on roads, paved trails, bike lanes, sidewalks.
- Utah Division of Natural Resources allows under 18 operation on public land if under direct adult supervision.

3. Electric Personal Assistive Mobility Device: A self-balancing device with:

- two nontandem wheels in contact with the ground
- capacity to steer and stop
- electric propulsion system with average power of 1 hp or 750 watts

- maximum speed capacity of 12.5 mph
- deck design.
- Does not include a wheelchair.

CURRENT REGULATIONS: Utah Code Annotated 41-6a-1115.5

Use on Public Property: Utah Code Annotated Section 41-6a-1115.5. Electric assisted bicycles – Restrictions—Penalties (effective 5/1/24)

1. No one under the age of 8 may operate an e-bike with the motor engaged on any public property, road, path or sidewalk.
2. No one under 14 may operate an e-bike with the motor engaged on any public property, road, path or sidewalk unless a guardian is present (“under the direct supervision of the individual’s parent or guardian”).
3. No one under 16 may operate a class 3 e-bike.
4. No owner of an e-bike may “authorize or knowingly permit an individual to operate an electric assisted bicycle in violation of law”.

Helmets: Utah Code Annotated 41-6a-1505 Protective Headgear (effective 5/9/17):

- (1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):
 - (a) a motorcycle;
 - (b) a motor-driven cycle;*
 - (c) a class 3 electric assisted bicycle; or
 - (d) an auticycle that is not fully enclosed.
- (2) This section does not apply to persons riding within an enclosed cab.
- (3) The following standards and specifications for protective headgear are adopted:
 - (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
 - (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.

A violation of these provisions is an infraction. Per the 2024 State of Utah Uniform Fine Schedule, the fines for infractions may range from \$110 to \$1,082.50.

*A Motor-driven cycle is defined under 41-6a-102 Definitions - as a motorcycle, moped, and a motorized bicycle having an engine with less than 150 cubic centimeters displacement or a motor that produces not more than 5 horsepower. It does not include an

electric personal assistive mobility device, motor assisted scooter, or an electric assisted bicycle.

Passengers: 41-6a-1501 Motorcycle or motor-driven cycle – Place for operator to ride – Passengers (effective 5/12/2015):

- (1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.
- (2) (a) Except as provided in Subsection [\(2\)\(b\)](#):
 - (i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
 - (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.
- (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
 - (i) the permanent and regular seat, if designed for two persons; or
 - (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
- (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
- (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
 - (a) the operation or control of the motorcycle or motor-driven cycle; or
 - (b) the view of the operator.
- (6) A violation of this section is an infraction.

Electric Scooters: 41-6a-1115 (effective 5/14/2019)

- (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle.
- (2) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.
- (3) A person may not operate a motor assisted scooter:
 - (a) In a public parking structure;
 - (b) On public property posted as an area prohibiting bicycles;
 - (c) While carrying more persons at one time than the number for which it is designed;

- (d) That has been structurally or mechanically altered from the original manufacturer's design, except for an alteration by, or done at the request of, a person who rents the motor assisted scooter to lower the maximum speed for the motor assisted scooter; or
- (e) At a speed of greater than 15 miles per hour or in violation of Subsection 41-6a-1115.1(3) (emphasis added)

Electric Personal Assistive Mobility Device: 41-6a-1116 (effective 5/12/2015)

Restrictions, Penalties: provides that an electronic personal assistive mobility device is subject to the provisions under the chapter for a bicycle, moped or a motor-driven cycle.

41-6a-1116 (2): "A person under 15 years of age may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian". User shall yield to pedestrians or other person using a mobility aid.

Off Highway Electric Vehicles (OHVs) - Utah Code Annotated 41-22-10, et seq.:

- Electric OHV Motorcycles (e.g., electric dirt bikes, Surrans, etc.) are considered off-highway vehicles.
- Electric OHV vehicles are only permitted where OHV vehicles are permitted. They generally may not be operated on any street or highway unless such street or highway is specifically designated as open to OHV (41-22-10.3).
- All riders of electric OHV motorcycles under the age of 18 must wear a helmet (41-22-10.8).

National Park Service Regulations:

Regulations at 36 CFR 4.30 govern use of bicycles on National Park Service lands. The Regulations allow park superintendents to restrict bicycle use when necessary. Considerations: "the park area's natural, scenic and aesthetic values, safety considerations and management objectives", whether use will "disturb wildlife or park resources".

When bicycle use is proposed for a new or existing trail, the NPS must complete a planning process that evaluates bicycle use on the specific trail, including impacts to trail surface and soil conditions, maintenance costs, safety considerations, potential user conflicts, and methods to protect resources and mitigate impacts. For both new and existing trails, the NPS must complete NEPA analysis that concludes that bicycle use on the trail will have no significant impacts. The superintendent must prepare and the regional director must approve the same

written determination that is required for allowing bicycles on administrative roads. Each of these documents must be made available for public review and comment. For new trails outside of developed areas, the NPS must publish a special regulation designating the trail for bicycle use, which is subject to a separate public comment period.

On August 30, 2019, the Deputy Director of the NPS issued Policy Memorandum 19-01, Electric Bicycles. The Memorandum defines an e-bike as “a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts that provides propulsion assistance”. The memo incorporates the three classes of e-bikes. The Memorandum announced a policy that e-bikes are allowed where traditional bikes are allowed and prohibited where traditional bikes are prohibited. The Memorandum further authorized park superintendents to restrict or impose conditions on e-bikes based upon the same considerations and evaluation of environmental impacts as set forth above.

NPS takes the position:

...each park has its own enabling legislation, unique resources that must be protected, and specific circumstances related to visitor use, trails, and bicycles use that must be considered prior to determining whether e-bike use should be allowed... Addressing potential environmental and social impacts are most meaningful at the park level.

ANALYSIS:

Utah Code 41-6a-1115.5 Electric assisted bicycles provides:

(3)

(a) A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.

(b) When enacting ordinances or making rules related to the use of a pathway or soft-surface trail, and during the planning or construction of a pathway or soft-surface trail, a local authority or state agency shall consider accommodations and increased trail access by a person with a motor disability.

Thus, Midway City may adopt additional regulations governing the use of e-bikes in Midway so long as they are not less restrictive than state law.

EXAMPLES OF LOCAL REGULATION:

Park City: recently passed legislation governing the use of e-bikes containing the following provisions:

1. Permitting e-bikes on all Multi-Use Pathways (paved pathways no less than 8' in width) but limited speed to 15 mph.
2. Prohibiting e-bikes on Natural Surface Trails and sidewalks EXCEPT class 1 e-bikes operated by persons aged 65 or older.
3. Permitting operation of power driven mobility device on any multi-use pathway, natural surface trail, or sidewalk. Power driven mobility device is defined as:

...any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, including electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.
4. Paths, trails, and roads designated for specific purposes (such as an equestrian trail, bicycle path, or other use) may only be used for the designated purposes.

Snyderville Basin Ordinance No. 981:

E-BIKES

- E-bikes are permitted on Multi-Use Pathways.
- E-bikes are prohibited on all natural surface trails and sidewalks EXCEPT class 1 e-bikes operated by persons aged 65 or older.
- Unlawful for e-bikes to exceed 15 mph on multi-use pathways.
- Lawful to operate Power Driven Mobility Device on any Multi-Use Pathway, Natural Surface Trail, or sidewalk.

Oakley is considering regulations on trails and pathways which may include:

- Unlawful to operate on City trails or pathways unless designated as open to motorized vehicles. Exceptions for police, fire, emergency, etc. uses.
- Tracks state law and adds “parks and open space” to state prohibitions.

- All e-bikes are allowed on city commuter, multi-use pathways defined as paved or soft surface trails 8 feet or wider.
- Class 2 & 3 NOT permitted on city single track trails. Exceptions for riders over 55 or with mobility disabilities.
- Unlawful to ride any non-motorized bike or e-bike on city commuter or multi-use pathways at speed over **15 mph**.
- Unlawful to ride any non-motorized bike or e-bike on a city single track pathway less than 8 feet in width at speed over **10 mph**.
- Federal, State, County and private lands subject to own rules.
- Enforcement: Class C misdemeanor punishable by fine up to \$750, up to 90 days in jail, costs of repairs for damage to trails for 1st offense and Class B misdemeanor for subsequent violations.
- Law enforcement may issue citations and evict and impound vehicles for violators.

Moab: 12.20.060 Restricted park uses.

- Motorized vehicles as defined in chapter shall be prohibited in all public parks unless in car show approved by council.
- Class 1 e-bikes are allowed on City path systems. Class 2 and 3 e-bikes are not allowed.
- All users of the Mill Creek Parkway City path are limited to a speed of 15 mph.

Midway: See draft sample ordinance on next page.

**CHAPTER 5.08 EBIKES AND OTHER MOTORIZED VEHICLES,
REGULATION OF OPERATION**

5.08.010 Definitions Adopted

To promote consistency, the City of Midway adopts the definitions of terms set forth in U.C.A. 41-6a-Part 11, as amended, and as may be amended. For purposes of this Chapter, “Motorized Vehicle” shall include, but not be limited to, electric and electric assist bicycles, electric and electric assist scooters, and motorized skateboards.

5.08.020 Regulations

In addition to regulations applicable to motorized vehicles under U.C.A. 41-6a-Part 11, the City of Midway enacts the following regulations and restrictions:

1. Helmets: No person under the age of 18 years shall operate a motorized vehicle within the City of Midway without wearing protective headgear as defined in Utah state law.
2. Speed Limit: No person shall operate a motorized vehicle on public property in the City of Midway in a reckless or hazardous manner and/or at a speed greater than is reasonable and prudent under existing conditions, giving regard to the actual and potential hazards then existing.
3. Passenger Limit: No person shall operate a motorized vehicle on public property in the City of Midway while carrying more persons than the number for which the vehicle was designed and/or equipped by the manufacturer
4. Stay Off Grass: Persons operating motorized vehicles in the City of Midway shall stay off the grass in public parks and on public property.
5. Prohibited Use: No person shall operate a motorized vehicle in the City of Midway on public property in areas posted as prohibiting such use.

5.08.30 Penalties and Enforcement

Any person violating the provisions of the Chapter shall be guilty of an infraction. Midway City, and any police department servicing Midway City, shall have authority to investigate violations and issue warnings, citations, impose fines in accordance with the Midway City fee schedule, and/or impound the vehicle.

POSSIBLE FINDINGS:

- Utah enacted laws such as 41-6a-115.5, effective May 1, 2024, placing restrictions on motorized vehicles such as e-bikes, and has comparable legislation regarding electric scooters and other devices. 41-6a-115.5(3)(a) authorizes local authorities such as the City to further regulate or restrict use within its jurisdiction.
- The proposed regulation seeks to promote safety by imposing a consistent helmet law for underage operators of motorized vehicles such as electric bikes, electric scooters, and motorized skateboards.
- The proposed regulation seeks to promote safety by imposing a passenger limit on motorized vehicles to prevent accidents caused or contributed to by carrying more passengers than the vehicle was designed and manufactured to transport.
- The proposed regulation seeks to address problems with motorized vehicles destroying grass and landscaping at public parks by prohibiting use of motorized vehicles on the grass in public parks/property.
- The proposal recognizes that a safe speed, irrespective of speed limits, may depend upon the conditions then and there existing, so in lieu of a set speed limit, prohibits reckless operation and speed greater than reasonable under the conditions existing.
- The proposed regulation recognizes that there may be times and places where the City may have good reason to limit use by prohibiting use in that area and posting accordingly.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance

- i. Unresolved issues that must be addressed
- d. Date when the item will be heard again

- 3. Denial. This action can be taken if the City Council feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

RECOMMENDED CONDITIONS:

None.



Midway

**ORDINANCE
2024-13**

**AN ORDINANCE TO ADD CHAPTER 5.08 TO THE
MIDWAY CITY MUNICIPAL CODE TO REGULATE THE
OPERATION OF E-BIKES AND OTHER MOTORIZED
VEHICLES.**

WHEREAS, Utah Code § 41-6a-1115.5 provides that a local authority may adopt an ordinance to regulate the use of electric assisted bicycles on sidewalks, paths, or trails within the jurisdiction of the local authority; and

WHEREAS, Utah Code § 41-6a-1115.5 further provides that when enacting ordinances related to the use of a pathway or soft-surface trail, and during the planning or construction of a pathway or soft-surface trail, a local authority shall consider accommodations and increased trail access by a person with a motor disability; and

WHEREAS, Midway City may adopt additional regulations governing the use of e-bikes in Midway so long as they are not less restrictive than state law; and

WHEREAS, the Midway City Council desires to add Chapter 5.08 to regulate the operation of e-bikes and other motorized vehicles in Midway; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Chapter 5.08 shall be added to the Midway City Municipal Code as follows:

**CHAPTER 5.08 E-BIKES AND OTHER MOTORIZED VEHICLES, REGULATION OF
OPERATION**

5.08.010 Definitions Adopted

To promote consistency, the City of Midway adopts the definitions of terms set forth in U.C.A. 41-6a-Part 11, as amended, and as may be amended. For purposes of this Chapter, “Motorized

Vehicle” shall include, but not be limited to, electric and electric assist bicycles, electric and electric assist scooters, and motorized skateboards.

5.08.020 Regulations

In addition to regulations applicable to motorized vehicles under U.C.A. 41-6a-Part 11, the City of Midway enacts the following regulations and restrictions:

1. Helmets: No person under the age of 18 years shall operate a motorized vehicle within the City of Midway without wearing protective headgear as defined in Utah state law.
2. Speed Limit: No person shall operate a motorized vehicle on public property in the City of Midway in a reckless or hazardous manner and/or at a speed greater than is reasonable and prudent under existing conditions, giving regard to the actual and potential hazards then existing.
3. Passenger Limit: No person shall operate a motorized vehicle on public property in the City of Midway while carrying more persons than the number for which the vehicle was designed and/or equipped by the manufacturer.
4. Stay Off Grass: Persons operating motorized vehicles in the City of Midway shall stay off the grass in public parks and on public property.
5. Prohibited Use: No person shall operate a motorized vehicle in the City of Midway on public property in areas posted as prohibiting such use.

5.08.30 Penalties and Enforcement

Any person violating the provisions of the Chapter shall be guilty of an infraction. Midway City, and any police department servicing Midway City, shall have authority to investigate violations, issue warnings or citations, impose fines in accordance with the Midway City fee schedule, and/or impound the vehicle.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2024.

| | AYE | NAY |
|-----------------------------|-------|-------|
| Council Member Jeff Drury | _____ | _____ |
| Council Member Lisa Orme | _____ | _____ |
| Council Member Kevin Payne | _____ | _____ |
| Council Member Craig Simons | _____ | _____ |
| Council Member JC Simonsen | _____ | _____ |

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)