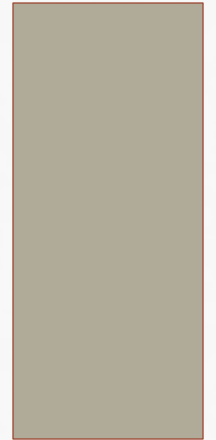


LIMITATIONS ON E-BIKES & MOTORIZED VEHICLES

2024



E-BIKE 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 & 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.

OTHER 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.

ELECTRIC VEHICLES CON'T

2. Electric OHV Motorcycles:

- Throttle
- Foot Pegs
- Motor sizes and speeds vary. Speeds 40-50 mph
- Riders required to wear certified helmets and complete education course.
- Only allowed on OHV trails and where OHV vehicles are permitted. Max speed trails 15 mph.
- Not permitted on roads, paved trails, natural surface trails, bike lanes, or sidewalks.
- Utah DNR allows under 18 if adult supervision.

ELECTRIC VEHICLES CON'T

3. Electric Personal Assistive Mobility Device:

- 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.

USE ON PUBLIC PROPERTY (UCA 41-6A-1115.5)

1. No one under 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”.

HEADGEAR/HELMETS (UCA 41-6A-1505)

1. No one under 21 may operate or ride any of the following without protective headgear:

- (a) a motorcycle;
- (b) a motor-driven cycle;*
- (c) a class 3 electric assisted bicycle; or
- (d) an auticycle that is not fully enclosed.

*A Motor-driven cycle is defined (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.

ELECTRIC SCOOTERS (UCA 41-6A-1115)

- (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 8 years 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)

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (41-6A-1116).

- Subject to provisions governing bicycles, mopeds and/or motor-driven cycles.
- Person under 15 may not operate using motor unless under “the direct supervision of the person’s parent or guardian”.

OFF HIGHWAY ELECTRIC VEHICLES (OHVS) (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 OHVs (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 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”.

LOCAL REGULATION

- 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.*

PARK CITY

(AMENDMENT 10-1-4.5 NON-MOTORIZED TRAIL USE)

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

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- 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 (CONSIDERATION)

- 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 allowed on city commuter, multi-use pathways - paved or soft surface trails 8' or wider.
- Class 2 & 3 NOT permitted on city single track trails except riders over 55 or 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

- 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.

CHAPTER 5.08 E-BIKES AND OTHER MOTORIZED VEHICLES

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.

CHAPTER 5.08 E-BIKES AND OTHER MOTORIZED VEHICLES CONT.

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:

- 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.
- 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.
- 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.
- Stay Off Grass: Persons operating motorized vehicles in the City of Midway shall stay off the grass in public parks and on public property.
- Prohibited Use: No person shall operate a motorized vehicle in the City of Midway on public property in areas posted as prohibiting such use.

PENALTIES & ENFORCEMENT

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.

POSSIBLE FINDINGS CONT.

- 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 and the skill and experience of the operator, 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.

QUESTIONS?