

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 76 (BICYCLE REGULATIONS) AND 77 (SKATEBOARDS, ROLLER SKATES, AND IN-LINE SKATES) OF THE CITY CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend and add to certain provisions of Chapters 76 and 77 of the City Code to regulate the use, operation, and penalties for violations of bicycles, electric micromobility devices, and skateboards, roller skates and in-line skates in the City.

SECTION 2. SECTIONS AMENDED IN CHAPTER 76. The following sections are hereby amended as follows with underlined text indicating language added and struck through text indicating language removed.

76.01 SCOPE OF REGULATIONS.

These regulations shall apply whenever a bicycle or micromobility device is operated upon any street or upon any public path set aside for the exclusive use of bicycles or micromobility devices, subject to those exceptions stated herein. However, these regulations do not apply to any law enforcement officer operating a bicycle or micromobility device while on duty and acting in the office line of duty. Further, these regulations do not apply to individuals operating an OPDMD as a reasonable accommodation due to a disability.

76.03 TRAFFIC CODE APPLIES; SIGNALS FOR BICYCLE AND SCOOTER OPERATORS.

Every person riding a bicycle or micromobility device upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle or micromobility device, the person shall be subject to all regulations applicable to pedestrians.

- A. For bicyclists and persons operating a micromobility device, signals shall be given in the following manner:
1. Left turn: left hand and arm extended horizontally to the left.
 2. Right turn: left arm extended out sideways bent at a 90° angle at the elbow joint, hand pointing upward and the palm of the hand facing forward or right hand and arm extended horizontally to the right.
 3. Stop or decrease of speed: left arm extended out sideways bent at a 90° angle at the elbow joint, hand pointing downward and the palm of the hand rear facing.

76.04 DOUBLE RIDING RESTRICTED.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle or micromobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.

76.05 TWO ABREAST LIMIT.

Persons riding bicycles or micromobility devices upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or micromobility devices. All bicycles or micromobility devices ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

76.06 SPEED.

No person shall operate a bicycle or micromobility device at a speed greater than is reasonable and prudent under the conditions then existing.

76.07 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle or micromobility device emerging from an alley, driveway, trail or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

76.08 CARRYING ARTICLES.

No person operating a bicycle or micromobility device shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the bicycles or micromobility devices intended handlebars.

76.09 RIDING ON SIDEWALKS.

1. Business District. No person shall ride a bicycle or micromobility device upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.
2. Other Locations. When signs are erected on any sidewalk, trail, or roadway prohibiting the riding of bicycles or micromobility device thereon by any person, no person shall disobey the signs.
3. Yield Right-of-Way. Whenever any person is riding a bicycle or micromobility device upon a sidewalk or trail, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

76.10 TOWING.

It is unlawful for any person riding a bicycle or micromobility device to be towed or to tow any other vehicle upon the streets or trails of the City unless the vehicle is manufactured for such use.

76.11 IMPROPER RIDING.

No person shall ride a bicycle or micromobility device in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

76.12 PARKING.

No person shall park a bicycle or micromobility device upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or micromobility device, or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

76.13 EQUIPMENT REQUIREMENTS.

Every person riding a bicycle or micromobility device shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle or micromobility device when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.
2. Brakes Required. Every bicycle or micromobility device shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

76.14 SPECIAL PENALTY.

Any person violating the provisions of this chapter may, in lieu of the scheduled fine or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle or micromobility device to be impounded by the City for not less than five days for the first offense, 10 days for a second offense and 30 days for a third offense.

1. A person that does not voluntarily agree to impound their bicycle or micromobility device will be issued a notice of the special penalty contained in this chapter and may be subject to a scheduled fine or standard penalty provided for violations of this Code of Ordinances. The notice shall contain the following:
 - a. A summary of the offense;
 - b. an explanation of the special penalty under this chapter;

- c. an explanation that as a result of their refusal to impound their bicycle or micromobility device, future violations will be treated as a municipal infraction and subject to applicable penalties;
 - d. an explanation that in the event the City is unable to obtain consent for impoundment from a minor offender and the minor's parent or legal guardian, the parent or legal guardian shall be liable for any municipal infraction arising from the minor's subsequent offenses;
 - e. an explanation that agreement to allow impounding is voluntary;
 - f. the location of the impound facility.
2. If the person whose bicycle or micromobility device is subject to impoundment is under the age of 18 and refuses to voluntarily relinquish the bicycle or micromobility device, the City may seek consent for impoundment from the minor's parent or legal guardian. The parent or guardian's voluntary agreement shall be deemed sufficient authorization for the City to take possession of the bicycle or micromobility device in accordance with this chapter.
 3. If the person whose bicycle or micromobility device is subject to impoundment is under the age of 18, refuses to voluntarily relinquish the bicycle or micromobility device, and the City is unable to obtain consent from the minor's legal parent or guardian, the City shall issue the notice as provided in section 76.13(1) and subsequent offenses will be treated as municipal infractions.

SECTION 3. SECTIONS ADDED IN CHAPTER 76. The following reflects entirely new sections of Chapter 76 of the Independence Code of Ordinances and therefore no struck through, or underlined language is included.

76.02 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE – Either of the following:

- A. A device having two or three wheels and having at least one saddle or seat for the use of a rider, which is propelled by human power.
- B. A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour.

MICROMOBILITY DEVICE – means any device not a bicycle or an OPDMD, designed to carry one rider or operator, where such device is equipped with an electric motor of less than seven hundred fifty watts, and where such device is not required to be licensed or registered by the State of Iowa. Micromobility devices may be propelled either by the power of the rider or by an electric motor or a combination thereof. Micromobility devices include, but are not limited to, electric

unicycles, electric tricycles, electric stand-up scooters, electric sit-down scooters, and motorized skateboards.

OTHER POWER-DRIVEN MOBILITY DEVICE (“OPDMD”) – means any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, including, electronic personal assistance mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair or a golf cart.

SECTION 4. SECTIONS AMENDED IN CHAPTER 77. The following section is hereby amended as follows with underlined text indicating language added and struck through text indicating language removed.

77.05 SPECIAL PENALTY.

Any person violating the provisions of this chapter may, in lieu of the scheduled fine or standard penalty provided for violations for the Code of Ordinances, allow such person’s skateboard, roller skates or in-line skates to be impounded by the City for not less than five days for the first offense, 10 days for the second offence and 30 days for a third offense. Punishment for fourth and additional offenses shall revert to the scheduled fines and standard penalties provided for violations of this Code of Ordinances.

1. A person that does not voluntarily agree to impound their skateboard, roller skates or in-line skates will be issued a notice of the special penalty contained in this chapter and may be subject to a scheduled fine or standard penalty provided for violations of this Code of Ordinances. The notice shall contain the following:
 - a. A summary of the offense;
 - b. an explanation of the special penalty under this chapter;
 - c. an explanation that as a result of their refusal to impound their skateboard, roller skates or in-line skates, future violations will be treated as a municipal infraction and subject to applicable penalties;
 - d. an explanation that in the event the City is unable to obtain consent for impoundment from a minor offender and the minor’s parent or legal guardian, the parent or legal guardian shall be liable for any municipal infraction arising from the minor’s subsequent offenses;
 - e. an explanation that agreement to allow impounding is voluntary;
 - f. the location of the impound facility.
2. If the person whose skateboard, roller skates or in-line skates is subject to impoundment is under the age of 18 and refuses to voluntarily relinquish the skateboard, roller skates or in-line skates, the City may seek consent for impoundment from the minor’s parent or legal guardian. The parent or guardian’s voluntary agreement shall be deemed sufficient

authorization for the City to take possession of the skateboard, roller skates or in-line skates in accordance with this chapter.

3. If the person whose skateboard, roller skates or in-line skates is subject to impoundment is under the age of 18, refuses to voluntarily relinquish the skateboard, roller skates or in-line skates, and the City is unable to obtain consent from the minor's legal parent or guardian, the City shall issue the notice as provided in section 77.05(1) and subsequent offenses will be treated as municipal infractions.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 2025.

Brad Bleichner, Mayor

ATTEST:

Susi Lampe, City Clerk

First Reading:

Second Reading:

Third Reading:

Final Approval Given:

I certify that the foregoing was published as Ordinance No. _____ on _____, 2025

Susi Lampe, City Clerk

