

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDESTRIANS' RIGHT-OF-WAY

Be It Enacted by the City Council of the City of Independence, Iowa:

SECTION 1. SECTION MODIFIED. Section 60.02 of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following adopted in lieu thereof:

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are hereby adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

1. "Business District" means the following described area:
Commencing at the intersection of Second Street NW and Third Avenue NW, thence easterly extending to the intersection of Second Street NE and Sixth Avenue NE, thence southerly to the intersection of Sixth Avenue SE and Second Street SE thence westerly to the intersection of Second Street SW and Third Avenue SW, thence northerly to the intersection of Second Avenue NW and Second Street NW
2. "MPH" means miles per hour.
3. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
4. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
5. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. "Pedestrian" means a person afoot or a person using a pedestrian conveyance.
(Code of Iowa, Sec. 321.1(51))
7. "Pedestrian conveyance" means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle.
(Code of Iowa, Sec. 321.1(51A))
8. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
(Code of Iowa, Sec. 321.1(63))
9. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
(Code of Iowa, Sec. 321.1(70))
10. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
11. "Stop" means when required, the complete cessation of movement.

12. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

13. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.

(Code of Iowa, Sec. 321.1(78))

14. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

15. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include:

A. Any device moved by human power, including a low-speed electric bicycle.

B. Any device used exclusively upon stationary rails or tracks.

C. Any personal delivery device operated pursuant to Chapter 321O of the *Code of Iowa*.

D. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property, but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

E. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

(Code of Iowa, Sec. 321.1(90))

SECTION 2. SECTION MODIFIED. Section 65.08 of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following adopted in lieu thereof:

65.08 PEDESTRIANS’ RIGHT-OF-WAY. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

SECTION 3. SEVERABILITY CLAUSE. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this _____ day of _____ 2024.

Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

Susie Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 2024-_____ on the _____
day of _____ 2024.

Susi Lampe, IaCMC, IaCFO,
Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

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