



## City of Ketchum

### CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: May 19, 2025 Staff Member/Dept: Jade Riley – Administration

Agenda Item: Recommendation to conduct first reading of Ordinance 1262 (revised E-Bike regulations).

#### Recommended Motion:

"I move to approve first reading of Ordinance #1262, read by title only, and file for the second reading on June 2, 2025, while staff continues to coordinate with other jurisdictions on unified ordinance language and coordinated education campaigns."

#### Reasons for Recommendations:

- The attached draft revisions to City Code as based on direction from the last City Council meeting
- Staff will continue to work with the other jurisdictions within the County to ensure a common approach regarding a public education campaign.
- Both the Police Department and Community Engagement Team has already developed the bones of a Ketchum outreach plan (including in-field police presence) to be launched/in place by the end of May/early June.

#### Policy Analysis and Background:

- **There has been a significant increase in the utilization of e-bikes within town and the valley.**
- **Currently, Idaho Code regulates e-bikes in the following three tier manner:**
  - **Class 1** – "pedal assist" only when rider is pedaling with top speed of 20mph
  - **Class 2** – "throttle assist" can exclusively propel with top speed of 20 mph
  - **Class 3** – "pedal assist" with top speed of 28mph
- **City of Ketchum code currently regulates e-bikes with the following key provisions:**
  - Prohibits motorized vehicles on the multi-use paved recreational pathways ("bike path") but exception made for e-bikes (2019).
  - Bicycles and e-bikes are considered vehicles and riders "*shall have all of the rights and all of the duties applicable to the driver of any other vehicle...except as to those provisions which by their nature can have no application*" when ridden on a public roadway.
  - "Every person convicted of a violation of any provision of this chapter shall be guilty of an infraction."
  - "The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter."
  - Speed limits: "reasonable and prudent" or as posted in Ketchum (in town is mostly posted as 15 mph and 10 mph adjacent to Warm Springs Road)

Policy Analysis and Background (continued):

- **The police department and community engagement teams have received complaints related to e-bikes.**
  - Overall, the complaints have been more focused on roadway/sidewalk areas versus the bike paths.
  - Many of the issues are already addressed in city code but likely require education and enforcement efforts.
    - Excessive speed – 10.12.070
    - Riding on the wrong side of the road – 10.12.050
    - No front lights (for nighttime riding) – 10.12.130
    - Stop sign/light violations – 10.12.040
    - No riding on the sidewalk – 10.12.120
    - Riding without helmets – ***not addressed in state or city code***
    - Not yielding to slower modes of transport – ***covered in city code***
    - E-bikes that are an electric motorcycle, motorbike, moped or an e-bike with a wattage rating higher than 750 W – ***not addressed currently***

Sustainability Impact:

E-bikes and scooters are an important alternative transportation option. Many cities and transit agencies have begun to factor these into first and last mile of public transit systems.

Financial Impact:

None OR Adequate funds exist in account:	There is no immediate financial request, modest funds will be required for any new signage or educational campaign materials.
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Attachments:

1. (draft) Ordinance 1262

## CHAPTER 10.12 BICYCLES, HUMAN PROPELLED VEHICLES, E-BIKES, ALTERNATIVE ELECTRIC MOTORED VEHICLES, OPDMDS, WHEELCHAIRS AND MOTORIZED VEHICLES

### 10.12.010 Effect of regulations.

- A. ~~It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter. Unless otherwise specified, violations of this chapter shall be an infraction.~~
- B. The parent, ~~guardian, and/or other responsible adult for~~ of any ~~minor child and the guardian of any ward~~ shall not authorize or knowingly permit any such ~~child or ward~~ minor to violate any of the provisions of this chapter.
- C. An allowed vehicle shall consist of bicycles, human propelled vehicles, e-bikes, alternative electric motored vehicles, OPDMDS and wheelchairs.
1. An e-bike shall be defined as a vehicle, equipped with fully operable pedals, designed to be operated by human power with the assistance of an electric motor that has a power totaling no more than 750 watts that: a) enable speeds equal to or less than 20 miles per hour and b) disengage or cease to function when the vehicle's brakes are applied and c) have two tandem wheels or two parallel wheels and one forward wheel, any two of which, are not less than 12 inches in diameter.
  2. A wheelchair is defined as a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Wheelchairs and manually-powered mobility aides by individuals with mobility disabilities would qualify the user to obtain an Idaho State handicap parking permit or otherwise allowed under the Americans With Disabilities Act shall be permitted on the City trail system.
  3. Alternative electric motored vehicles shall be defined as a vehicle, including but not limited to electric scooters, electric skateboards, and "one wheels", provided: a) those devices have electrical assist(s) totaling no more than 750 watts and enabling speeds equal to or less than 20 mph.
  4. OPDMDS shall be defined as: a) devices that have electrical assist(s) totaling no more than 750 watts and enabling speeds equal to or less than 20 mph.
- D. These regulations are applicable to allowed vehicles whenever such vehicle is operated upon any street or upon any sidewalk or public path set aside for the use of bicycles, subject to the exceptions stated in this chapter.
- E. All regulation of allowed vehicles on the City trail system shall be subject to applicable easements.

### 10.12.020 Public pathways.

- A. *Pathways.*
1. This chapter shall apply to any and all portions of the following public property, easements and rights-of-way:
    - a. Former Union Pacific Railroad right-of-way described in exhibit A, on file in the City and made a part of this section;
    - b. Pathway easement dedicated to the public within the Northwood PUD large block subdivision plat and within the Bigwood PUD large block subdivision plat; and

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- c. All public pathways within the street and alley rights-of-way of the City of Ketchum, Idaho.
  - d. Any and all portions of the public pathway system, **including sidewalks**, as set forth in this chapter, for use by pedestrians, equestrians, bicycle riders, skiers and snowshoers.
- 2. Public pathways shall only be used by pedestrians, equestrians, bicycle riders, skiers, snowshoers, and operators of allowed vehicles.
  - 3. Except for allowed vehicles, it is unlawful for any person to operate, park or stand any motor vehicle upon any portion of the public pathway system set forth in this chapter except when necessary for construction or maintenance of the pathway with the expressed consent of the City ~~of Ketchum, Idaho~~. For the purposes of this chapter, "motor vehicle" means and includes, but is not limited to, cars, trucks, motorcycles, mopeds, motor scooters, snow machines and any other motorized means of transportation.

#### **10.12.030 Traffic laws apply to persons riding bicycles, e-bikes, and alternative electric motored vehicles.**

Every person riding a bicycle, e-bike, or alternative electric motored vehicle 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 Ordinances of the City applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

#### **10.12.040 Obedience to traffic control devices.**

- A. Any person operating a bicycle, e-bike, or alternative electric motored vehicle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, e-bike, or alternative electric motored vehicle shall disobey the direction of any such sign, except where such person dismounts from the bicycle, e-bike, or alternative electric motored vehicle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

#### **10.12.050 Riding on bicycles, e-bikes, and alternative electric motored vehicles.**

- A. A person propelling a bicycle, e-bike, or alternative electric motored vehicle shall not ride other than upon or astride a permanent and regular seat attached to such bicycle, e-bike, or alternative electric motored vehicle.
- B. No bicycle, e-bike, alternative electric motored vehicle or human propelled vehicle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. An adult rider may carry a child securely attached to his or her person in a backpack or sling or in a child carrier attached to the bicycle, e-bike, or alternative electric motored vehicle.

#### **10.12.060 Riding on roadways and bicycle paths.**

- A. Every person operating a bicycle, e-bike, or alternative electric motored vehicle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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- B. Persons riding bicycles, e-bikes, or alternative electric motored vehicles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the use of bicycles.

#### **10.12.070 Speed limits; Reckless operation.**

- A. *Posted speed limits.* No person shall use or operate ~~any allowed vehicle, bicycle, skates, skateboard, rollerblades or operate any other human powered vehicle on the multi-use path system~~ at a speed inconsistent with posted speed limits or statute.
- B. *Reckless or inattentive operation.* ~~Regardless of any posting of speed limits, a person who operates or rides any allowed vehicle, bicycle, skates, skateboard, rollerblades or any other human powered vehicle on the multi-use path system on any public or private property open to public use inattentively, or carelessly and heedlessly, in light of the circumstances then existing, or without due caution and circumspection, or at such speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless or inattentive operation. No posted speed limit. If no speed limit is posted, no person shall use or operate any allowed vehicle, bicycle, skates, skateboard, rollerblades or operate any other human powered vehicle on the multi-use path system at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall operate an allowed vehicle, bicycle, skates, skateboard, rollerblades or any other human powered vehicle on the multi-use path at a safe and appropriate speed on approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when proceeding down a hill, when traveling upon a winding section of the trail system, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or other conditions of the trail system.~~
- C. *Firefighters and police officers.* Firefighters and police officers, while operating within the official scope of their duties in an emergency, may exceed the speed limits set forth in this section.
- D. *Penalties.* Any person ~~acting engaging in skating, skateboarding, rollerblading or operating a bicycle, e-bike, alternative electric motored vehicle or other human powered vehicle~~ in violation of this section shall be guilty of a ~~misdemeanor~~ infraction.

#### **10.12.080 Emerging from alley or driveway.**

The operator of a bicycle, e-bike, or alternative electric motored vehicle emerging from an alley, driveway 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 such sidewalk or sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

#### **10.12.090 Clinging to vehicles.**

No person riding upon any bicycle, e-bike, or alternative electric motored vehicle shall attach the same or himself or herself to any streetcar or vehicle upon a roadway.

#### **10.12.100 Carrying articles.**

No person operating a bicycle, e-bike, or alternative electric motored vehicle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

#### **10.12.110 Parking.**

No person shall park a bicycle, e-bike, or alternative electric motored vehicle upon a street, other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, e-bike, or alternative electric motored vehicle, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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### 10.12.120 Riding on sidewalks.

- A. No person shall ride a bicycle, e-bike, or alternative electric motored vehicle upon a sidewalk within a business district.
- B. The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles, e-bikes, or alternative electric motored vehicles by any person, and when such signs are in place, no person shall disobey the same.
- C. Whenever any person is riding a bicycle, e-bike, or alternative electric motored vehicle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

### 10.12.130 Lamps and other equipment on bicycles.

- A. Every bicycle, e-bike, or alternative electric motored vehicle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be 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. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

{Idaho Code 49-723: Light and reflector required at night. Every bicycle in use at the times described in section 49-903 [sunset to sunrise], Idaho Code, shall be operated with a light emitting device visible from a distance of at least five hundred (500) feet to the front, attached to the bicycle or the rider, and with a reflector clearly visible from the rear of the bicycle.}

- B. No person shall operate a bicycle, e-bike, or alternative electric motored vehicle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except, that a bicycle, e-bike, or alternative electric motored vehicle shall not be equipped with nor shall any persons use upon a bicycle, e-bike, or alternative electric motored vehicle any siren or whistle.
- C. Every bicycle, e-bike, or alternative electric motored vehicle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

### 10.12.140 Penalty.

Every person convicted of a violation ~~of any provision~~ of this chapter shall be guilty of an infraction, unless otherwise specified as a misdemeanor offense.