

ORDINANCE NO. 1653

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING LYNDEN MUNICIPAL CODE CHAPTER 12.24 TO REGULATE ELECTRIC BICYCLES AND OTHER SIMILAR DEVICES IN CITY PARKS AND OTHER SENSITIVE AREAS OWNED BY THE CITY

WHEREAS, the City of Lynden (“City”) has noted an increase in the operation of electric-assisted bicycles (commonly known as “e-bikes”) and similar devices (particularly electric scooters, commonly known as “e-scooters) in City Parks; and

WHEREAS, e-bikes and e-scooters are becoming increasingly popular modes of transportation and recreation nationwide, thus necessitating regulatory action on the state and local level; and

WHEREAS, the City desires to amend the Lynden Municipal Code to establish rules regulating the use of e-bikes, e-scooters and other similar devices in City Parks and other sensitive areas owned by the City in order to provide clear guidelines for the use of such devices on City property and to promote responsible use thereon; and

WHEREAS, the City desires to amend the Lynden Municipal Code to establish rules regulating the use of e-bikes, e-scooters and other similar devices in City Parks and other sensitive areas owned by the City; and

WHEREAS, this ordinance is declared to be an exercise of the police power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, safety and welfare of its citizens; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Lynden, as follows:

Section 1: Title 12.24, City Parks is hereby amended to include a new Section 12.24.165, Trail use, which shall read as follows:

12.24.165 Trail use.

- A. For the purposes of this section “trail” means any path, lane or walkway that is publicly owned in fee or by easement or maintained by the city or other public entity and which is primarily designed for use by nonmotorized users (including without limitation pedestrians, bicyclists and equestrians).

- B. For the purposes of this section “Motor vehicle” means any self-propelled device powered by an internal combustion or electric motor capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways. This does not apply to wheelchairs powered by electric motors, electric-assisted bicycles, motorized foot scooters, electric personal assistive mobility devices, and nonmotorized personal mobility devices.
- C. For the purposes of this section “Electric-assisted bicycle” or “E-bike” shall have the meaning set forth in RCW 46.04.169 as currently enacted or hereafter amended, including the Class 1, 2 and 3 classification system set forth therein.
- D. For the purposes of this section “Motorized foot scooter” shall have the meaning set forth in RCW 46.04.336 as currently enacted or hereafter amended. By way of example, electric-assisted scooters (commonly known as “e-scooters”) would be a motorized foot scooter.
- E. For the purposes of this section “Electric personal assistive mobility device” or “EPAMD” shall have the meaning set forth in RCW 46.04.1695 as currently enacted or hereafter amended. By way of example, the device commonly marketed as a hoverboard would be an EPAMD.
- F. For the purposes of this section “Nonmotorized personal mobility device” or “NPMD” means a wheeled device designed for personal mobility (whether for recreational or transport purposes) powered entirely by human propulsion and not at all by an internal combustion or electric motor. By way of example, common types of NPMDs include bicycles, skateboards, roller skates, inline skates, and kick scooters.
- G. For the purposes of this section “travel” shall be construed to include all forms of movement or transportation on a trail, including but not limited to foot, horse, electric-assisted bicycle, motorized foot scooter, EPAMD, and NPMD.
- H. No person shall travel on a trail at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with persons or property. No person shall travel at speeds in excess of 10 miles per hour on a City of Lynden trail.
- I. No person shall travel on a trail in a negligent manner, which shall be construed to mean any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property.

- J. Every person traveling on a trail shall obey the instructions of any official traffic control device applicable thereto placed in accordance with applicable laws unless otherwise directed by a police officer.
- K. Trails are open to all nonmotorized users (including but not limited to pedestrians, bicyclists, equestrians, and NPMD users) unless otherwise designated and posted. Trail restrictions may be posted at park entrances, trailheads or, in some cases, on individual trails. Trail use designations will be based on the park master plan, resource conservation, trail user conflicts, maintenance issues and safety hazards.
- L. Motor vehicles are prohibited on trails unless otherwise posted or designated, with the exception of authorized maintenance, police or emergency vehicles.
- M. Class 1 and 2 electric-assisted bicycles shall be allowed on trails unless otherwise posted or designated.
- N. Class 3 electric-assisted bicycles are prohibited on trails unless otherwise posted or designated, but shall be allowed wherever motor vehicles may be operated.
- O. Motorized foot scooters and EPAMDs shall be allowed on trails unless otherwise posted or designated.
- P. Every person who shall use or travel on a trail shall obey the following Model Trail User Code of Conduct.
 - 1. *Using a trail.* Every person using a trail shall stay as near to the right side of the trail as is reasonable and safe, excepting those movements necessary to prepare to make or make turning movements, or while overtaking and passing another user moving in the same direction.
 - 2. *Regard for other trail users.* Every user shall exercise due care and caution to avoid colliding with any other trail user. All users shall travel in a consistent and predictable manner. All users shall restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of other trail users.
 - 3. *Groups on trail.* No group of trail users, including their animal(s), shall occupy more than one half of the trail as measured from the right side, so as to impede the normal and reasonable movement of trail users.
 - 4. *Dismounting.* Every trail user shall dismount and walk in congested areas and posted walk zones.

5. *Audible signal when passing.* Every trail user except for pedestrians shall give an audible warning signal before passing another trail user. The signal must be produced in such a manner as to allow adequate time for response. The signal may be given by voice, bell or horn.
6. *Overtaking trail users on the left.* Any trail user overtaking another trail user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance, and shall stay to the left until safely clear of the overtaken user.
7. *Entering and crossing trail.* Trail users entering or crossing the trail at uncontrolled points shall yield to traffic on the trail.
8. *Lights on trail users.* All bicyclists (including users of electric-assisted bicycles) using the trail from one-half hour after sunset to one-half hour before sunrise shall equip their bicycles with a headlight visible 500 feet to the front, and a red or amber light visible 500 feet to the rear.
9. *Regard for equestrian users on trail.* Trail users shall exercise extreme caution to prevent frightening horses with sudden noise or movement and shall always yield right of way to horses and warn equestrian users when approaching from behind and attempting to pass.
10. *Regard for adjacent property owners.* Trail users should respect private lands adjacent to trails and should stay on trails to avoid trespassing on or interfering with adjacent private property.
11. *Regard for nonmotorized users on trail.* Users of motorized devices on trails shall always yield right of way to nonmotorized trail users.
12. *Regard for wildlife.* Trail users shall not disturb or harass wildlife.

Section 2: Section 12.16.080 is hereby amended and shall read as follows:

12.16.080 Restrictions on sidewalk usage in the Central Business District—Where.

- A. It is unlawful for any person to operate an electric-assisted bicycle, motorized foot scooter, nonmotorized personal mobility device (such as a skateboard, roller skates, or kick scooter), or electric personal assistive mobility device (such as a hoverboard) upon sidewalks within the Historic Business District (as per the comprehensive plan and shall generally be defined as Front Street between Second Street and Eighth Street, including alley ways, in the city).
- B. Electric-assisted bicycle, motorized foot scooter, nonmotorized personal mobility device, and electric personal assistive mobility device shall have the meanings set forth in Section 12.24.165 as currently enacted or hereafter amended.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6: This ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise as provided by law and five (5) days after the date of publication.

AFFIRMATIVE VOTE ____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____ 2022.

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk

APPROVED AS TO FORM:

Robert Carmichael, City Attorney