

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF OELWEIN, IOWA, BY ADDING SECTION 22-203 REGULATING FOOT-POWERED SCOOTERS AND ELECTRIC STAND-UP SCOOTERS.

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa:

Section 1.

Chapter 22 of the Code of Ordinances of the City of Oelwein, Iowa, is hereby amended by adding the following new Section 22-203:

SECTION 22-203. FOOT-POWERED AND ELECTRIC STAND-UP SCOOTERS.

1. PURPOSE.

The purpose of this section is to establish reasonable regulations for the operation of foot-powered scooters and electric stand-up scooters within the City of Oelwein in order to protect pedestrians, scooter operators, motorists, and other users of public streets, sidewalks, multi-use trails, parks, and public property.

The provisions of this section shall be interpreted and enforced consistently with the laws of the State of Iowa. In the event of a conflict between this section and applicable State law, State law shall control.

2. DEFINITIONS.

For purposes of this section:

A. "Electric stand-up scooter" means a device intended primarily to transport a person in a standing position which:

1. Has two or more wheels;
2. Has a floorboard or deck upon which the operator stands;
3. Is equipped with handlebars or another steering mechanism; and
4. Is powered in whole or in part by an electric motor producing less than seven hundred fifty watts.

The term does not include a bicycle, low-speed electric bicycle, motorized bicycle, motorcycle, wheelchair, mobility device being used by a person with a disability, or another device separately regulated by State law.

B. "Foot-powered scooter" means a device intended primarily to transport a person in a standing position upon a floorboard or deck, equipped with two or more wheels, and propelled primarily by human power.

C. "Scooter" means a foot-powered scooter or electric stand-up scooter as defined in this section.

D. "Operator" means a person riding, controlling, or otherwise operating a scooter.

E. "Multi-use trail" means a paved or improved public trail or path intended for use by pedestrians, bicycles, and other authorized forms of recreational or personal transportation.

3. NUMBER OF OCCUPANTS.

A. A scooter shall not carry more persons at one time than the number of persons for which the scooter was designed and equipped by the manufacturer.

B. A scooter designed or equipped for one operator shall be occupied by one person only.

C. No operator shall:

1. Carry another person upon the handlebars, deck, stem, frame, or any portion of a scooter not specifically designed by the manufacturer for passenger transportation;
2. Permit another person to stand upon the same deck while the scooter is being operated;
3. Carry a child or other person in the operator's arms while operating a scooter; or

4. Tow or pull another person riding upon a skateboard, bicycle, wagon, sled, scooter, or other wheeled device.

4. RESPONSIBLE OPERATION.

Every scooter operator shall:

- A. Maintain reasonable control of the scooter at all times;
- B. Operate at a careful and prudent speed appropriate for the conditions then existing;
- C. Exercise due care to avoid colliding with pedestrians, bicycles, motor vehicles, animals, fixed objects, or other persons or property;
- D. Reduce speed when approaching pedestrians, intersections, driveways, alleys, building entrances, blind corners, congested areas, or locations with restricted visibility;
- E. Obey all applicable traffic-control signals, pedestrian-control signals, signs, markings, and lawful directions of a peace officer;
- F. Keep at least one hand upon the handlebars or steering mechanism while the scooter is in motion, when the scooter is equipped with handlebars or another steering mechanism; and
- G. Operate in a manner that does not unreasonably obstruct or interfere with the lawful movement of pedestrians, bicycles, motor vehicles, or other traffic.

5. PEDESTRIAN RIGHT-OF-WAY.

- A. Pedestrians shall have the right-of-way over scooter operators upon sidewalks, multi-use trails, crosswalks, and other areas primarily intended or commonly used for pedestrian travel.
- B. A scooter operator approaching or overtaking a pedestrian shall reduce speed and exercise due care.
- C. An operator shall give an audible warning before overtaking and passing a pedestrian when reasonably necessary for safety. Such warning may consist of a bell, horn designed for use on a scooter, or a verbal warning reasonably sufficient to alert the pedestrian.
- D. Nothing in this section relieves a scooter operator from the duty to stop when necessary to avoid a collision.

6. OPERATION ON SIDEWALKS.

- A. Except as otherwise provided in this section, a scooter may be operated upon a public sidewalk within the City in a reasonable and prudent manner.
- B. No scooter shall be operated upon a sidewalk at a speed greater than ten miles per hour.
- C. Regardless of the maximum speed established in this subsection, an operator shall reduce speed below ten miles per hour whenever pedestrian traffic, visibility, surface conditions, congestion, or other circumstances require a lower speed for safe operation.
- D. A scooter operator shall yield the right-of-way to pedestrians at all times.
- E. A scooter shall not be operated upon a sidewalk within an area zoned C-1 Central Business District.
- F. Within the C-1 Central Business District, a person may possess, walk, or manually push a scooter while dismounted.
- G. A scooter operator emerging from an alley, driveway, parking lot, building, or other location with restricted visibility shall slow sufficiently to permit an immediate stop and shall yield to pedestrians and lawful traffic.

7. OPERATION ON MULTI-USE TRAILS.

- A. Foot-powered scooters and electric stand-up scooters may be operated upon City-owned or City-controlled multi-use trails unless operation is prohibited by an official sign.
- B. Pedestrians shall have the right-of-way at all times.
- C. No scooter shall be operated upon a multi-use trail at a speed greater than ten miles per hour.

D. The ten-mile-per-hour maximum does not establish a minimum safe speed. An operator shall operate at a lower speed whenever necessary because of pedestrian traffic, congestion, trail width, visibility, weather, surface conditions, intersections, curves, or other circumstances.

E. When approaching or overtaking a pedestrian, the operator shall reduce speed to a safe passing speed.

F. When passing within six feet of a pedestrian, the operator shall not exceed five miles per hour and shall provide sufficient clearance to safely complete the pass.

G. An operator shall give an audible warning before overtaking and passing a pedestrian when reasonably necessary to alert the pedestrian of the operator's approach.

H. No person operating a scooter upon a multi-use trail shall:

1. Weave between pedestrians;
2. Race another scooter, bicycle, or other device;
3. Engage in stunt riding, jumping, wheelies, or similar conduct that creates an unreasonable risk to another trail user;
4. Operate two or more scooters abreast when doing so interferes with the reasonable use of the trail by another person;
5. Pass another trail user when insufficient clearance or visibility exists to safely complete the pass; or
6. Operate in any manner that unreasonably interferes with another person's lawful use of the trail.

I. The City Administrator or the City Administrator's designee may temporarily or permanently prohibit or further restrict scooter operation upon a particular City-owned trail or portion of a trail when reasonably necessary due to trail design, pedestrian congestion, construction, maintenance, special events, hazardous conditions, or public safety considerations.

Any permanent prohibition or restriction established pursuant to this paragraph shall be designated by appropriate signage.

8. OPERATION ON STREETS AND ROADWAYS.

A. Nothing in this section shall be construed as independently authorizing the operation of a scooter within the traveled portion of a public street or roadway where such operation is prohibited by State law.

B. A scooter operator may cross a public street or roadway where permitted by State law and shall comply with applicable traffic-control devices and pedestrian crossing requirements.

C. A scooter operator crossing a roadway at a location other than a marked crosswalk or an unmarked crosswalk at an intersection shall yield the right-of-way as required by State law.

D. No scooter shall be operated upon a fully controlled-access highway.

E. Nothing in this subsection prohibits an operator from walking or manually pushing a scooter in a location where pedestrian travel is otherwise lawful.

9. RECKLESS OR UNSAFE OPERATION.

No person shall operate a scooter:

A. Carelessly, recklessly, or in a manner that creates an unreasonable risk of injury to the operator or another person;

B. At a speed greater than is reasonable and prudent under existing conditions;

C. While weaving through pedestrians or moving traffic;

D. While racing upon a public sidewalk, multi-use trail, street, parking lot, or other public property;

E. While performing a stunt, jump, wheelie, or similar maneuver when such conduct creates a danger to another person;

F. Without due regard for weather, visibility, pedestrian traffic, surface conditions, or other circumstances affecting safe operation; or

G. In a manner that prevents the operator from maintaining reasonable directional, speed, or stopping control.

10. TOWING AND ATTACHMENT TO VEHICLES.

No person operating a scooter shall:

- A. Attach the scooter or the operator to a moving motor vehicle;
- B. Hold onto a moving motor vehicle;
- C. Permit the scooter or operator to be towed by a motor vehicle; or
- D. Tow another person or wheeled device unless the scooter and attached device are specifically manufactured for such use and the operation is otherwise lawful.

11. LIGHTING AND EQUIPMENT.

- A. An electric stand-up scooter operated between sunset and sunrise or during conditions of insufficient visibility shall be equipped with, or the operator shall wear or carry:
 - 1. A white light visible from the front; and
 - 2. A red light or red reflector visible from the rear.
- B. An electric stand-up scooter shall be equipped with a functioning braking system capable of safely slowing and stopping the scooter.
- C. No person shall operate an electric stand-up scooter having a braking, steering, wheel, tire, or other mechanical condition that renders the scooter unsafe for operation.

12. PARKING AND OBSTRUCTION.

A scooter shall not be parked, placed, or left unattended in a manner that:

- A. Obstructs the normal movement of pedestrians;
- B. Obstructs or interferes with an accessible pedestrian route;
- C. Obstructs a curb ramp;
- D. Obstructs a crosswalk;
- E. Obstructs a building entrance or exit;
- F. Obstructs a driveway;
- G. Obstructs access to a fire hydrant;
- H. Obstructs an accessible parking space or access aisle;
- I. Obstructs a bicycle rack, transit stop, loading area, or passenger waiting area;
- J. Creates an unreasonable tripping hazard; or
- K. Otherwise creates an immediate threat to public safety.

Whenever reasonably practical, a scooter shall be parked upright at a bicycle rack or other location designated for bicycle or scooter parking.

13. REMOVAL OF OBSTRUCTING OR ABANDONED SCOOTERS.

A peace officer or authorized City employee may move or cause to be moved an unattended scooter when the scooter:

- A. Obstructs a sidewalk, roadway, crosswalk, curb ramp, driveway, accessible route, or building entrance;
- B. Creates an immediate public safety hazard;
- C. Interferes with snow removal, street maintenance, emergency operations, or other City operations; or
- D. Reasonably appears to have been abandoned.

Temporary relocation of a scooter pursuant to this subsection does not constitute an impoundment. Any seizure or impoundment shall be conducted only as otherwise authorized by law.

14. PERSONS WITH DISABILITIES.

Nothing in this section shall be interpreted or enforced in a manner that restricts or interferes with the lawful use of a wheelchair, mobility device, or other power-driven mobility device by a person with a disability.

15. COMMERCIAL OR SHARED SCOOTER OPERATIONS.

No person, business, corporation, partnership, or other entity shall place, stage, distribute, or make available five or more scooters for short-term rental or shared public use upon City property or within the public right-of-way without prior authorization from the City Council.

The City Council may establish reasonable conditions for such authorization, including requirements concerning insurance, indemnification, fleet size, parking, removal of improperly parked scooters, operating areas, speed limitations, and other conditions reasonably related to public safety and the use of public property.

This subsection shall not apply to privately owned scooters or the casual lending of a privately owned scooter.

16. ENFORCEMENT.

A. This section may be enforced by any peace officer authorized to enforce the ordinances of the City of Oelwein.

B. Nothing in this section shall prohibit a peace officer from issuing a verbal or written warning in lieu of formal enforcement when the officer determines that a warning is appropriate under the circumstances.

C. In determining the appropriate enforcement action, an officer may consider the age of the operator, the nature and severity of the violation, whether the violation created an immediate danger, whether injury or property damage occurred, and whether the operator has previously been warned or cited for similar conduct.

D. Nothing in this subsection limits an officer's authority to take immediate enforcement action when reasonably necessary to protect public safety.

17. PENALTY.

Any person violating any provision of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided by the Code of Ordinances of the City of Oelwein and the Code of Iowa.

Each separate occurrence shall constitute a separate violation.

Nothing in this section shall prevent prosecution under applicable State law when the same conduct also constitutes a violation of State law.

18. STATE LAW CONTROLS.

The provisions of this section shall be interpreted consistently with Chapter 321 of the Code of Iowa and other applicable State and federal law.

If a provision of this section conflicts with State or federal law, the State or federal requirement shall control to the extent of the conflict without affecting the validity of the remaining provisions of this section.

Section 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY.

If any section, provision, or part of this Ordinance is 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. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSED AND ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Clerk