

ORDINANCE NO. 14,141

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, by repealing Sections 114-1, 114-397, 114-684, 114-687, 114-688, 114-689, 114-691, 114-692, 114-693, 114-696, 114-698, 114-1061 through 114-1071 thereof and enacting new Sections 114-1, 114-397, 114-684, 114-687, 114-688, 114-689, 114-691, 114-692, 114-693, 114-696, 114-698, and adding and enacting a new Section 74-115 relating to multi-use recreational trails.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, is hereby amended by repealing Sections 114-1, 114-397, 114-684, 114-687, 114-688, 114-689, 114-691, 114-692, 114-693, 114-696, 114-698, 114-1061 through 114-1071 thereof and enacting new Sections 114-1, 114-397, 114-684, 114-687, 114-688, 114-689, 114-691, 114-692, 114-693, 114-696, 114-698, and adding and enacting a new Section 74-115 relating to multi-use recreational trails, as follows:

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley applies to that part of a public highway extending into or intersecting blocks between streets.

Arterial is synonymous with the term "through" or "thru" when applied to city streets and highways.

Authorized emergency vehicles means vehicles of the fire department, police vehicles, ambulances and emergency vehicles owned or operated by the United States, the state or any subdivision of the state or any municipality therein, and such privately owned or operated ambulances or rescue or disaster vehicles as are designated or

authorized by the director of the state department of transportation under I.C. § 321.451.

Bicycle means a metal device consisting of but not limited to two wheels arranged tandem, united by a frame with the seat of the operator upon it, propelled by the feet of the operator acting on pedals connected with one of the axles and steered by a handlebar guiding the direction of the front wheel. The term "bicycle" includes every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 16 inches in diameter. This term also includes every tricycle with a wheel which is over 24 inches in diameter.

Bicyclist means a person operating a bicycle.

Business district means the territory contiguous to and including a street or highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Connecting roadway means that roadway allowing access from one street to another street or from one direction of a divided highway to another direction.

Controlled access facility includes the terms "fully controlled access facility" and "partially controlled access facility." Such highways or streets may be freeways open to use by all customary forms of street and highway traffic or they may be parkways from which trucks, buses, and other commercial vehicles shall be excluded.

Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion

of a street distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb applies to the outer boundaries or the raised margins of the traveled portion of a street.

Delinquent parking ticket means a parking ticket that has not been paid within 30 days of issuance.

Driver means every person who drives or is in actual physical control of a vehicle.

Flashing beacon means a section of a standard traffic signal head having an amber or red lens in each face, which is illuminated by intermittent flashes.

Fully controlled access facility means a highway, street or road which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections; owners or occupants of abutting land or other persons have no right or easement of access, light, air or view because of the fact that their property abuts upon such controlled access facility or for any other reason.

Habitual violator means a person who has allowed four or more parking tickets issued on a single motor vehicle to become delinquent.

Intersection or street intersection means the area embraced within the prolongation or connection of the lateral curblines or, if none, the lateral boundary lines of the roadways of two streets which join one another at or approximately at right angles, or the area within which vehicles traveling upon different streets joining at any other angles may come in conflict.

Laned highway means a highway or street, the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

Metal tire means every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Motorcycle means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including a motor scooter and a bicycle with motor attached, but excluding a tractor.

Motor truck means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers.

Motor vehicle means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or street. Terms such as "car," "automobile," "truck," "bus," and "motorcycle" are synonymous with the term "motor vehicle."

Multi-use recreational trail means a way or place, the use of which is controlled by the city as an owner of real property, designated by the Multi-Use Recreational Trail Maps, as approved by resolution by the city council, and no multi-use recreational trail shall be considered as a street or highway.

Operator means every person who drives or is in actual physical control of a vehicle upon a highway.

Operator of a bicycle or person operating a bicycle includes a minor who has the use and control of a bicycle with the knowledge and consent of the minor's parent or guardian.

Park or parking means the standing of a vehicle, whether occupied or not, upon a street otherwise than momentarily for the purpose of and while actually engaged in receiving or discharging passengers, loading or unloading of merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle because of causes beyond the control of the operator.

Park roads means roads within city parks, the use of which is controlled by the city as an owner of real property in accordance with I.C. § 321.251, and no park road shall be considered as a street or highway.

Parking meter means and includes any mechanical device or meter not inconsistent with this chapter placed or erected for the regulation of parking by authority of this chapter. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and when operated shall at all times indicate the balance of legal parking time and, at the expiration of such period, shall indicate illegal or overtime parking.

Parking meter district means that area designated by ordinance which shall be subject to this chapter and includes those streets or parts of streets upon which parking meters are installed and in operation. A district may include one or more time zones.

Parking meter space means any space within a parking meter district, adjacent to a parking meter. More than one motorcycle may be parked in a parking meter space, provided each such motorcycle is parked with the rear wheel no more than 18 inches from the curb and with the front of such motorcycle facing away from that curb. No motorcycle may share a parking meter space with a motor vehicle having more than two wheels. No motorcycle

shall extend beyond the limits of the parking space in violation of section 114-640 of this chapter.

Partially controlled access facility means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have only a controlled right or easement of access, light, air or view because of the fact that their property abuts upon such controlled access facility or for any other reason.

Pedestrian means any person going on foot.

Pedestrian crossing signals means traffic signals erected for the purpose of regulating or stopping traffic in order that pedestrians might cross a street.

Pneumatic tire means every tire in which compressed air is designed to support the load.

Police officer or peace officer means every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in I.C. § 801.4(7).

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad signal means any device, whether manually, electrically or mechanically operated, by which traffic is directed to stop at a railroad crossing by means of

alternating flashing red lights and when deemed necessary by use of gates.

Residence district means the territory contiguous to and including a highway not comprising a business district or a school district, where 40 percent or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or dwellings and buildings in use for business.

Right-of-way means the privilege of the immediate use of the highway.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked as to be plainly visible at all times while set apart as a safety zone.

School crossing signals means traffic signals erected for the purpose of regulating or stopping traffic in order that a school child might cross a street.

School district means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.

Semitrailer means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Sign, advertising means a sign that is not an identification or directional sign.

Sign, building or wall means a sign other than a roof sign, which is supported by a building or wall, and is further defined as follows:

(1) Sign, fascia means a single-faced building or wall sign which is parallel to its supporting wall.

(2) Sign, projecting means a building or wall sign other than a fascia sign.

Sign, directional means a sign for the purpose of traffic control which is located on private property.

Sign, identification means one of the following types of signs:

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Sign, internally illuminated means a sign illuminated by an artificial light source not visible but which reaches the eye through a diffusing medium.

Snowmobile means any self-propelled vehicle designed for travel on snow, ice or land steered by wheels, skis or runners and propelled by endless belt-type tread.

Solid tire means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Stand or standing means the halting of a vehicle, whether occupied or not, other than for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or stopping means:

(1) When required, the complete cessation of movement.

(2) When prohibited, any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Street intersection means the area embraced within the prolongation or connection of the lateral curblines or, if none, the lateral boundary lines of the roadways of two streets which join one another at or approximately at right angles, or the area within which vehicles traveling upon different streets joining at any other angles may come in conflict.

Through street or highway means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets and highways is required by law to stop or yield before entering or crossing the street or highway and when stop or yield signs are erected as provided in this chapter or such entrances are controlled by a police officer or traffic control signal.

Time means Central Standard Time or Central Daylight Saving Time as may be in current use in this city.

Time zone means that period of time during which a vehicle may park at a parking meter

as designated by ordinance or other sections of this chapter.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances and devices, either singly or together, while using any street for purposes of travel, standing, stopping or parking.

Traffic control devices means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of the city council or the official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Trailer means every vehicle without motive power designed for carrying persons or property, which vehicle is drawn by a motor vehicle and is so constructed that no part of its weight rests upon the towing vehicle.

Vehicle means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks. Terms such as "car," "automobile," "truck," "bus" and "motorcycle" shall be synonymous with the term "vehicle."

Sec. 114-397. Lamps and reflectors on bicycles.

Every bicycle shall be equipped with a lamp on the front exhibiting a white light, when used upon the streets, sidewalks, highways, park roads or multi-use recreational trails

of the city at any time from sunset to sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead. Such light shall be visible from a distance of at least 300 feet to the front. Such bicycle when so used shall display a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that in lieu thereof may be used a red reflector mounted not less than 24 inches nor more than 42 inches above the ground, which shall be visible at night from all distances within 500 feet to 50 feet from the bicycle when directly in front of a motor vehicle displaying lawfully lighted headlamps.

Sec. 114-684. Audible signal.

No person shall operate a bicycle on any city street, sidewalk, highway, park road or multi-use recreational trail which is not equipped with a bell or other mechanical device capable of transmitting a clear and audible signal for a distance of at least 100 feet.

Sec. 114-687. Brakes.

Every bicycle used upon the city streets, sidewalks, highways, park roads or multi-use recreational trails shall be equipped with a brake which shall enable the operator to make the braked wheel skid on a dry level pavement and which may be applied and bring the bicycle to a stop without the brake locking the braked wheel.

Sec. 114-688. Applicability of motor vehicle laws.

Every person operating a bicycle upon the city streets, highways, park roads, or multi-use recreational trails shall be subject to this chapter and other city traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to special regulations in this chapter and except as to those provisions of ordinances and statutes which by their nature can have no application.

Sec. 114-689. Riding on handlebars.

It shall be unlawful for the operator of any bicycle or any motorcycle not equipped with a sidecar or built to transport two persons, when upon any street, sidewalk, highway, park road or multi-use recreational trail, to carry any other person upon the handlebars, frame or other part thereof or for any other person to so ride on such vehicle.

Sec. 114-691. Place of riding.

Every person operating a bicycle upon a street, sidewalk, highway, park road or bikeway shall ride as near to the righthand side of the way as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. When so riding upon any street, sidewalk, highway, park road or multi-use recreational trail with other cyclists, there shall not be more than two abreast.

Sec. 114-692. Carrying packages.

No person operating a bicycle upon a street, sidewalk, highway, park road or multi-use recreational trail shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

Sec. 114-693. Control with hands on handlebars.

The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use recreational trail shall keep the bicycle under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

Sec. 114-696. Clinging to other vehicles.

No person riding upon any bicycle on a street, sidewalk, highway, park road or multi-use recreational trail shall attach the bicycle or himself or herself to any moving vehicle.

Sec. 114-698. Reckless operation.

No person shall operate a bicycle upon a street, sidewalk, highway, park road or multi-use recreational trail at a speed greater than is reasonable and prudent under the conditions then existing, and a person shall not operate the bicycle in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Sec. 114-1061. Repealed by Ord. 14,141.

Sec. 114-1062. Repealed by Ord. 14,141.

Sec. 114-1063. Repealed by Ord. 14,141.

Sec. 114-1064. Repealed by Ord. 14,141.

Sec. 114-1065. Repealed by Ord. 14,141.

Sec. 114-1066. Repealed by Ord. 14,141.

Sec. 114-1067. Repealed by Ord. 14,141.

Sec. 114-1068. Repealed by Ord. 14,141.

Sec. 114-1069. Repealed by Ord. 14,141.

Sec. 114-1070. Repealed by Ord. 14,141.

Sec. 114-1071. Repealed by Ord. 14,141.

Sec. 74-115. Multi-Use Recreational Trails.

(a) **Definition.** Multi-use recreational trails are defined pursuant to section 114-1.

(b) **Permitted Uses.** Except as otherwise provided, the following uses are permitted on multi-use recreational trails:

(1) persons walking,
jogging or running;

(2) persons utilizing or
operating a non-
motorized device or
vehicle, such as a
bicycle, skateboard,
inline skates or
wheelchair;

(3) motorized devices
designed for use by
persons with
disabilities;

(4) official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.

(c) **Uses Not Permitted.** Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:

(1) motorized vehicles, except where the trail utilizes an existing road, street or highway;

(2) equestrian uses;

(3) skateboards are not permitted on the portions of trails that utilize an existing road, street or highway.

(d) **Hours of Permitted Use.** Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:

(1) hours of use of sections of trails may be limited by the park and recreation board;

(2) sections of trails may be closed temporarily in emergency situations by the park and recreation director.

(e) **Official Signs.** Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, stop signs and yield signs.

(f) **Reasonable Speed.** Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Sec. 2. This ordinance shall be in full force and effect from and after July 1, 2000 as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-2430), passed by the City Council of said City at a meeting held October 7, 2002 signed by the Mayor on October 7, 2002 and published as provided by law in the Business Record on October 21, 2002 Authorized by Publication Order No. 3429.

Donna V. Boetel-Baker, City Clerk