



Roll Call Number

Agenda Item Number

47

Date January 19, 2011

From Joseph Galloway, 3622 Davisson Road, to speak regarding a proposed Model Bicycle Ordinance.

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Rauh, Diane I.

From: WebSite
Sent: Tuesday, January 18, 2011 1:52 PM
To: CouncilSpeak
Cc: CityClerk
Subject: Request to Speak Before the City Council - form submission

Full Name: Joseph Galloway
Address: 3622 Davisson Road
City: Des Moines
State: IA
Zip: 50310
Phone: 515-249-1001
Email: JGALL3622@aol.com
Speaker(s): Joseph Galloway
Meeting Date: Monday, January 24, 2011
Regarding: Proposed Model Bicycle Ordinance

**MODEL BICYCLE ORDINANCE
DRAFT**

Sec. 1. Definitions.

"Bicycle" means either of the following:

1) A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

2) A device having two or three wheels with fully operable peddles and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

Drafter's Note: Same as Iowa Code section 321.1(40)

b) "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

Drafter's Note: Same as Des Moines Municipal Code section 114-1.

Sec. 2. Voluntary Registration, Fee and Dealer Duty.

a) Each resident of the city who is the owner of a bicycle may make application for registration with the police chief.

b) The registration is valid until the bicycle is sold, given away, or scraped by the registered owner.

c) Upon registration an identification sticker may be affixed to the bicycle by the owner.

Sec. 3. Alteration of serial frame number.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle.

Sec. 4. Sirens and whistles prohibited.

A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

Drafter's Note: Same as Iowa Code section 321.434.

Sec. 5. Lamps and reflectors.

a) Every bicycle ridden at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least three hundred feet to the front

b) Every bicycle shall be equipped with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light.

c) A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

Drafter's Note: Same as Iowa Code sections 321.384 and 321.397, Wording here combines the two state code sections.

Sec. 6. Brakes.

Every bicycle used upon the city streets, sidewalks, highways, park roads or multi-use recreational trails shall be able to come to a complete stop within 100 feet.

Sec. 7. 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 or those provisions for which specific exceptions have been set forth regarding police bicycles.

Drafter's Note: Same as Iowa Code Section 321.234(2) Also, the reference to chapter is used because the intent is to include this ordinance in the "Traffic and Vehicles" chapter of the city code. Reference to the appropriate traffic chapter should be used where appropriate.

Sec. 8. Obedience to signals.

Every person operating a bicycle shall obey the directions of official traffic signals, signs and other control devices applicable to other vehicles, unless otherwise directed by a police officer, and shall obey direction signs relative to turns permitted, unless such person dismounts from the bicycle, when he or she shall then obey the regulations applicable to pedestrians.

Sec. 9. Improper Riding.

a) A person propelling a bicycle on any street, sidewalk, highway, park road or multi-use recreational trail, shall not ride other than upon or astride a permanent and regular seat attached to the bicycle and shall not use a bicycle to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.

b) This section does not apply to the use of a bicycle in a parade authorized by proper permit from the city.

Drafter's Note: Same as Iowa Code section 321.234(3), (4) and (5)

Sec. 10. 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. 11. 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. 12. Place of riding.

Every person operating a bicycle upon a street, sidewalk, highway, park road or multi-use recreational trail shall ride as near to the right-hand side of the way as practicable, exercising due care when passing a standing bicycle, other 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. 13. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Sec. 14. Operation on sidewalk.

Bicycles may be operated upon the public sidewalks in a careful and prudent manner and at a rate of speed not exceeding eight (8) miles per hour except where signs are erected that prohibit the riding of a bicycle. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian shall give an audible signal before overtaking and passing.

Sec. 15. 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 by tow rope, hand grip or otherwise, and shall not tow or be towed by another bicycle or vehicle.

Sec. 16. Following Emergency Vehicles.

No person riding a bicycle shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code section 321.1 which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.

Drafter's Note: The state code 321.367 covers fire apparatus, as such fire trucks would be covered by sec. 7 herein, but this proposed section includes all emergency vehicles as recommended by the Metro Advisory Council Bicycle Ordinance Study.

Sec. 17. Parking.

No person shall park a bicycle upon a street other than upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic, or upon the parking area between the sidewalk and the roadway.

Sec. 18. Reckless operation.

No person shall operate a bicycle with willful or wanton disregard for the safety of persons or property.