

★ **Roll Call Number**

Agenda Item Number

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Date February 27, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 114-234, and by repealing Sections 114-397, 114-434 and repealing Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, and by adding and enacting a new Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, relating to operation of bicycles",

which was considered and voted upon under Roll Call No. 12- 0224 of February 13, 2012; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 114-234, and by repealing Sections 114-397, 114-434 and repealing Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, and by adding and enacting a new Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, relating to operation of bicycles.

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, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 114-234, and by repealing Sections 114-397, 114-434 and repealing Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, and by adding and enacting a new Article XIV. Bicycles, in Chapter 114, Traffic & Vehicle Regulations, relating to operation of bicycles, as follows:

Sec. 114-234. ~~Bicycles or a~~Pushcarts and Animal-drawn vehicles.

Every person propelling any pushcart or riding ~~a bicycle or~~ an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the relevant sections of this chapter applicable to the driver of any vehicle.

State law reference(s)--Similar provisions, I.C. § 321.234.

~~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~~

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~~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.~~

~~State law reference(s) -- Similar provisions, I.C. § 321.397.~~

~~Sec. 114-434. Bicycle sirens or whistles.~~

~~No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.~~

~~State law reference(s) -- Similar provisions, I.C. § 321.434.~~

~~ARTICLE XIV. BICYCLES~~

~~DIVISION 1. GENERALLY~~

~~Sec. 114-677. Report of dealers.~~

~~Every person engaging in the business of buying or selling new or secondhand bicycles shall make a weekly report to the chief of police of every bicycle purchased or sold by the dealer, giving the name and address of the person from whom purchased or to whom sold, a description of the bicycle by number or make, the frame number and the identification plate number, if any. If no frame number is found on the bicycle, it shall be the duty of the police department to stamp a number thereon.~~

~~Sec. 114-678. Reserved.~~

~~Sec. 114-679. Removal of plates.~~

~~No person shall remove any identification plate from a bicycle during the period for which issued, except when a bicycle is dismantled for repair or otherwise or is no longer used upon any city street or public way.~~

~~Sec. 114-680. 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 registered under this division.~~

~~Sees. 114-681--114-683. Reserved.~~

~~Sec. 114-684. Audible signal.~~

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~~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. 114-685. Sirens and whistles prohibited.**~~

~~No person shall operate a bicycle on the public ways of the city which is equipped with a siren or whistle or with any device capable of duplicating the sound of a siren or whistle.~~

~~State law reference(s) -- Similar provisions, I.C. § 321.434.~~

~~**Sec. 114-686. Lamps and reflectors.**~~

~~Every bicycle shall be equipped and used as required in section 114-397 of this chapter.~~

~~**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. 114-690. Obedience to signals.**~~

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~~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. 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. 114-694. 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. 114-695. 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 miles per hour. Every person lawfully operating a bicycle upon a public sidewalk, when approaching a pedestrian or a vehicle occupied by a child under the age of 16 years, shall either~~

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~~dismount or give a clear right-of-way to the full extent of such sidewalk to such pedestrian or child, and in overtaking such pedestrian or child shall give an audible signal before passing.~~

~~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. 114-697. 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. 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.~~

~~Secs. 114-699--114-1060. Reserved.~~

~~DIVISION 2. MUNICIPALLY OWNED BIKEWAYS~~

~~Sec. 114-1061. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1062. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1063. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1064. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1065. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1066. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1067. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1068. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1069. Repealed by Ord. No. 14,141.~~

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~~Sec. 114-1070. Repealed by Ord. No. 14,141.~~

~~Sec. 114-1071. Repealed by Ord. No. 14,141.~~

~~Secs. 114-1072--114-1100. Reserved.~~

ARTICLE XIV. BICYCLES

Sec. 114-677. 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:

(a) Bicycle means either of the following:

(1) A device having up to four 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 up to four wheels with fully operable pedals and an electric motor of one horsepower or less.

(b) Multi-use 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 trail shall be considered as a street or highway.

Sec. 114-678. 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. 114-679. 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.

Sec. 114-680. 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 three hundred

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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) Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.

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

Sec. 114-681. Stopping.

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

Sec. 114-682. Applicability of motor vehicle laws.

Every person operating a bicycle upon the city streets, highways, park roads, or multi-use 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.

Sec. 114-683. 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. 114-684. 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.

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b) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

Sec. 114-685. Carrying packages.

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

Sec. 114-686. Control with hands on handlebars

The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use 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. 114-687. Place of riding.

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) A facility that would allow bicycle traffic on the left side of the roadway.

(b) Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

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(c) When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.

(d) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

Section 114-688. Bicycle Lanes.

(a) Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway moving in the same direction may ride within the bicycle lane.

(b) Any person operating a bicycle within a bicycle lane may move out of the lane when overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.

(c) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

(d) No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:

(1) To park where parking is permitted.

(2) To enter or leave the roadway.

(3) To prepare for a turn within a distance of 200 feet from the intersection.

Sec. 114-689. 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. 114-690. Operation on sidewalk.

Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected to prohibit riding on the sidewalk. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian and shall give an audible signal before overtaking and passing.

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Sec. 114-691. Clinging to other vehicles.

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

Sec. 114-692. 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.

Sec. 114-693. Parking.

No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.


Sec. 114-694. Reckless operation.

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

Sec. 114-695-114-1100. Reserved.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney