

ADOPTED BY THE
MAYOR AND COUNCIL

ORDINANCE NO. 10321

RELATING TO MOTORIZED ELECTRIC OR GAS-POWERED BICYCLES OR TRICYCLES; PROVIDING DEFINITIONS; REGULATING OPERATION; PROHIBITING OPERATION BY PERSONS UNDER THE AGE OF SIXTEEN; PROHIBITING OPERATION ON SIDEWALKS AND MULTI-USE PATHS; REQUIRING RIDERS AND PASSENGERS UNDER THE AGE OF EIGHTEEN TO WEAR A HELMET; REQUIRING LAMP AND RED REFLECTORS FOR NIGHTTIME USE; DECLARING VIOLATION TO BE A CIVIL TRAFFIC VIOLATION; REQUIRING MERCHANTS TO MAKE CERTAIN DISCLOSURES IN CONNECTION WITH THE SALE OF MOTORIZED BICYCLES OR TRICYCLES; AND DECLARING VIOLATION TO BE A CIVIL INFRACTION BY AMENDING THE TUCSON CODE, CHAPTER 5, BICYCLES, BY ADDING A NEW ARTICLE II, MOTORIZED BICYCLE OR TRICYCLE, SECTIONS 5-4 TO 5-11; AMENDING THE TUCSON CODE CHAPTER 7, BUSINESS REGULATED, ARTICLE XXII, MERCHANTS' DISCLOSURE REQUIREMENTS, BY ADDING A NEW SECTION 7-481; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 5, is amended by adding a new Article II, Sections 5-4 to 5-11, to read as follows:

ARTICLE II. MOTORIZED BICYCLE OR TRICYCLE

Sec. 5-4. Regulating motorized bicycle or tricycle; purpose and intent.

The State has granted municipalities express authority to regulate or prohibit the operation of motorized electric or gas-powered bicycles or tricycles. It is the purpose and intent of this Article to provide for the regulation of motorized electric or gas-powered bicycle or tricycle ("motorized bicycle or tricycle") to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of

motorized bicycles or tricycles. The Mayor and Council find it is in the public interest to regulate the operation of motorized bicycles or tricycles by prohibiting their use on sidewalks, multi-use paths, shared use paths and pedestrian paths, and by imposing age restrictions and safety requirements for the riders of motorized bicycles or tricycles.

Sec. 5-5 Definition.

As used in this article “motorized bicycle or tricycle” means an electric or gas-powered bicycle or tricycle that is equipped with a helper motor that has a maximum piston displacement of forty-eight cubic centimeters or less or an electric motor of less than 750 watts (1 h.p.), that may also be self-propelled and that is operated at speeds of less than twenty miles per hour.

Sec. 5-6 Applicability of traffic laws.

In the City of Tucson, a person riding a motorized bicycle or tricycle is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law.

Motorized bicycles or tricycles that are operated at speeds in excess of 19 miles per hour are regulated by state law and must comply with state law requirements.

Sec. 5-7 Prohibited Operation.

- (a) It shall be unlawful for a person under sixteen (16) years of age to operate a motorized bicycle or tricycle.
- (b) It shall be unlawful to operate a motorized bicycle or tricycle on any public sidewalk, multi-use path, and shared-use path or on any designated pedestrian path in any public park.
- (c) It shall be unlawful to use a motorized bicycle or tricycle to carry more persons at one time than the number for which it is designed and equipped.
- (d) It shall be unlawful to ride a motorized bicycle or tricycle through any underpass or at any other location where signs are posted prohibiting bicycling.

Sec. 5-8 Helmet use requirement.

No person under eighteen (18) years of age shall operate a motorized bicycle or tricycle or be a passenger on motorized bicycle or tricycle, ride in a restraining seat attached to a motorized bicycle or tricycle, or ride in a trailer towed

by a motorized bicycle or tricycle unless the person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institute for protective headgear.

Sec. 5-9 Nighttime use requirements.

A motorized bicycle or tricycle that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a red reflector in the rear of a type that is visible from all distances from fifty feet to three hundred feet to the rear where the reflector is directly in front of the upper beams of head lamps on a motor vehicle. A motorized bicycle or tricycle may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.

Sec. 5-10 Responsibilities of Parents, Guardians, and Legal Custodians.

(a) The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this article.

(b) If a fine is imposed upon a minor who is found to be in violation of this section, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the fine, whether or not the parents or guardian knew of, or anticipated, a violation of this section.

Sec. 5-11 Violation Declared a Civil Traffic Violation.

(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of one hundred dollars (\$100.00).

(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in Civil Traffic Violation Cases and applicable state and local law.

SECTION 2. Tucson City Code, Chapter 7, Article XXII is hereby amended by adding a new section, Section 7-481, to read as follows:

* * *

Sec. 7-481. Requiring merchants to make certain disclosures related to the sale of motorized bicycles or tricycles; penalty.

A. It is unlawful for a merchant to sell motorized bicycles or tricycles without making the disclosures required by this section.

B. Any merchant who sells motorized bicycles or tricycles within the City limits of Tucson shall:

1. Post, in a prominent place at each location where motorized bicycles or tricycles are on display, a notice to the effect that operation of motorized bicycle or tricycle is prohibited:

(a) For persons under sixteen (16) years of age.

(b) On any public sidewalks, multi-use path, and shared use path and on any designated pedestrian path in any public park.

(c) For persons under eighteen (18) years of age unless the person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institute for protective headgear.

(d) At night unless the motorized bicycle or tricycle has a lamp and red rear reflector.

2. Provide a copy of such notice to each purchaser of a motorized bicycle or tricycle, either before or in connection with the purchase.

C. As used in this section, "motorized bicycle or tricycle" shall have the same meaning as it has under Section 5-5 of this Code.

D. Violation declared civil infraction violation. Unless otherwise specifically stated in this chapter, any violation of this section is punishable as a civil infraction violation pursuant to Chapter 8 of this code.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. If any provisions of this ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:



CITY ATTORNEY

CITY MANAGER

VRW/dc
09/12/06 12:39 am