

ORDINANCE NO. 1240

INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING CHAPTER 10.04 “TRAFFIC REGULATIONS” OF THE WARRENTON MUNICIPAL CODE AND ADDING NEW PROVISIONS RELATED TO THE DEFINITION AND REGULATION OF ELECTRIC ASSISTED BICYCLES**

**WHEREAS**, the City last addressed bicycle use and operation in the City’s municipal code in 1989;

**WHEREAS**, the City has now seen the use of electric assisted bicycles on its rights of ways and trail systems develop;

**WHEREAS**, the use of not just electric assisted bicycles but bicycles generally have increased in the City and the Commission believes it appropriate to develop and implement additional and regulations for the safe use of both bicycles and electric assisted bicycles in the City, its rights-of-way and trail systems.

NOW THEREFORE, The City of Warrenton ordains as follows:

Section 1. Section 10.04.030 “Definitions” is hereby amended to read as follows:

**10.04.030 Definitions.** (A). In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

“Bus stop” means a space on the edge of a roadway designated by sign for use by buses for loading and unloading of passengers.

“*Electric assisted bicycle*” or “*E-bike*” shall be as defined by ORS 801.258 (2020).

“Holiday” means New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other proclaimed by the Commission to be a holiday.

“Loading zone” means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours or specified days.

“Motor vehicles” means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycle, road building equipment, street cleaning equipment, and other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

“Person” means a natural person, firm partnership, association or corporation.

“Street” means highway, road or street as *the same are* defined in ORS 801.110, 801.305, 801.450 and 801.535, including the entire width of the right-of-way.

“Taxicab stand” means a space on the edge of a roadway designated by sign for use by taxicabs.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“Vehicle,” as used in subsequent sections of this chapter, includes bicycles *as well as electric assisted bicycles*.

B. As used in this chapter, the singular includes the plural and the masculine includes the feminine.

Section 2. Section 10.04.220 is hereby replaced in its entirety with a new section to read as follows:

**10.04.220 cycle/Electric –Assisted Bicycle operating rules.**

- (A) *In addition to observing other applicable provisions of this chapter and state law pertaining to bicycles and electric-assisted bicycles (E-bikes), a person:*
- 1) *shall only park or otherwise leave a bicycle or E-bike in a bicycle rack if available. If a bicycle rack is not available, the bicycle or E-bike shall not be positioned or left so as to obstruct or otherwise impede the use of a roadway, sidewalk, trail, driveway or building entrance by pedestrians or other users of that facility;*
  - 2) *shall yield the right-of-way to pedestrian(s) while operating a bicycle or E-bike upon the Warrenton Trail System;*
  - 3) *shall give an audible signal as to their intention when you are overtaking or wishing to pass a pedestrian on the Warrenton Trail System, passing only on the left of the pedestrian and only when doing so can be done safely while operating a bicycle or E-Bike;*
  - 4) *shall ride a bicycle or E-Bike with their feet on the pedals, facing forward;*
  - 5) *shall wear a bicycle helmet as required by ORS 814.485 when riding a bicycle or E-Bike; and*
  - 6) *shall not ride an E-bike upon any sidewalk in the City. Bicycles may be ridden on sidewalks in the City except between SW First and SW Second Streets;*
  - 7) *shall not nor cause others to engage in, an E-Bike race upon the trail system or other public property without written permission of the City Police Department;*
  - 8) *shall not operate an E-Bike at a speed greater than reasonable and prudent when approaching a pedestrian while on bicycle routes other than the Warrenton Trail System;*
  - 9) *shall not carry more than one person at a time unless the bicycle or E-Bike is equipped and approved to carry more;*
  - 10) *shall not carry package(s), bundle(s) or articles so as to prevent the rider from keeping at least one hand upon the handlebars and in control of said bicycle or E-Bike;*
  - 11) *shall not ride abreast or side-by-side of any other person if that may interfere or impede normal and reasonable movement of pedestrians while operating a bicycle or E-bike upon any trail system in the City;*
  - 12) *shall not in any way attach themselves or the bicycle or E-bike to any other moving vehicle;*
  - 13) *shall not wear a headset, earplugs, earphones, either resting on or inserted in both ears while riding a bicycle or E-Bike;*
  - 14) *shall not operate a bicycle or E-bike under the influence of an alcoholic beverage and/or drug;*
- (B) *Rental Agencies. Rental agencies operating in the City may neither rent nor offer for rent E-bike(s) unless equipped as required by state law.*

Section 3. Section 10.04.230 is hereby replaced in its entirety with a new section to read as follows:

**10.04.230 Impounding of Bicycles/Electric-Assisted Bicycles.**

- (A) *No person may leave a bicycle or E-bike on either public or private property without the consent of the person in charge or owner thereof.*
- (B) *A bicycle or E-bike left on public property in excess of 24 hours may be impounded and held by the City.*
- (C) *In addition to any citation issued, a bicycle or E-bike parked in violation of this chapter may be immediately impounded by the City.*
- (D) *If a bicycle or E-bike licensed or otherwise capable of its ownership being ascertained and is impounded by the City, the police shall make reasonable efforts to notify the owner thereof. In the event the bicycle or E-bike was stolen, no impoundment fee shall be charged the lawful owner thereof.*
- (E) *A bicycle or E-bike impounded remaining unclaimed for at least thirty (30) days may be disposed of consistent with the City's procedures for abandoned or lost personal property.*
- (F) *Except as provided in subsection (D) of this section, a fee of \$50.00 shall be charged to the owner of a bicycle or E-bike impounded under this section.*

Section 4. This Ordinance shall become effective thirty days after its adoption by the Commission and approved by the Mayor.

PASSED by the City Commission of the City of Warrenton this 25<sup>th</sup> day of August, 2020.

First Reading: 08/11/20  
Second Reading: 08/25/20

Approved

  
Henry A. Balensifer III, Mayor

Attest

  
Dawne Shaw, City Recorder