

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 260508

Amending Chapter 70, Code of Ordinances, by repealing and replacing Section 70-1, Definitions; ~~and~~ amending Chapter 70, Code of Ordinances, by enacting a new Section 70-706 entitled “Electric bicycles — rights and privileges — label, requirements — modifications require new label — product safety standards — authorized to ride, where, exceptions — class 3 electric bicycles, special provisions” for the purpose of aligning updating and adding definitions, providing operating requirements, and establishing rights and privileges associated with electric bicycles, micro-mobility devices, and electric motorcycles in alignment with state law; and directing the City Manager to coordinate distribution of public safety education material regarding electric bicycles and micro-mobility devices throughout Kansas City.

WHEREAS, the City of Kansas City Code of Ordinances Chapter 70, Article 1, Section 70-1 defines “Bicycle” to include an electric-assisted bicycle, as defined in the same section; and

WHEREAS, the City of Kansas City Code of Ordinances Chapter 70, Article 1, Section 70-1 defines an Electric-assisted bicycle as, a bicycle with two or three wheels that has a saddle and fully operable pedals for human propulsion and has an electric motor that: (1) Has a power output of not more than 1,000 watts, (2) Is incapable of propelling the bicycle at a speed of more than 20 miles per hour, (3) Is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (4) Disengages or ceases to function when the vehicle's brakes are applied; and

WHEREAS, adopting a definition of “*Electric bicycle*” in place of “*Electric-assisted bicycle*” as distinct from “Bicycle,” and asserting specific regulations to address electric bicycles creates alignment between the City of Kansas City Code of Ordinances and the Missouri Revised Statutes, and enhances the interest of public safety on sidewalks, streets, and bike lanes; and

WHEREAS, the current definition of “*Electric-assisted bicycle*” in the Kansas City Code of Ordinances is inconsistent with the definition of “*Electric bicycle*” in the Missouri revised statutes and does not define electric bicycle classes and ridership requirements and restrictions; and

WHEREAS, it is in the interest of the City of Kansas City to further define and enforce regulations on electric bicycles, especially concerning riders under the age of 16; and

WHEREAS, it is in the interest of the City of Kansas City to establish clear definitions, rights, privileges, and operating restrictions for micro-mobility devices and electric motorcycles as categories of devices distinct from electric bicycles and from motor vehicles generally; and

WHEREAS, City Council desires to establish uniform, location-based speed restrictions applicable to electric bicycles, micro-mobility devices, and electric motorcycles on sidewalks, in bicycle lanes and on multi-use paths and trails, and on streets, in order to promote public safety; and

WHEREAS, City Council desires to establish a graduated, education-focused enforcement framework holding a responsible person accountable for a violation of the age, class, or location restrictions of this article committed by a person under sixteen (16) years of age; and

WHEREAS, City Council desires to require businesses engaged in the retail sale, rental, or advertisement of electric bicycles to post factual information regarding applicable definitions, restrictions, rights, responsibilities, and penalties, consistent with the City's legitimate interest in public safety and without imposing an undue burden on such businesses; and

WHEREAS, City Council desires to allow a period of one hundred twenty (120) days following passage and approval of this ordinance before Sections 70-706 through 70-710 become effective, to permit distribution of public safety educational materials and, in coordination with the city prosecutor and the municipal court, establishment of procedures for administering the educational diversion opportunity provided in Section 70-710; and

WHEREAS, City Council desires to redefine and classify electric bicycles, and to clarify regulations affecting electric bicycles in the Code of Ordinances to align with the Missouri Revised Statutes to promote public safety; NOW, THEREFORE,

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BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 70-1 and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 70-1. Definitions.

(a) 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:

Accident means a collision between a vehicle and another vehicle, railroad train, person or stationary object, or the overturn or upset of a vehicle which results in property damage, personal injury or death; or any entry into or emerging from a moving vehicle by a person which results in personal injury or death to such person.

Alley means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

All-terrain vehicle means any motorized vehicle manufactured and used exclusively for off-highway use which is 50 inches or less in width, with an unladen dry weight of 600 pounds or less, traveling on three, four or more low-pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

Ambulance means any motor vehicle constructed, reconstructed, arranged, equipped, used or meant for use of transporting ill, injured or otherwise incapacitated persons from one place to another.

Authorized emergency vehicle means such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated such by law, or by the board of police commissioners of the city.

Automated traffic control system means a system consisting of devices with one or more motor vehicle sensors working in conjunction with traffic control signals to automatically produce photographs, micrographs, a videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating traffic control ordinances.

Automated traffic control system records means photographs, micrographs, videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating traffic control ordinances.

Bicycle means every vehicle capable of being propelled solely by human power upon which any person may ride, having two tandem wheels. And including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Bicycle Lane or Bike Lane means a portion of the roadway that has been designated by striping, signage, or pavement markings for the preferential or exclusive use of bicycles, scooters, and other small mobility devices.

Boulevard means a street which is under jurisdiction of the board of parks and recreation commissioners.

Bus means a motor vehicle designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity for a driver and eight or more passengers.

Business district means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Commercial driver's license. See "License."

Commercial motor vehicle means any self-propelled or towed vehicle used on public highways to transport passengers or property when:

- (1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;
- (2) The vehicle is designed to transport more than 15 passengers, including the driver; or
- (3) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the secretary of transportation under the Hazardous Materials Transportation Act (49 USC App. 1801-1813).

Commuter vehicle means a motor vehicle parked in an area where at least one side or 50 percent of a street or block is zoned residential, by a person not a resident thereof.

Construction zone, used interchangeably with "work zone," in this chapter, means any area upon or around any highway as defined in RSMo § 302.010, which is visibly marked as an area where construction, maintenance, or other work is occurring, and includes the lanes of a highway leading up to the area upon which an activity described herein is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

Controlled access street or highway means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street or roadway, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the center.
- (2) — Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone means a space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Dealer means any person engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers.

Director means the director of the public works department of this city.

Divided street or highway means a street or highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

Drag race means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

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

Driver's license means any license to operate a motor vehicle issued under the laws of this state.

Dwelling unit means a building or portion thereof designed exclusively for residential occupancy by one family and provided with sanitation and cooking facilities.

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Electric bicycle means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (1) ~~___~~ *Class 1 electric bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;
- (2) ~~___~~ *Class 2 electric bicycle* means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or
- (3) ~~___~~ *Class 3 electric bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour;

Electric motorcycle means a motorcycle, as defined in this section, that is powered solely or primarily by an electric motor, and that either exceeds the motor wattage or speed thresholds of a Class 3 electric bicycle, or does not have fully operable pedals for human propulsion.

Electric Scooter means a self-propelled vehicle, other than an electric bicycle, that has at least two tandem wheels in contact with the ground, an electric motor, handlebars, a brake and either a seat or a deck that is designed to be stood upon when riding.

Electric Unicycle means a self-propelled device without handlebars which has a single wheel, an electric motor, and a deck on which a person may stand in a forward stance while riding.

Emergency vehicle. See "Authorized emergency vehicle."

Explosive means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Farm tractor means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

Flammable liquid means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

Gross weight means the weight of a vehicle or vehicle combination without load plus the weight of any load thereon.

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

House trailer means:

- (1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

- (2) A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection (1) of this definition, but which is used instead, permanently or temporarily, for the advertising, sale, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Human-powered vehicle means every vehicle designed to be moved solely by human power.

Implement of husbandry means every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways or streets.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways or streets joining at any other angle may come in conflict.

- (2) Where a street or highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. If such intersecting street or highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such street or highway shall be regarded as a separate intersection.

- (3) The junction of an alley with a street or highway shall not constitute an intersection.

Issuing authority means the director or a person or party authorized by the director to issue residential parking permits for a residential permit parking area or street.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

License and *license to operate a motor vehicle* means any driver's license or any other license or permit to operate a motor vehicle or streetcar issued under, or granted by, the laws of this state, including:

- (1) Any temporary license or instruction permit.

(2) The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license.

(3) Any nonresident's operating privilege as defined in this section.

(4) Commercial driver's license (CDL): a license to operate any commercial motor vehicle issued by the driver's state of residence.

(5) Class A CDL: required to operate any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicles being towed is in excess of 10,000 pounds.

(6) Class B CDL: required to operate any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

(7) Class C CDL: required to operate any single vehicle, or combination of vehicles, that meets neither the definition of class A nor that of class B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations as set out in 49 CFR part 172, subpart F.

(8) Class E license: required to operate any vehicle for hire not required to have a Class A, B or C CDL.

(9) Class F license: required to operate any private vehicle which is transporting less than 15 persons and not transporting hazardous materials requiring placarding.

(10) — Class M license: required for operation of a motorcycle only.

Lienholder means a person holding a security interest in a vehicle.

Loading zone means a space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

Lodging room means a room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities,

each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this chapter.

Lodginghouse means a building, other than a hotel, where a room without meals or cooking privileges for five or more persons is provided for compensation.

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

Micro-mobility device means a compact electric-assisted device commonly designed for one person, but not to exceed two people, including such devices as electric scooters, motorized skateboards, electric unicycles, or any other electric powered mobility device, designed for single-person mobility, either privately-owned, or part of a shared mobility system; but shall not mean an electric-bicycle, a vehicle or device like that which is an all-terrain vehicle, golf cart, motorized bicycle, moped, motorized scooter, motorcycle, or electric motorcycle, nor like coasters, roller skates or skateboards; and shall not include a motorized wheel chair or power scooter or similar device intended as a mobility aid for a person with disability.

Moped means a motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeters; and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

Motor home means every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space.

Motor vehicle means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power.

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

Motor-driven cycle means every motorcycle, motor scooter or motorized bicycle having an engine with less than 150 cubic centimeters displacement or with five brake horsepower or less.

Motorized Skateboard means a self-propelled device without handlebars which has a motor or engine, a deck on which a person may stand and at least one (1) wheel in contact with the ground, and includes, but is not limited to, devices commonly known as electric one (1) wheel boards, hoverboards, self-balancing skateboards, and similar devices.

Motorman means a person who propels, drives, operates or who is in charge of a streetcar vehicle.

Nonresident means every person who is not a resident of this state.

Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Official time standard means whenever certain hours are named in this chapter, they shall mean standard time or daylight saving time, as may be in current use in this city.

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

Off-road vehicle means any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland or other natural terrain without benefit of a road or trail:

(1) Including, without limitation, the following:

a. Jeeps;

b. All-terrain vehicles;

c. Dune buggies;

d. Multiwheel drive or low-pressure tire vehicles;

e. Vehicle using an endless belt or tread, or a combination of tread and low-pressure tires;

f. Motorcycles, trail bikes, minibikes and related vehicles; and

g. Any other means of transportation deriving power from any other source other than muscle or wind; and

(2) Excluding the following:

a. Registered motorboats;

b. Aircraft;

c. Any military, fire or law enforcement vehicle;

d. Farm-type tractors and other self-propelled equipment for harvesting and
— transporting farm or forest products;

e. Any vehicle being used for farm purposes, earth-moving or construction while
— being used for such purposes on the work site;

f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being
— used exclusively for their designed purposes; and

g. Any vehicle being used for the purpose of transporting a handicapped person.

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

Out of service means a temporary prohibition against the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier.

Out of service order means a declaration by the Federal Highway Administration or any authorized enforcement officer of a federal, state, commonwealth or Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service.

Owner means a person, other than a lienholder, having a property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park and *parking* mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Passenger car means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

Passenger loading zone means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

Pedestrian means any person afoot.

Personal identification card means a document issued by the department of revenue of the state for the sole purpose of identifying the bearer and not authorized for use as a driver's license.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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 operated upon stationary rails.

Railroad sign or signal means any sign, signal or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad car.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Registration means the registration certificate or certificates and registration plates issued under laws pertaining to the registration of vehicles.

Residence district means the territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Residential parking area means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals and nursing homes.

Residential parking permit means a permit issued by the city or an issuing authority which confers certain parking privileges upon the driver of the car to which it is affixed.

Residential permit parking area or street means a residential parking area or a street where vehicles with an affixed residential parking permit may be parked in excess of posted parking.

Responsible person means a parent, guardian, or other person having charge, control, or custody of a person under sixteen (16) years of age.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human-powered vehicles. If a street or highway includes two or more separate roadways, the term "roadway" as used in this chapter shall refer to any such roadway separately but not to all such roadways collectively.

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 or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus means every motor vehicle that complies with the provisions of this chapter and is used to transport pupils to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of pupils.

School zone means any area upon or around any street, highway, roadway, or intersection which is visibly marked as an area where a school is located. The term "school zone" also includes the lanes of such street, highway, roadway or intersection leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed.

Semitrailer means every vehicle, with or without motive power, other than a pole trailer, 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 use by pedestrians.

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

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

Stop, when required, means complete cessation of movement.

Stop and stopping, when prohibited, mean any halting, even momentarily, of a vehicle, whether occupied or not, 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 means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Streetcar or *streetcar vehicle* means an electrically driven rail transit vehicle designed for local public transportation that runs on rails let into the surface of the road and that is usually powered by electricity received from an overhead wire.

Streetcar authority means any person or entity contracting with the city to oversee and administer the management and operations of any streetcar system.

Streetcar operator means the professional transportation company hired by the city or streetcar authority pursuant to a contract to manage and operate any streetcar system.

Streetcar service line means any rail, track, appurtenance, or facility located within a public right-of-way that is authorized by the city to be used for streetcars.

Streetcar stop or station means a designated stop or shelter or any facility operated for a streetcar service line or served by a streetcar operator, including a reasonable area immediately adjacent to any designated stop along the route traveled by any streetcar operated by a streetcar operator, and parking areas provided by a streetcar operator adjacent to a station.

Taxicab means a public passenger motor vehicle with a rated passenger-carrying capacity of five or less, exclusive of the driver, furnished for hire on a call or demand basis to transport persons, packages or messages where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage and recorded and indicated on a taximeter.

Through highway or street means every highway or street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways or streets is required by law to yield the right-of-way to vehicles on such through highway or street in obedience to a stop sign, yield sign or other official traffic control device, when such signs or devices are erected as provided in this chapter.

Tow vehicle means any motor vehicle designed or equipped to, or which does in fact provide for hire, and towing service, including but not limited to towing, lifting, or extraction of any vehicle, pushing of vehicles, engine starting, roll back pick up or recovery, and the carrying or transporting of any vehicle.

Tow vehicle operator means any person who drives a tow vehicle, operates the equipment mounted on or contained within a tow vehicle, or assists in the operation of a tow vehicle or its equipment, including any and all acts and functions incident to the movement of a tow vehicle from place to place, as well as all acts involved in the towing of any vehicle by the tow vehicle.

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

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

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

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle identification number means the numbers and letters, if any, designated for the purpose of identifying the vehicle or the unique identifier assigned to each vehicle by the manufacturer pursuant to regulations.

(b) Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state or federal laws regulating the operation of vehicles, any such definition in the state or federal law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Section 2. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-706 entitled “Electric bicycles — rights and privileges — label, requirements — modifications — require new label — product safety standards — authorized to ride, where, exceptions — class 3 electric bicycles, special provisions.”, to read as follows:

Sec. 70-706. Electric bicycles — rights and privileges — ~~label, requirements~~ — ~~modifications~~ — ~~require new label~~ — ~~product safety standards~~ — authorized to ride, where, ~~exceptions~~ — ~~class 3 electric bicycles, special provisions.~~ age restrictions.

(a) Except as otherwise provided in this section, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle. — An electric bicycle shall be considered a vehicle to the same extent as a bicycle. For

purposes of this chapter, an electric bicycle, as defined in Section 70-1, is governed exclusively by this section and not by the provisions governing micro-mobility devices.

(b) An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

(c) Manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle.—The label, which shall be affixed to the electric bicycle in a prominent location, shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle.—The text on the label shall be Arial font and in at least nine-point type.

(d) No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under subsection 3 of this section with a new label indicating the new classification. An electric bicycle modified such that it does not meet the requirements of any of the three classes of electric bicycle shall be considered an electric motorcycle. A police officer may request that the operator of an electric bicycle display the label required under subsection (c) of this section. Operation of an electric bicycle without a legible label, or with a label inconsistent with the device's actual performance characteristics, creates a presumption that the device does not meet the requirements of an electric bicycle under this chapter and may be treated as an electric motorcycle for enforcement purposes.

(e) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512.

(f) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(g) An electric bicycle may be ridden where bicycles are permitted to travel, subject to the following provisions:

- (1) —An electric bicycle may be ridden on bicycle or multi-use paths where bicycles are permitted;
- (2) —Following notice and a public hearing, a municipality or local authority having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations;
- (3) —A municipality or local authority having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path; and

(4) — The provisions of this subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.— A local authority having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.

(5) Speed limits by location. An electric bicycle operated on a sidewalk shall not exceed a speed of fifteen (15) miles per hour. An electric bicycle operated in a bicycle lane, multi-use path, or trail shall not exceed a speed of twenty (20) miles per hour. An electric bicycle operated on a street or roadway shall comply with the posted speed limit applicable to that street or roadway.

(h) — The use of class 3 electric bicycles shall be subject to the following provisions:

(1) No person under sixteen years of age shall operate a class 3 electric bicycle.— A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers; and

(2) —

(2) All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an electric bicycle is traveling in miles per hour.

(i) The operator of an electric bicycle shall yield the right-of-way to, and exercise due consideration for, any pedestrian on a sidewalk or on a marked or unmarked crosswalk. The operator of an electric bicycle shall yield to, and exercise due consideration for, users of bicycle lanes, multi-use paths or trails that are moving slower than the operator of the electric bicycle.

(j) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this section.

(k) Violations of this section may result in a warning or citation. Citations incurred through violations of this section by persons under the age of eighteen (18) shall be charged to the respective parents or guardians.

(l) It shall be unlawful for any person to operate electric bicycles on any interstate highway.

(m) All persons under the age of eighteen (18) who operate or ride upon an electric bicycle device shall wear an approved bicycle helmet that is properly fitted and is fastened securely by a neck or chin strap while the electric bicycle device is in motion.

Section 3. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-707 entitled “Micro-Mobility Devices - rights and privileges – authorized to ride, where – age restrictions”, to read as follows:

Sec. 70-707. Micro-Mobility Devices – rights and privileges – authorized to ride, where, age restrictions.

- (a) Except as otherwise provided in this section, every person operating a micro-mobility shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle. A micro-mobility device with a maximum operating speed capability of 20 miles per hour or less shall be considered a vehicle to the same extent as a bicycle.
- (b) Micromobility devices shall not be operated on bicycle lanes, multi-use paths, or trails at a speed of greater than 20 miles per hour.
- (c) Where riding on sidewalks is permissible, micro-mobility devices shall not be operated on sidewalks at a speed of greater than 15 miles per hour.
- (d) No person under 16 years of age may operate, or ride as a passenger on, a micro-mobility device with a maximum operating speed capability of greater than 20 miles per hour.
- (e) It shall be unlawful for any person to operate a micro-mobility device while under the influence of alcohol.
- (f) It shall be unlawful for any person to operate a micro-mobility device with a passenger, unless the device is specifically designed to carry a passenger.
- (g) The operator of an electric bicycle shall yield the right-of-way to, and exercise due consideration for, any pedestrian on a sidewalk or on a marked or unmarked crosswalk. The operator of an electric bicycle shall yield to, and exercise due consideration for, users of bicycle lanes, multi-use paths or trails that are moving slower than the operator of the electric bicycle.
- (h) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this section.
- (i) Violations of this section may result in a warning or citation. Citations incurred through violations of this section by persons under the age of eighteen (18) shall be charged to the respective parents or guardians.
- (j) It shall be unlawful for any person to operate electric bicycles on any interstate highway.
- (k) All persons under the age of eighteen (18) who operate or ride upon an electric bicycle device shall wear an approved bicycle helmet that is properly fitted and is fastened securely by a neck or chin strap while the electric bicycle device is in motion.

Section 4. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-708 entitled “Electric Motorcycles - rights and privileges”, to read as follows

Sec. 70-708. Electric Motorcycles – rights and privileges – age, license, and location restrictions.

- (a) An electric motorcycle or a rider of an electric motorcycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a motorcycle or the rider of a motorcycle. An electric motorcycle is a vehicle to the same extent as a motorcycle.
- (b) No person shall operate an electric motorcycle upon a street, highway, or other public right-of-way within the city unless that person is at least sixteen (16) years of age and possesses a valid driver's license, or other license or permit issued under Chapter 302, RSMo, authorizing the operation of a motorcycle.
- (c) An electric motorcycle shall not be operated upon a sidewalk, bicycle lane, bike lane, multi-use path, or trail. An electric motorcycle may be operated only upon a street or roadway, in accordance with the posted speed limit and all other provisions of this Code and state law applicable to motorcycles generally.

Section 5. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-708 entitled “Electric bicycles – business notification requirements”, to read as follows:

Sec. 70-708. Electric bicycles – business notification requirements.

- (a) Purpose. The city has a legitimate governmental interest in ensuring that persons who purchase, rent, or otherwise acquire an electric bicycle device within the city are informed of the definitions, age and speed restrictions, rights and responsibilities, and enforcement provisions applicable to such devices under this article.
- (b) Posting requirement. Any business engaged in the retail sale, rental, or advertisement of electric bicycles within the city shall conspicuously post, at each point of sale or rental location, not fewer than one (1) flyer or poster containing the following information:

 - i. The definitions of electric bicycle (including class 1, class 2, and class 3), micro-mobility device, and electric motorcycle set forth in Section 70-1;
 - ii. The age and speed restrictions applicable under Sections 70-706, 70-707, and 70-708;
 - iii. A general summary of the rights and responsibilities of operators under this article; and

iv. A general summary of the enforcement provisions and penalties under Section 70-710.

(c) *Standardized materials.* The City Manager shall make available a standardized flyer or poster satisfying the requirements of subsection (b), which a business may use, without modification, to satisfy this section.

(d) *Compliance period.* A business found not to be in compliance with subsection (b) shall first be issued a written notice of compliance and shall have thirty (30) days to come into compliance before a citation may be issued.

Section 6. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-710, entitled “Electric bicycles, micro-mobility devices, and electric motorcycles – enforcement, responsible person, penalty” to read as follows:

Sec. 70-710. Electric bicycles, micro-mobility devices, and electric motorcycles – enforcement, responsible person, penalty.

(a) *Responsible person.* A responsible person is accountable for ensuring that a person under sixteen (16) years of age in that responsible person's charge, control, or custody complies with the age, class, and location restrictions applicable to electric bicycles, micro-mobility devices, and electric motorcycles under Sections 70-706, 70-707, and 70-708.

(b) *First violation.* Upon a first violation of Section 70-706, 70-707, or 70-708 committed by a person under sixteen (16) years of age, a police officer or code enforcement officer shall issue a warning to the responsible person, together with educational material summarizing the requirements of this article and the relevant provisions of the Code of Ordinances. No fine or citation shall be issued for a first violation.

(c) *Second violation.* Upon a second violation, the responsible person shall be issued a citation; provided, that such citation, and any associated fine, may be waived upon the responsible person's successful completion of an educational or safety program approved by the city addressing the safe and lawful operation of electric bicycles, micro-mobility devices, or electric motorcycles.

(d) *Third and subsequent violations.* Upon a third or subsequent violation, the responsible person shall be issued a citation and shall be subject to a fine not to exceed \$500.00, without the waiver option available under subsection (c); provided, that the responsible person shall not be subject to custodial arrest, but shall be issued a summons to appear in municipal court.

Section 7. The following table summarizes, for reference only, the location, speed, and age based operating framework established by Sections 70-706 through 70-708.

	<u>E-Bikes</u>	<u>Micro-Mobility</u>	<u>E-Motos</u>
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<u>Sidewalks</u>	<u>Up to 15 MPH</u>	<u>Up to 15 MPH</u>	<u>Not allowed</u>
<u>Bike Lanes & Trails</u>	<u>Up to 20 MPH</u>	<u>Up to 20 MPH</u>	<u>Not allowed</u>
<u>Streets</u>	<u>Listed speed limit</u>	<u>Listed speed limit</u>	<u>Listed speed limit</u>
<u>Age restrictions</u>	<u>Under 16 can't ride class 3; Helmet for under 18</u>	<u>Under 16 can't ride over 20 MPH; Helmet for under 18</u>	<u>16 and older with license</u>

Section 8. Declaring the City Council's intent to support the proactive distribution of public-safety educational materials regarding e-bikes and other micromobility devices and directing the City Manager to utilize existing safety curriculums and resources from local transportation organizations and to coordinate their distribution throughout Kansas City, including but not limited to schools, libraries, community centers, health centers, and other public facilities.

Section 9.

(a) *Delayed effective date.* Notwithstanding any other provision of this ordinance, Sections 70-706 through 70-710 of the Code of Ordinances, as amended or enacted by this ordinance, shall become effective one hundred twenty (120) days after the date of this ordinance's passage and approval, to allow time for the distribution of public safety educational materials and for the City Manager to establish the procedures described in subsection (c).

(b) *Distribution of education materials during delay period.* During the one hundred twenty (120) day period preceding the effective date established in subsection (a), the City Manager shall coordinate the distribution of public safety educational materials regarding electric bicycles, micro-mobility devices, and electric motorcycles, consistent with Section 8 of this ordinance, including materials addressing the definitions, age and speed restrictions, location-based operating requirements, and business notification requirements established by this ordinance.

(c) *Vetting of diversion program.* Prior to the effective date established in subsection (a), the City Manager shall work with the city prosecutor and the municipal court to establish and/or participate in existing procedures for identifying, approving, and administering the educational or safety program(s) that may be used to satisfy the waiver opportunity for a second violation under Section 70-710(c), including procedures for verifying a responsible person's successful completion of such a program for purposes of that section.

(d) *No enforcement prior to effective date.* No citation or other enforcement action under Section 70-709 or Section 70-710 of the Code of Ordinances shall be issued for conduct occurring prior to the effective date established in subsection (a).

Section 10. That the City Manager is hereby directed to report back to the City Council within thirty (30) days of the passage and approval of this ordinance with a plan and the resources necessary to carry out the activities described in Section 8, addressing: existing curricula and resources available for use, including local transportation organizations and other state-wide or national organizations; a communications strategy focused on youth under eighteen (18); areas of the City with inequities in enforcement; the estimated cost of paid media and collateral

production; necessary staff capacity for City Communications; and enforcement/compliance capacity within the Kansas City Police Department.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney