

ADOPTED BY THE
MAYOR AND COUNCIL

September 5, 2018

ORDINANCE NO. 11582

RELATING TO BICYCLES, ELECTRIC BICYCLES OR TRICYCLES; PROVIDING DEFINITIONS; REGULATING OPERATION; BY AMENDING THE TUCSON CODE, CHAPTER 5, BICYCLES; AMENDING ARTICLE I, IN GENERAL, SECTION 5-2; AMENDING ARTICLE II, MOTORIZED BICYCLE OR TRICYCLE, SECTIONS 5-4 TO 5-6; ADDING A NEW ARTICLE III, ELECTRIC BICYCLES, SECTIONS 5-12 TO 5-14; 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, Article I, Section 5-2, is amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 5-2. Riding on sidewalks and pedestrian paths, and through underpasses; yielding the right of way and passing or overtaking.

(a) It shall be unlawful to ride a bicycle on any public sidewalks, or upon a designated pedestrian path in any public park, unless signs are posted specifically permitting bicycling.

(b) It shall be unlawful to ride a bicycle through any underpass when signs are posted prohibiting bicycling.

(c) A person riding a bicycle on a multi-use path, trail, or shared use path under the jurisdiction of the City of Tucson must yield the right-of-way to any pedestrian or horse and shall slow to ten (10) miles per hour and communicate to the pedestrian or equestrian rider before overtaking or passing.

SECTION 2. The Tucson Code, Chapter 5, Article II, Sections 5-4 to 5-6, is amended 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 gas-powered bicycles or tricycles. It is the purpose and intent of this Article to provide for the regulation of motorized 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 a 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, 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, except as otherwise provided herein.

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.

SECTION 3. Tucson City Code, Chapter 5, is hereby amended by adding a new

Article III, to read as follows:

ARTICLE III. ELECTRIC BICYCLES

Sec. 5-12. Definition.

An "electric bicycle" is defined as a bicycle or tricycle equipped with fully operable pedals and an electric motor and that meets the requirements of one of the following classes:

- (a) A "Class 1 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.

- (b) A "Class 2 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.
- (c) A "Class 3 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight (28) miles per hour.

Sec. 5-13. Applicability of traffic laws; specific rules for electric bicycles.

- (a) In the City of Tucson, a person riding an electric bicycle is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, including Article I of this Chapter 5, except as otherwise provided herein.
- (b) Electric bicycles are permitted on bicycle, shared and multiuse paths **under the jurisdiction of the City of Tucson**, in the same manner as any other bicycle and when operated at posted or regulated speeds, or under twenty (20) miles per hour, whichever is lower.
- (c) No person under the age of sixteen (16) may operate an electric bicycle. A person under the age of sixteen (16) may ride as a passenger on an electric bicycle designed to accommodate passengers.
- (d) All electric bicycles shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part 1512).
- (e) All electric bicycles must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

Sec. 5-14. Violation declared a civil traffic violation.

- (a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of twenty-five dollars (\$25.00).
- (b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations, as they may from time to time be amended or replaced.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. If any provision 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 6. 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, September 5, 2018.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:



CITY ATTORNEY

CITY MANAGER

RL:ct
8/23/2018