

Chapter 13

BICYCLES, MOPEDS AND GOLF CARTS

Articles:

- 13-1** **Definitions, Penalties, Application**
- 13-2** **Abandoned Bicycles**
- 13-3** **Operation of Bicycles, Mopeds and Golf Carts**

Article 13-1 **Definitions, Penalties, Application**

Sections:

- 13-1-1** **Definitions**
- 13-1-2** **Responsibility of Parent**
- 13-1-3** **Application of Provisions**
- 13-1-4** **Penalty**

Section 13-1-1 **Definitions**

In this chapter unless the context otherwise requires:

A. "Bicycle" means a device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen inches in diameter or having three wheels in contact with the ground any of which is more than sixteen inches in diameter.

B. "Bicycle lane" means any portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs or other traffic-control devices.

C. "Golf cart" means an electric motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.

D. "Pathway" means a facility designated for use of bicycles, golf carts and pedestrians.

E. "Pedal bicycle with helper motor" or "moped" means every bicycle equipped with a helper motor, if such vehicle has an electric motor or maximum piston displacement of fifty cubic centimeters, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour on a flat surface with less than a one percent grade.

F. "Sidewalk" means a facility designated for use of pedestrians and bicycles. (Ord. 11-164 § 1)

Section 13-1-2 **Responsibility of Parent**

The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any provisions of this chapter.

Section 13-1-3 **Application of Provisions**

The regulations of this chapter in their application to bicycles, mopeds and golf carts shall apply when a bicycle, moped or golf cart is operated upon any street, bicycle lane, pathway or sidewalk subject to those exceptions stated in this chapter. (Ord. 11-164 § 1)

Section 13-1-4 **Penalty**

Any person violating any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed two hundred fifty dollars, unless another penalty is specified.

Article 13-2 **Abandoned Bicycles**

Sections:

- 13-2-1** **Duty of City to Take Possession**
- 13-2-2** **Notice of Owner**
- 13-2-3** **Sales**
- 13-2-4** **Notice of Sale**
- 13-2-5** **Auction, Disposition of Funds**
- 13-2-6** **Claimants**
- 13-2-7** **Certificates of Sale**

Section 13-2-1 Duty of City to Take Possession

It shall be the duty of the city to take possession of all bicycles that have been abandoned on any street, alley or in any other public place in the city.

Section 13-2-2 Notice of Owner

Upon taking possession of any abandoned bicycle, it shall be the duty of the city to ascertain, if possible, the owner thereof and to notify such owner that such bicycle is in the possession of the police department. This notice may be given to the owner in person, by phone or by ordinary mail.

Section 13-2-3 Sales

A. In the event that the owner of an abandoned bicycle cannot be found or does not claim such bicycle, the city shall proceed to sell such bicycle at public auction. Such sale shall be held in the manner set forth in this chapter. However, the finder of such bicycle shall be notified prior to the auction and allowed to make claim to said bicycle.

B. From time to time the city council may decide to exempt certain bicycles from the above sale procedure and give such exempted bicycles to nonprofit organizations, as approved by the city council, for disbursement. The nonprofit organizations shall request the bicycles in writing directed to the city council. The organization shall provide a specific statement as to the proposed use of the bicycles in its request.

Section 13-2-4 Notice of Sale

After twenty days from the date of taking from the date of the taking of possession of an abandoned bicycle, the city shall publish in the official newspaper of the city, at least twice, a notice of sale of such bicycle and shall post a copy of such notice in three public places in the city. A copy of such notice shall be mailed to the owner, if known, at his last known address. This copy may be mailed at least thirty days

before the date of the sale. Such notice shall contain a brief description of the bicycle, if known; its number, if known; its last registration number, if known and shall also state the hour, date and place of sale and the place where the bicycle may be seen.

Section 13-2-5 Auction, Disposition of Funds

The sale shall be a public auction to the highest bidder for cash, but in no event shall any bicycle be sold to any person for less than the cost of advertising and sale. All money received from such sale over and above the cost of advertising and sale shall be retained in a separate fund for at least six months. Upon the expiration of such time, unless sooner claimed as provided in this article, such money shall be paid over into the general fund.

Section 13-2-6 Claimants

Should any person, within six months after the date of the sale of a bicycle, make claim to such bicycle, such sum of money as may be in the hands of the city, less the sales and advertising costs which has been derived from the sale, shall be paid over to such claimant upon proof of his right to receive the same. In no event shall any claim be considered unless it is presented to the city in writing, under oath, and before the expiration of six months from the date of the sale.

Section 13-2-7 Certificates of Sale

On delivery to any purchaser of any bicycle sold under the provisions of this chapter, the city shall execute to such purchaser a certificate of sale of such bicycle, which certificate shall describe the bicycle in the same manner as in the advertisement of sale and shall recite the date of possession of the city and the date of sale. Such certificate shall pass the title to the bicycle to the purchaser.

**Article 13-3 Operation of Bicycles,
Mopeds and Golf Carts**

Sections:

- 13-3-1 General**
- 13-3-2 Riding Bicycles**
- 13-3-3 Riding or Operating Golf
Carts**
- 13-3-4 Riding Pedal Bicycle with
Helper Motors (Mopeds)**

Section 13-3-1 General

A. No person shall ride or operate a bicycle, moped or golf cart at excessive speed or otherwise in an unsafe manner reasonably expected to infringe upon the safety of such person or others.

B. No person shall operate a bicycle, moped or golf cart so as to cause damage to the personal or real property of another.

C. Every person riding a bicycle, moped or golf cart upon a street shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by state law and this chapter, except as to those provisions which by their nature can have no application.

D. A person operating a bicycle, moped or golf cart upon a street at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right hand curb or edge of the street, except under any of the following situations:

1. If overtaking and passing another bicycle, moped, golf cart or vehicle proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private road or driveway.
3. If reasonably necessary to avoid conditions including fixed or moving objects parked or moving vehicles, bicycles, mopeds, golf carts, pedestrians, animals or surface hazards.

E. No person shall drive a vehicle other than a golf cart upon or across a sidewalk,

bicycle lane or pathway except to enter or leave the street and only after giving the right-of-way to all bicycles, mopeds, golf carts and pedestrians lawfully upon the sidewalk, bicycle lane or pathway. The operation of golf carts shall comply with Section 13-3-3.

F. The city is authorized to erect or place signs designating the existence of a pathway and otherwise regulating the operation and use of bicycles, mopeds and golf carts with respect thereto, so long as the same are consistent with this chapter. When such signs are in place, no person shall disobey the same. (Ord. 11-164 § 1)

Section 13-3-2 Riding Bicycles

A. No person shall ride a bicycle on any sidewalk, pathway or public or private property when prohibited by a sign which is clearly visible to those entering upon such sidewalk, pathway or property.

B. Whenever any person is riding a bicycle upon a sidewalk, pathway or public or private property, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

C. Any person riding a bicycle on a sidewalk or pathway that is about to enter or cross a street shall yield the right-of-way to all the traffic on such street. (Ord. 11-164 § 1. Formerly 13-3-3)

**Section 13-3-3 Riding or Operating
Golf Carts**

A. No person shall operate a golf cart on any sidewalk except to cross such sidewalk when entering or leaving a driveway. No person shall operate a golf cart on any pathway or public or private property when prohibited by a sign which is clearly visible to those entering upon such pathway or property.

B. A person operating a golf cart upon a pathway or public or private property shall yield the right-of-way to pedestrians and bicy-

cles and shall give an audible signal before overtaking and passing such pedestrian or bicycle.

C. No person shall operate a golf cart on pathways at a speed of more than twenty-five miles per hour.

D. Any person operating a golf cart on a pathway that is about to enter or cross a street shall yield the right-of-way to all the traffic on such street.

E. All persons riding in or operating a golf cart shall remain seated while the golf cart is in motion.

F. Any person operating a golf cart on a public street or pathway shall have a valid driver's license. (Ord. 11-164 § 1)

**Section 13-3-4 Riding Pedal Bicycle
 with Helper Motors
 (Mopeds)**

A. A person may drive a moped on streets, including bicycle lanes.

B. Mopeds shall be prohibited on pathways and sidewalks, except when propelled by human power with helper motor disengaged. (Ord. 11-164 § 1. Formerly 13-3-6)