

ORDINANCE NO. 3842

AN ORDINANCE AMENDING TITLE 10, VEHICLES AND TRAFFIC OF THE EDMOND MUNICIPAL CODE BY AMENDING SECTION 10.04.040 BICYCLE-ELECTRIC ASSISTED BICYCLE; AMENDING SECTION 10.04.150 MOTOR VEHICLE; ADDING NEW SECTION 10.61.040 MOTORCYCLE, MOTOR-DRIVEN CYCLE, MOTORIZED SCOOTER, MOTORIZED BICYCLE; ADDING NEW SECTION 10.16.140 ELECTRIC-ASSISTED BICYCLE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Section 10.04.040 of the Edmond Municipal Code is hereby amended to read as follows:

10.04.040.- Bicycle. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

a. "Class 1 electric-assisted bicycle" shall mean an electric-assisted 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 (20) miles per hour, and

b. "Class 2 electric-assisted bicycle" shall mean an electric-assisted 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 (20) miles per hour, and

c. "Class 3 electric-assisted bicycle" shall mean an electric-assisted 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 (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;
2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and
3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this section, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

SECTION 2. Section 10.04.150 of the Edmond Municipal Code is hereby amended to read as follows:
Section 10.04.150. - Motor vehicle.

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or

2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this section, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Title 47 O.S. Section 1-125;

2. Electric personal assistive mobility devices as defined in Title 47 O.S. Section 1-114A;

3. Motorized wheelchairs, as defined in Title 47 O.S. Section 1-136.3; or

4. Vehicles moved solely by human or animal power; or

5. Electric-assisted bicycles as defined in Section 10.04.040 of this Code.

SECTION 3. New Section 10.61.040 of the Edmond Municipal Code is hereby added to read as follows:

Section 10.61.040.

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, or an electric-assisted bicycle on any street or highway of this city while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, or electric-assisted bicycle who has attained the age of sixteen (16) years or older may carry passengers if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle, or electric-assisted bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

SECTION 4. New Section 10.16.140 of the Edmond Municipal Code is hereby added to read as follows:

Section 10.16.140.

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this Code.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle.

D. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle or a Class 3 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted.

E. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

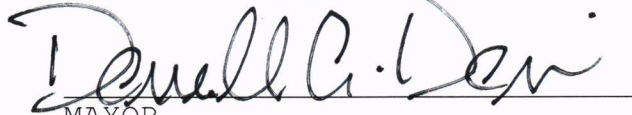
2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 6. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the 10th day of May, 2021.


MAYOR

Attest:


City Clerk

APPROVED as to form and legality this the 10th day of May, 2021.


CITY ATTORNEY

Public Hearing and Consideration of Ordinance _____ Amending Title 10, Vehicles and Traffic of the Edmond Municipal Code by Amending Section 10.40.040 Bicycle-Electric Assisted Bicycle; Amending Section 10.04.150 Motor Vehicle; Adding New Section 10.61.040 Motorcycle, Motor-Driven Cycle, Motorized Scooter, Motorized Bicycle; Adding new Section 10.16.140 Electric-Assisted Bicycle and Providing for Repealer and Severability.

Public Hearing and Consideration of Ordinance No. _____ Amending existing sales tax ordinances and levying and assessing a sales tax of one-fourth of one percent (1/4%) for a period of one (1) year, in addition to the present city, county and state excise taxes levied and assessed upon the gross proceeds or gross receipts derived from all sales to any person taxable under the sales tax laws of Oklahoma; providing for the purpose of sales tax and requiring same to be expended to fund the land acquisition near the northeast corner of 15th and Bryant adjacent to Hafer Park in Edmond, Oklahoma; said land to be included in the City's park system; provided the project may also be funded from other revenue sources if they become available and provided further surplus proceeds of the tax may be used for the early redemption of any payment obligations associated with the land acquisition project or to pay the cost of improving the land or providing other capital improvement for the City; also providing for the establishment of a limited purpose tax fund; providing for a tax rate, sales subject to tax, exemptions and other exempt transfers, when tax due, returns and records; providing for method of payment of tax; providing tax constitutes debt; classification of taxpayers; vendors duty to collect tax; returns and remittances-discount; tax collector defined; providing for definitions, interest and penalties-delinquency, waiver of interest and penalties, erroneous payment-claims for refund, fraudulent returns; providing for confidential records; amendments, provisions cumulative and provisions severable; providing for effective and operative dates and providing for repealer and severability.

These ordinances will be considered in their entirety by the Edmond City Council on May 10, 2021, beginning at 5:30 PM in the City Council Chambers, 20 S. Littler, Edmond.

STATE OF OKLAHOMA, } SS.
COUNTY OF OKLAHOMA }

Affidavit of Publication

Bryan Miller, of lawful age, being first duly sworn, upon oath deposes and says that she/he is the Classified Legal Notice Admin, of GateHouse Media Oklahoma Holdings, Inc, a corporation, which is the publisher of *The Oklahoman* which is a daily newspaper of general circulation in the State of Oklahoma, and which is a daily newspaper published in Oklahoma County and having paid general circulation therein; that said newspaper has been continuously and uninterruptedly published in said county and state for a period of more than one hundred and four consecutive weeks next prior to the first publication of the notice attached hereto, and that said notice was published in the following issues of said newspaper, namely:

CITY OF EDMOND (CITY CLERK'S OFC)
83495

<u>AdNumber</u>	<u>Publication</u>	<u>Page</u>	<u>Date</u>
0000640167-01	OC- The Oklahoman	C17	05/09/2021

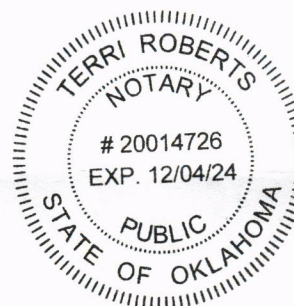
Bryan Miller
Agent: Bryan Miller

Date: 05/10/2021

Subscribed and sworn to be me before this date : 05/10/2021

Terri Roberts
Notary: Terri Roberts

Date: 05/10/2021



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B. The operator of a motorcycle, motor-driven cycle, motorized scooter-
PO BOX 2970, EDMOND, OK 73083, USA

STATE OF OKLAHOMA,
COUNTY OF OKLAHOMA

} SS.

Affidavit of Publication

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0000640742-01	OC- The Oklahoman	C17	05/16/2021

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PASSED AND APPROVED the 10th day of May, 2021.

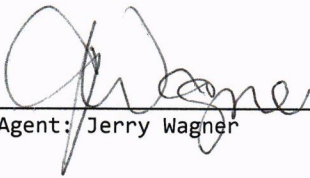
Darrell A. Davis
MAYOR

Attest:

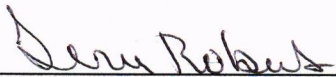
Cinda Covel
City Clerk

APPROVED as to form and legality this the 10th day of May, 2021.

Steve Murdock
CITY ATTORNEY


Agent: Jerry Wagner Date: 05/16/2021

Subscribed and sworn to be me before this date : 05/16/2021


Notary: Terri Roberts Date: 05/16/2021

