

**THE 2019 AMENDMENTS THE FLAGSTAFF CITY CODE
REGARDING USE OF THE RIGHT-OF-WAY AND BICYCLES**

The Flagstaff City Code, Title 8, *Public Highways and Property*, is hereby amended as shown below (additions identified by ALLCAPS and deleted text identified by a strike-through).

8-13-001-0014 PROHIBITION ON USE OF RIGHT-OF-WAY

A. IT SHALL BE UNLAWFUL FOR ANY PERSON OR ENTITY TO OBSTRUCT OR ENCUMBER, IN PART OR ENTIRELY, ANY PORTION OF ANY PUBLIC STREET, ALLEY, SIDEWALK, MULTIUSE PATH, OR ANY OTHER PUBLIC RIGHT-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY WITH ANY ITEM, WHETHER TEMPORARY OR PERMANENT, EXCEPT AS ALLOWED WITH AN APPLICABLE PERMIT UNDER THIS CODE OR PURSUANT TO AN EXPRESS AUTHORIZATION IN ANOTHER SECTION OF THIS CODE THAT AUTHORIZES CERTAIN, SPECIFIC TEMPORARY USE OR OBSTRUCTION.

B. IF PROPERTY IS FOUND IN VIOLATION OF THIS SECTION IT MAY BE SEIZED AND IMPOUNDED AFTER REASONABLE EFFORTS ARE MADE TO LOCATE THE OWNER. AN IMPOUNDMENT FEE OF ONE-HUNDRED DOLLARS (\$100.00) SHALL BE ASSESSED AND PAID FOR THE REDEMPTION AND RELEASE OF THE PROPERTY. IF PROPERTY IS NOT CLAIMED WITHIN NINETY (90) DAYS OF IMPOUNDMENT IT WILL BE CONSIDERED ABANDONED AND SUBJECT TO DESTRUCTION OR SALE.

The Flagstaff City Code, Title 9, *Traffic*, Chapter 9-05, *Bicycles*, is hereby amended as shown below (additions identified by ALLCAPS and deleted text identified by a strike-through).

9-05-001-0001 APPLICATION OF PROVISIONS

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

B. The regulations of this Chapter in their application to bicycles, **ELECTRIC OR MOTORIZED BICYCLES, ELECTRIC STANDUP SCOOTERS, SKATEBOARDS OR LIGHTWEIGHT WHEELED VEHICLES** shall apply when ~~a bicycle~~ **SUCH DEVICE** is operated upon any roadway, **MULTIUSE** path, or sidewalk subject to those exceptions stated in this Chapter.

C. The regulations of this Chapter shall not apply to exempt vehicles when they are used for the purposes for which they are intended.

9-05-001-0002 DEFINITIONS

For purposes of this Chapter:

A. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

1. Two tandem wheels, either of which is more than sixteen inches in diameter.
2. Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

B.G. "Bicycle lane" means that portion of the roadway striped and designated for the **exclusive** use of bicycles.

C. "DEVICE" MEANS A BICYCLE, ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC STANDUP SCOOTER, SKATEBOARD OR LIGHTWEIGHT WHEELED VEHICLE THAT MAY OR MAY NOT BE RIDDEN UPON A ROADWAY, MULTIUSE PATH, BICYCLE LANE OR SIDEWALK PURSUANT TO THIS CODE AND THE ARIZONA REVISED STATUTES.

D. "ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH FULLY OPERABLE PEDALS AND AN ELECTRIC MOTOR OF LESS THAN SEVEN HUNDRED FIFTY WATTS AND THAT MEETS THE REQUIREMENTS OF ONE OF THE FOLLOWING CLASSES:

1. "CLASS 1 ELECTRIC BICYCLE" MEANS 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 MILES PER HOUR.

2. "CLASS 2 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE BICYCLE OR TRICYCLE AND THAT IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

3. "CLASS 3 ELECTRIC BICYCLE" MEANS 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 MILES PER HOUR.

E. "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS A SELF-BALANCING DEVICE WITH ONE WHEEL OR TWO NONTANDEM WHEELS AND AN ELECTRIC PROPULSION SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO FIFTEEN MILES PER HOUR OR LESS AND THAT IS DESIGNED TO TRANSPORT ONLY ONE PERSON.

F. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT WEIGHS LESS THAN THIRTY POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A

FLOORBOARD ON WHICH A PERSON MAY STAND WHEN RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A HARD LEVEL SERVICE.

G. "ELECTRIC STANDUP SCOOTER" MEANS A DEVICE THAT WEIGHS LESS THAN SEVENTY-FIVE POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A HARD LEVEL SERVICE. THIS DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

H.D. "Exempt vehicles," when used for the purposes for which they are intended, means wagons, wheelchairs, and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or carts or other devices intended and used for transporting merchandise or materials.

I. "MOTORIZED BICYCLE" MEANS A MOTORIZED 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.

H. ~~"Path" means a shared use pathway designed and intended for the use of bicycles, pedestrians, and other non-motorized users that is physically separated from the roadway.~~

J. "MULTIUSE PATH" MEANS A HARD SURFACED OR AGGREGATE PATH THAT IS PHYSICALLY SEPARATED FROM THE ROADWAY AND DESIGNED AND INTENDED FOR THE SHARED USE OF BICYCLES, PEDESTRIANS AND OTHER DEVICES. MULTIUSE PATHS INCLUDE, BUT ARE NOT LIMITED TO, PATHS THAT ARE SIGNED, DESIGNATED, AND ILLUSTRATED ON OFFICIAL MAPS AS PART OF THE FLAGSTAFF URBAN TRAILS SYSTEM (FUTS).

C. ~~"Play vehicle" means a coaster, rollerskates, scooter, roller ski, child's tricycle, unicycle, sled, toboggan, or any other non-motorized device with wheels, rollers or rails upon which a person may ride.~~

K. "LIGHTWEIGHT WHEELED VEHICLE" MEANS ROLLER SKATES, INLINE SKATES, SCOOTERS, ROLLER SKIS, UNICYCLES, OR ANY OTHER HUMAN-POWERED NON-MOTORIZED CONVEYANCE DEVICE WITH WHEELS OR ROLLERS.

L.E. "Ride or riding" means operating ~~a bicycle~~ A DEVICE either wholly or partially sitting, standing or lying upon SUCH a bicycle, skateboard or play vehicle by a person whether such DEVICE bicycle, skateboard or play vehicle is in motion or stationary.

M.F. "Roadway" means all of the improved portion of a street which is intended for vehicular travel or parking.

N.I. "Sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.

O.B. "Skateboard" means a platform mounted on wheels that is propelled by human power.

P. "VENDOR" MEANS AN PERSON OR ENTITY THAT RENTS MORE THAN 50 BICYCLES OR SCOOTERS.

Q. "PERMIT AGREEMENT" MEANS PERMISSION TO LOCATE OR PLACE BICYCLES OR SCOOTERS IN ANY CITY RIGHT-OF-WAY, INCLUDING PUBLIC STREETS, ALLEYS, SIDEWALKS, MULTIUSE PATHS OR OTHER PUBLIC RIGHT-OF-WAY, FOR THE PURPOSES OF MAKING THEM AVAILABLE FOR RENT.

9-05-001-0003 TRAFFIC LAWS APPLY

A. Every person ~~riding~~ OPERATING a bicycle, ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER upon a roadway is granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle PURSUANT TO by this CODE Chapter AND THE ARIZONA REVISED STATUTES, ~~except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.~~

9-05-001-0004 FACILITIES UPON WHICH PERSONS ARE AUTHORIZED TO OPERATE DEVICES

THE FOLLOWING TABLE INDICATES WHERE DEVICES ARE ALLOWED OR PROHIBITED ON FACILITIES:

DEVICE	Sidewalk	Sidewalk, Downtown	FUTS	Bike Lane	Roadway
Bicycle	Yes	As Posted	Yes	Yes	Yes
E-Bike, Class 1	No	No	Yes	Yes	Yes
E-Bike, Class 2	No	No	Yes	Yes	Yes
E-Bike, Class 3	No	No	No	Yes	Yes
Electric personal assistive mobility device	Yes	As Posted	Yes	Yes	Yes
E-Standup Scooter	No	No	Yes	Yes	Yes
Motorized Bicycle	No	No	No	Yes	Yes
Lightweight Wheeled Vehicle	Yes	As Posted	Yes	Yes	Yes

9-05-001-0004 0005 RIDING ON BICYCLES AND OTHER DEVICES

A. A PERSON OPERATING A DEVICE SHALL NOT:

- 1.A. ~~A person riding a bicycle shall not:~~ Ride other than upon or astride a permanent and regular seat attached thereto.
- 2.B. ~~No bicycle shall be used to:~~ Carry more persons at one time than the number for which it is designed and equipped.
- 3.C. ~~No person riding upon any bicycle shall:~~ Attach the same or themselves to any vehicle upon a roadway.
- 4.D. ~~No person operating a bicycle shall:~~ Carry any package or article which prevents the driver from keeping at least one hand upon the handlebars.
- 5.E. ~~No person shall:~~ Operate a bicycle **DEVICE** at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing, or in excess of the posted speed limit.

6. **PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

B. A PERSON SHALL NOT OPERATE A DEVICE WITH RECKLESS DISREGARD FOR PERSONS AND PROPERTY.

1. **PENALTY. A VIOLATION OF THIS SECTION IS A CLASS TWO MISDEMEANOR.**

9-05-001-0005 0006 EQUIPMENT

A. Every bicycle, **ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER** when in use at nighttime shall be equipped with a lamp on the front, **EITHER AFFIXED TO THE DEVICE OR WORN ON THE PERSON**, which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the Arizona Department of Transportation, which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear, when directly in front of lawful upper beams of headlamps on motor vehicles. A lamp on the rear emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in **PLACE OF** ~~addition to~~ the red reflector.

B. Every bicycle, **ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER** shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

C. **PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

9-05-001-0006 0007 RIDING OPERATION ON ROADWAYS AND BICYCLE LANES

A. A person riding a bicycle **OPERATING A DEVICE** on the roadway **OR BICYCLE LANE** 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 roadway, except under any of the following situations:

1. If overtaking and passing another ~~bicycle or vehicle~~ **DEVICE** 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, pedestrians, animals, snow and ice, or surface hazards.
4. If the lane in which the person is operating the bicycle is too narrow for a ~~bicycle~~ **DEVICE** and a vehicle to travel **SAFELY** side by side within the lane.
5. When proceeding straight, through an area where a right-turn is permitted, in order to avoid conflicts with right-turning vehicles.

B. When parking is allowed along the roadway, then the "right side of the roadway" shall be deemed to be to the left of any parked vehicles or parking lane, including the area occupied by open car doors, or to the right of any parked vehicles or parking lane on the left side of one-way streets.

C. Persons riding bicycles **OPERATING A DEVICE** upon a roadway **OR BICYCLE LANE** shall not ride more than two (2) abreast except on ~~paths or parts of roadways~~ **WHERE** set aside for the use of bicycles.

E. PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.

9-05-001-0007 0008 RIDING OPERATION ON SIDEWALKS AND MULTIUSE PATHS

A. Where signs are erected giving notice thereof, no person shall ride a ~~bicycle~~ **DEVICE** upon a sidewalk **OR MULTIUSE PATH**. ~~This prohibition shall also apply to any bicycle, skateboard or play vehicle which is equipped or assisted by a motor.~~ Signs prohibiting such activity shall be installed at locations as directed by the Office of the Traffic Engineer.

C.B IF A DEVICE IS AUTHORIZED TO BE RIDDEN UPON A public SIDEWALK OR MULTIUSE PATH, THE PERSON OPERATING THE DEVICE shall be subject to the following provisions:

1. ~~A person riding a bicycle, skateboard, or play vehicle upon a sidewalk shall~~ Yield the right-of-way to all pedestrians and exempt vehicles.

2. ~~Such person shall~~ Give an audible signal before overtaking and passing any pedestrian or exempt vehicle traveling in the same direction on the sidewalk.

3. ~~No person shall operate a bicycle on a sidewalk at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing.~~

~~D.G. Penalty. Violation of any provisions of 9-05-001-0007 by any person~~ **A VIOLATION OF THIS SECTION** shall be a civil traffic offense punishable by a fine of not less than twenty-five (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.

9-05-001-0008 RIDING ON PATHS

A. ~~A person riding a bicycle, skateboard, or play vehicle upon a sidewalk shall yield the right-of-way to all pedestrians and exempt vehicles.~~

B. ~~Such person shall give an audible signal before overtaking and passing any pedestrian or exempt vehicle traveling in the same direction on the path.~~

9-05-001-0009 BICYCLE REGISTRATION

The Chief of Police, or his or her designee, is hereby authorized and directed to issue, upon written application, bicycle registration tags. The Chief of Police shall designate and provide tags for the use of the registrant, direct the manner of placing such tags on the bicycles by the registrants, and keep a record of the name of the registrant, the number of the tag, the date of issuance of the tag, and pertinent information about the bicycle. A fee may be charged for registration and the tag.

9-05-001-0010 BICYCLE HELMETS/PROTECTIVE EQUIPMENT

A. It shall be unlawful for any person under eighteen (18) years of age to operate or ride upon a bicycle, **ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER, ELECTRIC STANDUP SCOOTER, SKATEBOARD OR LIGHTWEIGHT WHEELED VEHICLE** on any ~~highway, street, road,~~ **ROADWAY**, sidewalk, ~~bike way or trail,~~ **OR MULTIUSE PATH** unless that person wears a protective helmet that is properly fitted and fastened.

B. No parent or guardian of any unemancipated minor under eighteen (18) years of age shall knowingly allow the minor to violate this section.

C. Violation of this section shall constitute a civil traffic offense and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.

D. The first time a person is charged with a violation of this section the Court may dismiss the charge upon presentation of evidence that the person has purchased or obtained a protective helmet.

E. For purposes of this section "protective bicycle helmet" means a helmet containing a manufacturer's certification that it meets the standards of either the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the United States Consumer Product Safety Commission (CPSC).

F. Except as authorized by A.R.S. § 28-1599, a violation of this ordinance cannot be used as evidence of negligence or comparative negligence in a subsequent civil or criminal proceeding.

G. **PENALTY. VIOLATION OF ANY PROVISIONS OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

9-05-001-0011 RIDING, OPERATING OR ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; PRESUMPTIONS; ADMISSIBLE EVIDENCE; SENTENCING

A. **IT IS UNLAWFUL FOR A PERSON TO RIDE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF AN ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

1. **WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, ANY DRUG, A VAPOR-RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY COMBINATION OF LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON IS IMPAIRED TO THE SLIGHTEST DEGREE.**

2. **IF THE PERSON HAS AN ALCOHOL CONCENTRATION OF 0.08 OR MORE WITHIN TWO HOURS OF RIDING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER AND THE ALCOHOL CONCENTRATION RESULTS FROM ALCOHOL CONSUMED EITHER BEFORE OR WHILE DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER.**

3. **WHILE THERE IS ANY DRUG DEFINED IN ARIZONA REVISED STATUTES SECTION 13-3401 OR ITS METABOLITE IN THE PERSON'S BODY.**

B. **IT IS NOT A DEFENSE TO A CHARGE OF A VIOLATION OF SUBSECTION (A), PARAGRAPH 1 OF THIS SECTION THAT THE PERSON IS OR HAS BEEN ENTITLED TO USE THE DRUG UNDER THE LAWS OF THIS STATE.**

C. **A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.**

D. **A PERSON USING A DRUG AS PRESCRIBED BY A MEDICAL PRACTITIONER WHO IS LICENSED PURSUANT TO ARIZONA REVISED STATUTES TITLE 32 AND WHO IS AUTHORIZED TO PRESCRIBE THE DRUG IS NOT GUILTY OF VIOLATING SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.**

E. IN A TRIAL, ACTION OR PROCEEDING FOR A VIOLATION OF THIS SECTION, THE DEFENDANT'S ALCOHOL CONCENTRATION WITHIN TWO HOURS OF THE TIME OF RIDING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL AS SHOWN BY ANALYSIS OF THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE GIVES RISE TO THE FOLLOWING PRESUMPTIONS:

1. IF THERE WAS AT THAT TIME 0.05 OR LESS ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, IT MAY BE PRESUMED THAT THE DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

2. IF THERE WAS AT THAT TIME IN EXCESS OF 0.05 BUT LESS THAN 0.08 ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, THAT FACT SHALL NOT GIVE RISE TO A PRESUMPTION THAT THE DEFENDANT WAS OR WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR, BUT THAT FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE GUILT OR INNOCENCE OF THE DEFENDANT.

3. IF THERE WAS AT THAT TIME 0.08 OR MORE ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, IT MAY BE PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

F. SUBSECTION (E) OF THIS SECTION DOES NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPETENT EVIDENCE BEARING ON THE QUESTION OF WHETHER OR NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

G. A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION:

1. SHALL BE SENTENCED TO SERVE NOT LESS THAN FIVE (5) CONSECUTIVE DAYS IN JAIL AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

2. SHALL PAY A FINE OF NOT LESS THAN TWO-HUNDRED FIFTY (\$250.00) DOLLARS.

3. MAY BE ORDERED BY A COURT TO PERFORM COMMUNITY RESTITUTION.

H. NOTWITHSTANDING SUBSECTION (G), PARAGRAPH 1 OF THIS SECTION, AT THE TIME OF SENTENCING THE JUDGE MAY SUSPEND ALL BUT TWENTY-FOUR HOURS (24) OF THE SENTENCE IF THE PERSON COMPLETES A COURT ORDERED ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM. IF THE PERSON FAILS TO COMPLETE THE COURT ORDERED ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM AND HAS NOT BEEN PLACED ON PROBATION, THE COURT SHALL ISSUE AN ORDER TO SHOW CAUSE TO THE DEFENDANT AS TO WHY THE REMAINING JAIL SENTENCE SHOULD NOT BE SERVED.

9-05-001-0012 REFUSING TO PROVIDE TRUTHFUL NAME AND DATE OF BIRTH WHEN LAWFULLY DETAINED

A. IT IS UNLAWFUL FOR A PERSON, AFTER BEING ADVISED THAT THE PERSON'S REFUSAL TO ANSWER IS UNLAWFUL, TO FAIL OR REFUSE TO STATE THE PERSON'S TRUE FULL NAME AND DATE OF BIRTH ON REQUEST OF A PEACE OFFICER WHO HAS LAWFULLY DETAINED THE PERSON BASED ON REASONABLE SUSPICION THAT THE PERSON HAS COMMITTED A VIOLATION OF THIS CHAPTER. A PERSON DETAINED UNDER THIS SECTION SHALL STATE THE PERSON'S TRUE FULL NAME AND DATE OF BIRTH, BUT SHALL NOT BE COMPELLED TO ANSWER ANY OTHER INQUIRY OF A PEACE OFFICER.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

9-05-001-0013 PERMIT AGREEMENT

A. PERMIT AGREEMENT REQUIRED. NO VENDOR SHALL LOCATE OR PLACE BICYCLES OR SCOOTERS IN ANY CITY RIGHT-OF-WAY, INCLUDING PUBLIC STREETS, ALLEYS, SIDEWALKS, MULTIUSE PATHS OR OTHER PUBLIC RIGHT-OF-WAY, FOR THE PURPOSES OF MAKING THEM AVAILABLE FOR RENT, WITHOUT FIRST OBTAINING A PERMIT AGREEMENT APPROVED BY THE CITY.

C. FAILURE TO ENTER INTO A PERMIT AGREEMENT REQUIRED UNDER THIS SECTION FOR OFFERING BICYCLES OR SCOOTERS FOR BIKE SHARING OR SCOOTER SHARING SHALL RESULT IN THE IMPOUNDMENT OF EVERY BICYCLE OR SCOOTER PLACED UPON THE RIGHT-OF-WAY OR ANY OTHER PUBLIC PROPERTY. THE CITY WILL MAKE REASONABLE EFFORTS TO NOTIFY THE VENDOR PRIOR TO IMPOUNDMENT

D. AN IMPOUNDMENT FEE SHALL BE ASSESSED FOR EVERY BICYCLE OR SCOOTER COLLECTED IN VIOLATION OF THIS SECTION AND ANY PERSON OR ENTITY SHALL PAY A PENALTY OF FIVE-HUNDRED DOLLARS (\$500.00) PER DEVICE FOR THE REDEMPTION AND RELEASE OF EACH IMPOUNDED BICYCLE OR SCOOTER.