

---

Sponsored by: Mayor Hennessy

---

**AN ORDINANCE AMENDING TITLE III OF THE O'FALLON CITY CODE RELATING TO THE USE OF BICYCLES, MOTORIZED AND ELECTRIC BICYCLES, AND MOTORIZED PLAY VEHICLES.**

**WHEREAS**, motorized bicycles and play vehicles on public roads, pedestrian paths, sidewalks and parks has increased dramatically recently, creating dangerous situations for motorists and pedestrians alike; and

**WHEREAS**, use of these devices also poses a danger to the operators of such vehicles, which are not equipped with adequate safety devices to protect operators, especially young people, who often do not recognize the risk associated with operating these devices and treat them as benign toys; and

**WHEREAS**, parents who buy these devices for their children have a special responsibility to educate their children on when, where and how to properly operate them to minimize risks to their children and the public, and to safely oversee access to and use of these devices by those for whom they are responsible; and

**WHEREAS**, the City Council finds and believes that the regulations hereinafter adopted strike a reasonable balance among interests of public safety for motorists and pedestrians, the safety of operators of such devices, and the responsibilities of parents for the conduct of their children, and will enhance the safety of O'Fallon residents and visitors;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:**

**SECTION 1:** The definition of the term "motorized bicycle" in Section 300.010 of Chapter 300 of the Code of Ordinances of the City of O'Fallon, Missouri, is hereby repealed and a new definition of "motorized bicycle" is hereby enacted in lieu thereof, to read as follows:

**Chapter 300. General Provisions**

**Section 300.010. Definitions.**

The following words and phrases, when used in this Title, mean:

\*\*\*

**MOTORIZED BICYCLE**

Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower or less than two-thousand two-hundred and thirty-seven (2,237) watts (for electric devices), and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, but excluding an electric bicycle.

[NOTE: The other definitions of this Section not set forth herein are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason, those definitions are not set forth here in full.]

**SECTION 2:** The title of Chapter 375, and Sections 375.010 and 375.080 of Chapter 375 of the Code of Ordinances of the City of O’Fallon, Missouri, are hereby repealed and a new title and new Sections 375.010 and 375.080, and one new Section, initially to be designated as Section 375.015, are hereby enacted in lieu thereof, to read as follows:

**Chapter 375. Bicycles, Motorized Bicycles, ~~and~~ Electric Bicycles, and Motorized Play Vehicles**

**Section 375.010. Bicycle, Motorized Bicycle, And Motorized ~~Bicycle~~ Play Vehicle — Defined.**

As used in this Chapter, the following terms shall mean:

**BICYCLE**

Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

**ELECTRIC BICYCLE**

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:

**1. CLASS 1 ELECTRIC BICYCLE**

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 (20) miles per hour; or

**2. CLASS 2 ELECTRIC BICYCLE**

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 (20) miles per hour; or

**3. CLASS 3 ELECTRIC BICYCLE**

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 (28) miles per hour.

**MOTORIZED BICYCLE**

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower or less than two-thousand two-hundred and thirty-seven (2,237) watts (for electric devices), and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level

ground, but excluding an electric bicycle, as defined in Section 300.010 of this Code. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

**MOTORIZED PLAY VEHICLE**

The term "motorized play vehicle" includes devices commonly referred to as mini-motorcycles, pocket bikes, motorized scooters, electric skateboards (including one-wheels), go-carts, and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour, that is self-propelled by a motor or engine, and is not otherwise defined by the Missouri Revised Statutes or the Municipal Code of the City of O'Fallon, MO, as a motor vehicle, motorcycle, bicycle, electric bicycle, or motorized bicycle. This definition shall not apply to motorized wheelchairs or other similar motorized mobility devices designed for and used by a person with physical disabilities.

**Section 375.015. Use of Motorized Play Vehicles Prohibited; Parental Responsibility**

A. No person shall ride on or operate a motorized play vehicle upon any street, highway, roadway, or sidewalk in the City of O'Fallon or within the boundaries of any City park.

B. It shall be unlawful for a parent, guardian, legal custodian or person having the care, custody or control of a minor child to fail to exercise sufficient control over access to a motorized play vehicle so as to allow a minor child to operate a motorized play vehicle in violation of this Section.

\*\*\*

**Chapter 375. Bicycles, Motorized Bicycles, and Electric Bicycles**

**Section 375.080. Penalty For Violation.**

Any person ~~seventeen (17)~~fifteen and a half (15 ½) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not ~~less~~more than ~~five~~two hundred dollars (~~\$5200.00~~) ~~nor more than twenty-five dollars (\$25.00).~~ If any ~~person under seventeen (17) years of age~~minor violates any provision of this Chapter in the presence of a Police Officer, ~~said~~ and a parent, guardian or responsible adult having custody or control of that minor fails to take possession of the vehicle used by the minor in committing the violation within a reasonable time, the officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt ~~cause the vehicle to the child riding it or be towed to its owner~~the owner's residence at the owner's expense.

**SECTION 3:** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION 4:** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O’FALLON, MISSOURI, THIS DATE DAY OF MONTH, YEAR.**

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Bess Bacher, City Clerk

**APPROVED BY THE MAYOR FOR THE CITY OF O’FALLON, MISSOURI, THIS DATE DAY OF MONTH, YEAR.**

\_\_\_\_\_  
Bill Hennessy, Mayor

Attest:

\_\_\_\_\_  
Bess Bacher, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin M. O’Keefe, City Attorney