

EXHIBIT "A"

ARTICLE 11-06 - BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

SECTION ONE. That Article 11-06 "RESERVED" in Chapter 11 "TRAFFIC" of the Town Code of the Town of Prescott Valley, Arizona, be hereby repealed in its entirety.

SECTION TWO. That a new Article 11-06 "BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" in Chapter 11 "TRAFFIC" of the Town Code is hereby enacted.

SECTION THREE. That Section 11-06-010 "RESERVED" IN Article 11-06 "BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" in Chapter 11 "TRAFFIC" of the Town Code is hereby repealed in its entirety.

SECTION FOUR. That a new Section 11-06-010 "Definitions" in Article 11-06 "BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" in Chapter 11 "TRAFFIC" of the Town Code is hereby enacted to read as follows:

11-06-010 Definitions.

In this Article, unless the context otherwise requires:

- 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 (2) tandem wheels, either of which is more than sixteen (16) inches in diameter.
 - 2. Three (3) wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.
- B. "Bicycle lane" means that portion of the roadway striped and designated for the use of bicycles or a paved shoulder.
- 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 (750) watts and that meets the requirements of one (1) 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 (20) 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 (20) 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 (28) miles per hour.
- E. "Electric personal assistive mobility device" means a self-balancing device with one (1) wheel or two (2) non-tandem wheels and an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less and that is designed to transport only one (1) person.
- F. "Electric miniature scooter" means a device that weighs less than thirty (30) pounds, has two (2) or three (3) 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 (10) miles per hour, with or without human propulsion, on a hard, level surface.
- G. "Electric standup scooter" means a device that weighs less than seventy-five (75) pounds, has two (2) or three (3) 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 (20) miles per hour, with or without human propulsion, on a hard, level surface. This does not include an electric miniature scooter.
- H. "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 (48) cubic centimeters or less, that may also be self-propelled and that is operated at speeds of less than twenty (20) miles per hour.
- 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.
- K. "Lightweight wheeled vehicle" means roller skates, inline skates, scooters, roller skis, unicycles, or any other human-powered nonmotorized conveyance device with wheels or rollers.

- L. "Ride or riding" means operating a device either wholly or partially sitting, standing or lying upon such by a person whether such device is in motion or stationary.
- M. "Roadway" means all the improved portion of a street which is intended for vehicular travel or parking.
- N. "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. "Skateboard" means a platform mounted on wheels that is propelled by human power.
- P. "Vendor" means a person or entity that rents more than fifty (50) bicycles or scooters.
- Q. "Permit agreement" means permission to locate or place bicycles or scooters in any Town 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.

(Ord. No. , Enacted,)

SECTION FIVE. That a new Section 11-06-020 "Applicability" in Article 11-06 "BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" in Chapter 11 "TRAFFIC" of the Town Code is hereby enacted to read as follows:

11-06-020 Applicability.

- A. The regulations of this Article shall apply to bicycles, electric or motorized bicycles, electric personal assistive mobility devices, electric standup scooters, skateboards or lightweight wheeled vehicles when such devices are operated upon any roadway, multiuse path, or sidewalk subject to those exceptions stated in this chapter.
- B. The regulations of this Article shall not apply to exempt vehicles when they are used for the purposes for which they are intended.

(Ord. No. , Enacted,)

SECTION SIX. That a new Section 11-06-030 "Applicability of Traffic Laws" in Article 11-06 "BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" in Chapter 11 "TRAFFIC" of the Town Code is hereby enacted to read as follows:

11-06-030 Applicability of Traffic Laws.

Every person 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 the duties applicable to the driver of a vehicle pursuant to this code and the Arizona Revised Statutes.

(Ord. No. , Enacted,)

SECTION SEVEN. That a new Section 11-06-040 “Responsibility of Parents, Guardians, and Custodians” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-040 Responsibility of Parents, Guardians, and Custodians.

No parent, guardian, or custodian of a person under the age of eighteen (18) shall authorize or knowingly permit the child to violate any of the provisions of this Article.

(Ord. No. , Enacted,)

SECTION EIGHT. That a new Section 11-06-050 “Prohibited Operation of Devices” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-050 Prohibited Operation of Devices.

A. A person operating a device shall not:

1. Ride other than upon or astride a permanent and regular seat attached thereto.
2. Carry more persons at one (1) time than the number for which it is designed and equipped.
3. Attach the same or themselves to any vehicle upon a roadway.
4. Carry any package or article which prevents the driver from keeping at least one (1) hand upon the handlebars.
5. Operate a 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.

B. A person shall not operate a device with reckless disregard for persons and property.

1. Penalty. A violation of this subsection B is a Class 2 misdemeanor.

(Ord. No. , Enacted,)

SECTION NINE. That a new Section 11-06-060 “Required Equipment” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-060 Required 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 (500) feet 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 (50) feet to three hundred (300) feet 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 (500) feet to the rear may be used in place of 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.

(Ord. No. , Enacted,)

SECTION TEN. That a new Section 11-06-070 “Operation on Roadways and Bicycle Lanes” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-070 Operation on Roadways and Bicycle Lanes.

- A. A person 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 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 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 operating a device upon a roadway or bicycle lane shall not ride more than two (2) abreast except where set aside for the use of bicycles.

(Ord. No. , Enacted,)

SECTION ELEVEN. That a new Section 11-06-080 “Operation on Sidewalks and Multiuse Paths” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-080 Operation on Sidewalks and Multiuse Paths.

- A. Where signs are erected prohibiting the operation of devices on selected sidewalks and multiuse paths, no person shall ride an electric or motorized bike, an electric personal assistive mobility device, electric standup scooter, skateboard or lightweight wheeled vehicle upon such sidewalk or multiple use path. Signs prohibiting such activity shall be installed as directed by the Traffic Engineer or designee.
- B. If a device is authorized to be ridden upon a sidewalk or multiuse path, the person operating the device shall be subject to the following provisions:
 1. Yield the right-of-way to all pedestrians and exempt vehicles.
 2. Give an audible signal before overtaking and passing any pedestrian or exempt vehicle traveling in the same direction on the sidewalk.
 3. Follow requirements of any posted signs relating to proper etiquette while utilizing multiuse paths.

(Ord. No. , Enacted,)

SECTION TWELVE. That a new Section 11-06-090 “Facilities Upon Which Devices are Allowed or Prohibited” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-090 Facilities Upon Which Devices are Allowed or Prohibited.

Device	Sidewalks*	Bike Lane/ Paved Shoulder	Roadway/ Travel Lane	MUP Paved/ Hard Surface*	MUP Unpaved/Gravel*
Bicycle	Yes	Yes	Yes	Yes	Yes
E-bike, Class 1	Yes	Yes	Yes	Yes	Yes
E-bike, Class 2	Yes	Yes	Yes	Yes	Yes
E-bike, Class 3	No	Yes	Yes	No	No
Electric personal assistive mobility device	Yes	Yes	Yes	Yes	Yes
E-standup scooter	No	Yes	Yes	Yes	No
Motorized bicycle	No	Yes	Yes	No	No
Lightweight wheeled Vehicle	Yes	Yes	Yes	Yes	Yes

*Under Section 11-06-080, all or any devices may be prohibited on certain sidewalks and/or multiuse paths by the posting of signs prohibiting their use in a particular area. Compliance with the posted signs is required

(Ord. No. , Enacted,)

SECTION THIRTEEN. That a new Section 11-06-100 “Bicycle Helmets” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-100 Bicycle Helmets.

- 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 roadway, sidewalk, 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. 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.
- D. 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).
- E. Except as authorized by A.R.S. Section 28-1599, a violation of this chapter cannot be used as evidence of negligence or comparative negligence in a subsequent civil or criminal proceeding.

(Ord. No. , Enacted,)

SECTION FOURTEEN. That a new Section 11-06-110 “Violations and Penalties” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-110 Violations and Penalties.

Except as otherwise provided herein, violation of this Article 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.

(Ord. No. , Enacted,)

SECTION FIFTEEN. That a new Section 11-06-120 “Permit Agreement” in Article 11-06 “BICYCLES, ELECTRIC BICYCLES, ELECTRIC AND NON-ELECTRIC POWERED VEHICLES, AND

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” in Chapter 11 “TRAFFIC” of the Town Code is hereby enacted to read as follows:

11-06-120 Permit Agreement.

- A. Permit Agreement Required. No vendor shall locate or place bicycles or scooters in any Town 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 Town.
- B. 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 Town will make reasonable efforts to notify the vendor prior to impoundment.
- C. 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 [REDACTED] hundred dollars (\$[REDACTED]) per device for the redemption and release of each impounded bicycle or scooter.

(Ord. No. , Enacted,)