

**Ordinance No. 2019-46**

**AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 10, NON-MOTORIZED TRAIL USE**

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, through a temporary amendment, which will allow for an electric assisted bicycle pilot project, and WHEREAS, the City Council finds that it is in the public interest to clarify and refine the written laws, regulations, and ordinances contained in Title X of the Municipal Motor Vehicle Code, and;

WHEREAS, the City Council finds the proposed temporary amendments provide an opportunity to collect information associated with electric assisted bicycle use, in the best interest of the residents, and

WHEREAS, a public hearing was duly advertised and held on August 29, 2019;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

**Section I: Approval of Amendments to Title 10.** Title 10, Non-Motorized Trail Use, is hereby amended as redlined in Exhibit A.

**Section II: Effective Date.** This Ordinance shall become effective upon publication and sunset on July 1, 2020.

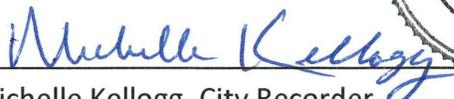
**PASSED AND ADOPTED** this 29<sup>th</sup> day of August, 2019.

PARK CITY MUNICIPAL CORPORATION



  
\_\_\_\_\_  
Mayor Andy Beerman

Attest:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Margaret Plane, Special Counsel

## Exhibit A

### 10-1-4.5 Non-Motorized Trail Use

#### A. DEFINITIONS.

1. "Multi-Use Pathway" means a way or path no less than eight (8') feet in width that has a surface of concrete or asphalt and is separated from the roadway by an open space, a curb or other barrier.
2. "Natural Surface Trail" means a way or route with a surface other than concrete or asphalt, which serves the primary purpose of passive recreational use, such as hiking, mountain biking, snowshoeing, cross-country skiing and equestrian activities.
3. "Power Driven Mobility Device" means any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, including electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.

#### B. PROHIBITION.

1. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, electric assisted bicycle or golf cart on a natural surface trail with the following exceptions:
  - a. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and or biking unless prohibited by a designated traffic control device.
  - b. This prohibition shall not apply to Class I electric assisted bicycles operated by persons age 65 or older.
  - c. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.
  - d. This prohibition shall not apply to Class I and Class II electric assisted bicycles on natural surface trails, greater than five (5) feet wide, which have been identified as an official transportation corridor by the local highway authority. Additionally, the allowance of electric assisted bicycles shall be designated as such by a traffic control device.

2. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, Class III electric assisted bicycle or golf cart on a multi-use pathway with the following exceptions:
  - a. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and/or biking unless prohibited by a designated traffic control device.
  - b. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.
- C. **PENALTY.** Any person violating the provisions of the Ordinance shall be guilty of a Class B misdemeanor.
- D. **ENFORCEMENT.** The Park City Police Department, upon notification shall have authority to investigate violations of this section and issue citations.

#### HISTORY

*Amended by Ord. [15-10](#) on 4/16/2015*

*Amended by Ord. [2016-29](#) on 6/30/2016*