

(Published in the Journal Record \_\_\_\_\_, 2020)

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE RELATING TO MOTOR VEHICLES AND TRAFFIC, AMENDING CHAPTER 32 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, SECTION 32-1, DEFINITIONS, DEFINING CLASSES OF ELECTRIC-ASSISTED BICYCLES; AMENDING SECTION 32-493, CHANGING TITLE OF SECTION TO "ELECTRIC-ASSISTED BICYCLES," ADDING REGULATIONS FOR OPERATION OF ELECTRIC-ASSISTED BICYCLES, AND PROVIDING A PENALTY FOR VIOLATIONS.**

**ORDINANCE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:**

**SECTION 1.** That Section 32-1 of Chapter 32 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

**CHAPTER 32**

**MOTOR VEHICLES AND TRAFFIC**

**ARTICLE I. IN GENERAL**

**§ 32-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *Accessible electric vehicle charging station* means an electric vehicle charging station location where the battery charging equipment is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- (2) *All-battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries.
- (3) *Alley* means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings or buildings.
- (4) *Ambulance* means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons.
- (5) *Battery charging station* means electric vehicle charging equipment designed to provide source electricity to charge batteries within electric vehicles.
- (6) *Bicycle* means a device propelled by human power upon which any person may ride, having two tandem wheels.

(7) *Bicycle lane* means a portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs, or other traffic control devices.

(8) *Bicycle path* means an area which is on a completely separate right-of-way designated for the exclusive use of bicycles and pedestrians with cross flows by motorists minimized.

(9) *Bicycle route* means any roadway so designated and signed which allows a bicycle operator to use the full traffic lane, notwithstanding the traffic lane's continued use by other vehicles. On roadways consisting of two or more lanes in the same direction of travel, the bicycle route shall be the outside or furthest right-hand through traffic lane only. The Traffic and Transportation Commission is hereby authorized to designate bicycle routes in accordance with this article and the Oklahoma City Bicycle Transportation Plan, or as may hereafter be amended. A Share the Road sign does not indicate a designated bicycle route.

(10) *Business district* means the territory contiguous to and including a highway if there are buildings within 600 feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(11) *Cellular telephone* means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones.

(12) *Commercial vehicle* means a vehicle designed, maintained, or used primarily for the transportation of goods or fare-paying passengers.

(13) *Commission* means the Traffic and Transportation Commission of the City.

(14) *Compose, send or read with respect to a text message* means the manual entry, sending or retrieval of a text message to communicate with any person or device.

(15) *Crosswalk* means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; and

(b) any portion of a roadway at an intersection or elsewhere distinctly designated for pedestrian crossing by lines or other markings on the surface.

(16) *Director* means the Public Works Director.

(17) *Double park* means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.

(18) *Driver or operator* means a person who drives or is in actual physical control of a vehicle.

(19) *Electronic communication device* means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message

without the use of either hand except to activate, deactivate or initiate a feature or function.

(20) *Electric-assisted bicycle* means any bicycle with:

(a) two or three wheels; and

(b) 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:

1. *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,

2. *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

3. *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.

~~(21)~~ *Electric vehicle* means any vehicle that is licensed and registered by the State of Oklahoma or any other state to operate lawfully on public roads, streets, and other public rights-of-way; which derives its power either partially or exclusively, from electrical energy from a battery for motive purposes. Electric vehicles include only:

(a) a plug-in all battery electric vehicle; or

(b) a plug-in hybrid electric vehicle.

~~(22)~~ *Electric vehicle parking space* means any marked parking space that identifies the use to be only for the parking and charging of an electric vehicle.

~~(23)~~ *Emergency* means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic.

~~(24)~~ *Emergency vehicle* means vehicles of the Fire and Police Departments and legally authorized ambulances and emergency vehicles of municipal departments or public service corporations while acting in an emergency in accordance with their officially-designated function.

~~(25)~~ *Intersection* means the point at which two or more roadways, streets or highways meet, cross or otherwise intersect.

~~(26)~~ *Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

~~(27)~~ *Limit lines* means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required.

(287) *Limited access highway* means a highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

(298) *Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(3029) *Median* means the dividing area, either paved or unpaved, that is located approximately in the center of a highway, street, or roadway and that separates lanes of traffic going in opposite directions.

(310) *Motorcycle, motor scooter, and motor bicycle* means a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground.

(320-4) *Motorized scooter* means any vehicle having no more than three wheels in contact with the ground, handlebars and a foot support or seat for the use of the operator, and a power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground.

(a) if the power source is a combustion engine, the engine will have a piston or rotor displacement of no greater than thirty-five cubic centimeters (35 cu cm) regardless of the number of chambers in the power source.

(b) if the power source is electric, the power output will not exceed one thousand (1,000) watts.

(334) *Motor vehicle* means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires, but not operated upon rails.

(332) *Multi-space parking pay station* means an automated kiosk which collects payment in exchange for the right to park a vehicle in a multi-space parking zone or parking meter space for a designated amount of time.

(343) *Multi-space parking receipt* means a document which specifies the total amount paid and the amount of time reserved for the multi-space parking zone or parking meter space.

(354) *Multi-space parking zone* means designated multiple parking spaces for which payment is made at a multi-space parking pay station, and which may additionally encompass one or more electric vehicle parking spaces.

(36) *Multiuse trail* means any hard-surfaced path for two-directional travel by pedestrians and users of various devices and equipment traveling at different speeds to be utilized for multi-purpose recreational activities such as walking, jogging, running, rollerblading, roller-skating, skateboarding and cycling.

(375) *Non-electric vehicle* means any vehicle that does not meet the definition of electric vehicle.

(386) *Off-road recreational vehicle* means any multi-wheeled vehicle designed to travel over unimproved terrain which weighs less than 500 pounds and has an engine total displacement volume of less than 500 cubic centimeters.

(397) *Park or parking* means the standing of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, loading or unloading

merchandise or passengers, providing such loading and unloading is in an authorized place.

(4038) *Parking meter* means a device which collects payments in exchange for the right to park a vehicle in a designated and corresponding parking space for a limited amount of time.

(4139) *Parking meter space* means that area corresponding to a designated parking meter intended to accommodate a single stationary vehicle.

(420) *Pedestrian* means any person on foot or operating a wheelchair.

(431) *Plug-in hybrid electric vehicle* means an electric vehicle that (1) contains an internal combustion engine or other propulsion source in combination with an electric motor, which allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the electrical utility grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

(442) *Police officer* means an officer of the Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(453) *Private road or roadway* means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.

(464) *Railroad* means a carrier of persons or property upon cars other than streetcars, operated upon stationary rails.

(475) *Railroad train* means a locomotive or engine, with or without cars attached, which is operated upon fixed rails and is not a streetcar.

(486) *Recumbent bicycle* means a bicycle which places the operator in a reclining position.

(497) *Residential district* means the territory contiguous to and including a highway, street or roadway not comprising a business district.

(5048) *Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(5149) *Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. If a highway or street includes two or more separate roadways, the term "roadway" as used herein shall mean any one of the roadways included in the highway or street and not all such roadways collectively.

(520) *Safety zone* means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by adequate signs so as to be plainly visible at all times.

(531) *School zone* means any street, roadway, or highway or portion thereof officially designated and marked as a school zone.

(542) *Shoulder* means an area contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

(553) *Sidewalk* means that portion of a roadway, street, or highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(564) *Skateboard* means a device consisting of a short narrow board of any material with wheels affixed to the underside, designed to be ridden by a person.

(575) *Standing* means any stopping of a vehicle whether occupied or not.

(586) *Stop, when required*, means the complete cessation of movement.

(597) *Stop or stopping*, when not required, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic signal.

(6058) *Street or highway* means the entire width between the boundary lines of every way publicly maintained roadway when any part thereof is open to the use of the public for purposes of vehicular travel.

(6159) *Streetcar* is a means of public transit that is self-powered via electricity and battery that is operated upon rails, other than a railroad train, within the public right-of-way used for transporting persons.

(620) *Text message* includes a text-based message, instant message, electronic message, photo, video or electronic mail.

(631) *Through street or boulevard* shall mean a street, roadway, or highway or portion thereof at the entrances to which:

(a) vehicular traffic from intersecting streets, roadways, or highways is required by law to come to a full stop before entering or crossing; and

(b) stop signs are erected as provided in this chapter.

(642) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street, roadway, or highway for purposes of travel.

(653) *Traffic control device* means any device legally authorized and used for the purpose of regulating, warning or guiding traffic.

(66) *Natural Trail means a route, path, or track with a natural surface tread made by clearing and grading the native soil with no added surfacing material.*

(674) *U-turn* means a turn by which a vehicle reverses its course of travel on the same street.

(685) *Vehicle* means a device in, upon, or by which any person or property is or may be transported or drawn upon a street, roadway, or highway, to include electric vehicles, except devices used exclusively upon stationary rails or tracks and wheelchairs, skateboards, and other devices not suitable for travel on roadways.

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**SECTION 2.** That Section 32-493 of Chapter 32 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

**CHAPTER 32**  
**MOTOR VEHICLES AND TRAFFIC**  
**ARTICLE XIV. BICYCLES**

**§ 32-493. – Electric-assisted bicycles.**

1. 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.

2. Any electric-assisted bicycle operated on any street, highway, trail or other public right of way, shall have a label that is permanently affixed to the bicycle in a prominent location. The label shall contain the correct classification number, top assisted speed and motor wattage of the electric-assisted bicycle to which the label is affixed.

3. Operation.

(a) A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle may be operated wherever bicycles are permitted to be operated, except where prohibited by ordinance or by official signs or markings.

(b) A Class 3 electric-assisted bicycle may be operated wherever bicycles are permitted to be operated, except where prohibited by ordinance or official signs or markings. A Class 3 electric-assisted bicycle may not be operated on any portion of a natural trail or a multiuse trail, as those terms are defined in 32-1.

4. Restrictions.

(a) No person shall operate any electric-assisted bicycle at a speed greater than the speed limit posted by official signs or markings.

(b) 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.

(c) No person shall operate a Class 3 electric-assisted bicycle unless the bicycle is equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

5. Penalty.

(a) A violation of any provision of this section shall be a Class “a” offense.

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**INTRODUCED AND READ** in open meeting of the Council of The City of Oklahoma City this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED** by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: (Seal)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**REVIEWED** for form and legality.

\_\_\_\_\_  
Assistant Municipal Counselor

Q:\Police and Courts Program\Chapter 32 – E-Bikes - Ordinance