

**ORDINANCE NO. 2709**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 62 TRAFFIC AND VEHICLES ARTICLE IV MICROMOBILITY DEVICES, DIVISION 1 GENERALLY, SECTION 62-101 DEFINITIONS AND SECTION 62-103 OPERATION OF MICROMOBILITY DEVICES TO CLARIFY THE DEFINITIONS AND RULES APPLICABLE TO BICYCLES AND MICROMOBILITY DEVICES; AMENDING ARTICLE V MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS, SECTION 62-141 DEFINITIONS, SECTION 62-145 GENERAL OPERATING RESTRICTIONS, AND SECTION 62-147 REQUIRED SAFETY EQUIPMENT RELATING TO CLARIFY THE DEFINITIONS AND RULES APPLICABLE TO MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS; PROVIDING FOR CIVIL SANCTIONS AND PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE IV MICROMOBILITY DEVICES, DIVISION 1 GENERALLY, SECTION 62-101 DEFINITIONS, is hereby amended to read as follows (additions in underlined; deletions in ~~strikeout~~):

ARTICLE IV MICROMOBILITY DEVICES

Sec. 62-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Should any definition conflict with Title 28 of Arizona Revised Statutes, the definition under state law shall apply:

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*Electric scooter* means a device with no more than four wheels that has handlebars, is designed to be stood upon or seated by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of less than twenty (20) miles per hour.

This does not include a motorized wheelchair, power chair, or other electric devices that are designed primarily to assist with mobility.

*Micromobility device*, for the purpose of this chapter, means an electric bicycle, an electric personal assistive mobility device, an electric scooter, and an electric standup scooter. The town manager or a town director shall have the authority to designate additional types of devices as micromobility devices consistent with the law, so long as such designation is posted on the town's website. Micromobility device excludes non-electric bicycles, mopeds, motor driven cycles, motorcycles, motorized play vehicles, motorized skateboards, motorized quadricycles, and personal delivery devices.

The Code of Gilbert, Arizona, CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE IV BICYCLES, DIVISION 1 GENERALLY, SECTION 62-103 OPERATION OF MICROMOBILITY DEVICES, is hereby amended to read as follows (additions in underlined; deletions in ~~strikeout~~):

Sec. 62-103. Operation of micromobility devices.

(a) *Permissible areas of operation.* Subject to the restrictions in this chapter, a person may operate a micromobility device in the following locations unless prohibited by signage:

- (1) Within a street with posted speed limits of twenty-five (25) miles per hour;
- (2) Within a multi-use path except that class 3 electric bicycles are prohibited on multi-use paths; and
- (3) On a sidewalk except that class 3 electric bicycles are prohibited on ~~multi-use paths~~ sidewalks.

(b) *Prohibited areas of operation.* Except as otherwise stated in this section, a person shall not operate a micromobility device in the following locations:

- (1) Within any area where signage prohibits such operation;
- (2) Within any designated bicycle lane, except that electric bicycles shall be permitted in designated bicycle lanes; and
- (3) Within any public street where the speed limit is greater than twenty-five (25) miles per hour.

(c) *Rules of operation.*

- (1) When operating on public roadways, all operators of micromobility device shall comply with all traffic rules and regulations, including but not limited to the rules of the road under Title 28 of Arizona Revised Statutes. It is unlawful for any person operating a micromobility device to fail to obey the instructions of official traffic-control signals, signs, and other traffic direction devices applicable to vehicles, unless otherwise directed by a police officer.
- (2) The operator of a micromobility device shall yield the right-of-way to pedestrians and other users by slowing down, stopping, or moving to the opposite side of the path, sidewalk, or street. A pedestrian or other user shall not suddenly traverse into the path of a micromobility device that is so close that it is impractical or impossible for the operator to yield.
- (3) The operator of a micromobility device shall remain at a safe distance behind pedestrians and vehicles and shall not follow too closely.
- (4) It is unlawful to operate a micromobility device across any prohibited areas of operation. The operator shall dismount the micromobility device and walk said device across all prohibited areas of operation.
- (5) No person shall operate a micromobility device at a speed greater than the posted speed limit or at a speed greater than is reasonable and prudent under then-existing circumstances.
- (6) No person shall operate an electric assisted micromobility device in the Town unless it is equipped with a braking system in sufficient working order to control and stop the movement of the device.
- (7) No person operating or riding upon a micromobility device shall attach themselves or the micromobility device to any other vehicle or device.
- (8) No person shall operate a micromobility device while carrying any package, bundle or other item that prevents the operator from safely steering the device.
- (9) The owner of a micromobility device shall be responsible for all damage to public property caused by the micromobility device.
- (10) Nothing in this chapter shall be interpreted to mean that, by designating permissible areas of operation, the town is deeming such areas as suitable or safe for any particular micromobility device. Each person operating a micromobility device shall be responsible for complying with the manufacturer's safety guidelines and recommendations. No operator of a micromobility device shall operate a micromobility device that has been

structurally altered from the original manufacturer's design. No operator of a micromobility device shall allow passengers unless the device was designed by the manufacturer to allow for passengers.

- (11) An electric standup scooter or electric scooter that is used at nighttime must be equipped with: (a) a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front; and (b) a red reflector on the rear that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle. In addition to the red reflector, an electric standup scooter or electric scooter may also be equipped with a lamp that emits a red light visible from a distance of five hundred feet to the rear.
- (12) A person shall not operate an electric standup scooter or electric scooter that is equipped with a siren or whistle, except that an electric standup scooter or electric scooter may be equipped with an anti-theft alarm.
- (13) An electric standup scooter or electric scooter shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

- (d) *Violations.* The town shall have the authority to issue a civil citation to any person deemed in violation of this section pursuant to section 1-5 of the Gilbert Municipal Code.

The Code of Gilbert, Arizona, CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE V MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS, SECTION 62-141 DEFINITIONS, is hereby amended to read as follows (additions in underlined; deletions in ~~strikeout~~):

Sec. 62-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Should any word, term or phrase conflict with a definition in Arizona Revised Statutes, Title 28, the definitions in Title 28 shall apply.

*Motorized play vehicle*, for the purpose of this article, means ~~a moped, motor-driven cycle, motorecycle, or motorized quadricycle unless otherwise~~

~~specified in this article. a coaster or any other alternatively-fueled device (excluding battery-operated toy carts designed for children under the age of eight (8) years to ride in or on), or other motorized vehicle that is self-propelled by a motor or engine and that is not otherwise defined in Arizona Revised Statutes, Title 28 (as amended), as a "motor vehicle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device." Motorized play vehicle does not include a motorized wheelchair.~~

*Motorized skateboard* means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground ~~unless otherwise defined in Arizona Revised Statutes Title 28 and which is not otherwise defined in Arizona Revised Statutes Title 28(as amended), as a "motor vehicle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device."~~ A motorized skateboard is not considered to be a micromobility device (as defined in 62-101).

The Code of Gilbert, Arizona, CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE V MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS, SECTION 62-145 GENERAL OPERATING RESTRICTIONS, is hereby amended to read as follows (additions in underlined; deletions in ~~strikeout~~):

Sec. 62-145. - General operating restrictions.

(a) ~~No child under the age of 13 shall operate a motorized play vehicle or motorized skateboard~~ Reserved.

(b) No person shall operate a motorized play vehicle or motorized skateboard in excess of the posted speed limit or at a speed greater than is reasonable and prudent under the circumstances then existing.

(c) The operator of a motorized play vehicle or motorized skateboard, approaching a sidewalk, bicycle path, bicycle lane, or multiuse path in order to cross such, shall yield the right-of-way to all other users.

(d) Reserved.

(e) No operator of a motorized play vehicle or motorized skateboard shall allow passengers when the motorized skateboard is in operation or motion.

(f) No person operating or riding upon a motorized play vehicle or motorized skateboard shall attach themselves or the motorized skateboard in any manner to any other vehicle.

(g) No person shall operate a motorized play vehicle or motorized skateboard while carrying any package, bundle or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

~~(h) No person, other than the owner, shall operate a motorized play vehicle or motorized skateboard without the written permission of the owner~~ Reserved.

(i) No person shall operate a motorized play vehicle or motorized skateboard that has been structurally altered from the original manufacturer's design, unless such structural alteration reduces the noise level emitted from the motorized play vehicle or motorized skateboard below the noise level emitted by the original manufacturer's design.

(j) No person shall operate a motorized play vehicle or motorized skateboard in a crosswalk.

(k) No person shall operate a motorized play vehicle or motorized skateboard in such a manner that it emits any noise that exceeds eighty decibels, using the measurement criteria set forth in section 42-61(d) and measured at a distance of 35 feet from the motorized play vehicle or motorized skateboard.

The Code of Gilbert, Arizona, CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE V MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS, SECTION 62-147 REQUIRED SAFETY EQUIPMENT, is hereby amended to read as follows (additions in underlined; deletions in ~~strikeout~~):

Sec. 62-147. - Required safety equipment.

~~(a)~~ No person shall operate a motorized play vehicle or motorized skateboard unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.

~~(b) Any operator of a motorized play vehicle or motorized skateboard under the age of 18 years being operated on a roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry.~~

~~(c) No person shall operate a motorized play vehicle or motorized skateboard without wearing footwear. The footwear must have a sole and completely cover the feet and toes.~~

~~(d) The operator of a motorized play vehicle or motorized skateboard shall wear, at all times, protective glasses or goggles or a transparent face shield of a type approved for motorcycle or motor-driven cycle use.~~

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section III. Providing for Civil Sanctions.

Any person found responsible for violating this section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code.

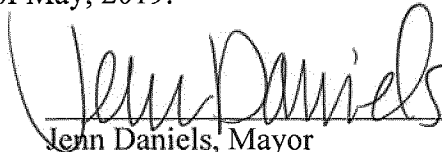
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 2<sup>nd</sup> day of May, 2019, by the following vote:

AYES: Anderson, Cook, Daniels, Peterson, Ray, Taylor, Yentes

NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_


APPROVED this 2<sup>nd</sup> day of May, 2019.

  
\_\_\_\_\_  
Jenn Daniels, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2709 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 2<sup>nd</sup> DAY OF MAY, 2019, WAS POSTED IN FOUR PLACES ON THE 9<sup>th</sup> DAY OF MAY, 2019.

  
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Lisa Maxwell, Town Clerk