### Ordinance 2023-10

#### SHORT TITLE:

# AN ORDINANCE AMENDING PROVO CITY CODE REGARDING MICROMOBILITY DEVICES. CITYWIDE APPLICATION. (23-022)

#### I PASSAGE BY MUNICIPAL COUNCIL

DISTRICT	NAME		FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY		$\checkmark$		
CW 2	DAVID SHIPLEY		~		
CD 1	BILL FILLMORE		~		
CD 2	GEORGE HANDLEY	7			Excused
CD 3	SHANNON ELLSWORTH		$\checkmark$		
CD 4	TRAVIS HOBAN		$\checkmark$		
CD 5	RACHEL WHIPPLE		$\checkmark$		
		TOTALS	6	0	

#### ROLL CALL

This ordinance was passed by the Municipal Council of Provo City, on the 18<sup>th</sup> day of April 2023, on a roll call vote as described above. Signed this <u>11th day of May 2023</u>

Chair

II APPROVAL BY MAYOR

This ordinance is approved by me this <u>11th day of May 2023</u>

on Mayor

## Ordinance 2023-10

III

#### CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on

22nd day of May 2023 and was published on the Utah Public Notice Website on the

the 19th day of April 2023. I hereby certify and attest that the foregoing constitutes a true

and accurate record of proceedings with respect to Ordinance Number 2023-10.



1 Seidi allman

City Recorder

1	ORDINANCE 2023-10
2	
3	AN ORDINANCE AMENDING PROVO CITY CODE REGARDING
4	MICROMOBILITY DEVICES. CITYWIDE APPLICATION. (23-022)
5	
6	WHEREAS, it is proposed that Provo City Code Sections 9.15.200 (Driving or Riding on
7	Sidewalk), 9.32.020 (Riding a Bicycle, Skateboard, or Roller Skates on the Sidewalk), and
8	9.32.170 (Riding Skateboards, Roller Skates or Bicycles) be repealed and replaced with a single
9	ordinance defining and governing micromobility devices; and
10	
11	WHEREAS, the current version of Section 9.32.170 allows private property owners to
12	either allow or prohibit the use skateboards, roller skates, and other similar devices on their
13	property; and
14	
15	WHEREAS, the proposed replacement version would allow property owners to allow the
16	use of micromobility devices, but impose restrictions on the use, such as limiting the speeds at
17	which such devices may be operated on the property; and
18	
19	WHEREAS, the current version of Section 9.32.020 is repetitive to the proposed
20	ordinance change in that it authorizes the City Traffic Engineer to erect signs to prohibit the use
21	of bicycles on any sidewalk and does not address additional types of micromobility devices; and
22	
23	WHEREAS, the proposed replacement version would combine both sections and address
24	all types of micromobility devices; and
25 26	WITEDEAS, the compart continue of Section 0.15.200 includes the terms "self-monolled
26 27	WHEREAS, the current version of Section 9.15.200 includes the term "self-propelled
27 28	vehicles," which has not been defined in Provo Code. In addition, the content of this section is already prohibited in Utah Code Sections 41-6a-1702 and 72-7-105; and
28 29	aneady promoted in Otan Code Sections 41-0a-1702 and 72-7-105, and
29 30	WHEREAS, the proposed replacement version would include an extensive definition of
31	micromobility devices; and
32	meromobility devices, and
33	WHEREAS, on January 31, March 28, and April 18, 2023, the Municipal Council met to
34	ascertain the facts regarding this matter and receive public comment, which facts and comments
35	are found in the public record of the Council's consideration; and
36	
37	WHEREAS, after considering the proposal and the facts and comments presented to the
38	Municipal Council, the Council finds (i) Provo City Code should be amended as described herein
39	and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the
40	citizens of Provo City.
41	
42	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
43	follows:
44	
45	PART I:
46	

47	Provo City Code Sections 9.15.200, 9.32.020, and 9.32.170 are repealed in their entirety.				
48	A new Provo City Code Section 9.32.170 is enacted as set forth in Exhibit A.				
49					
50	<u>PART II:</u>				
51					
52	А.	If a provision of this ordinance conflicts with a provision of a previously adopted			
53		ordinance, this ordinance shall prevail.			
54	P				
55	В.	This ordinance and its various sections, clauses and paragraphs are hereby			
56		declared to be severable. If any part, sentence, clause or phrase is adjudged to be			
57		unconstitutional or invalid, the remainder of the ordinance shall not be affected			
58		thereby.			
59	C				
60	С.	The Municipal Council hereby directs that the official copy of the Provo City			
61		Code be updated to reflect the provisions enacted by this ordinance.			
62	D	This and increase shall take affect immediately after it has been mosted on sublished			
63	D.	This ordinance shall take effect immediately after it has been posted or published			
64		in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.			
65 66		with Otali Code 10-30-204, and recorded in accordance with Otali Code 10-3-713.			
67	END OF OR				
07	57 <u>END OF ORDINANCE.</u>				

# Exhibit A

68	9.32.170 Micromobility devices
69	•
70	(1) (a) Micromobility device means a human-, motor-, or electric-powered transportation
71	device that is driven by the user personally.
72	(b) Micromobility device includes, but is not limited to, the following as defined in Utah
73	Code Section 41-6a-102:
74	(i) electric personal assistive mobility device;
75	(ii) electric assisted bicycle;
76	(iii) motor assisted scooter;
77	(iv) moped;
78	(v) bicycle; and
79	(vi) motor-driven cycle.
80	(c) Micromobility device includes, but is not limited to, any device that would be
81	described in Subsection (1)(b) but for the fact that it is capable of speeds greater than
82	those set forth in Utah Code Section 41-6a-102 in the relevant definition.
83	(d) Micromobility device includes, but is not limited to, skateboards, roller skates, roller
84	blades, hoverboards, non-motor-assisted scooters, and any other small, lightweight,
85	wheeled conveyance that meets the definition in Subsection (1)(a) and is not specifically
86	excluded in this Section.
87	(e) Micromobility device does not include automobiles, motorcycles, golf carts, manual
88	or electric wheelchairs, or other such vehicles.
89	
90	(2) A person may not operate a micromobility device at a speed greater than 10 miles per hour on
91	a public sidewalk. A violation of this subsection (2) is an infraction.
92	
93	(3) It is unlawful to ride or use a micromobility device on a public street or sidewalk after dark
94	unless the user is equipped with reflective material of sufficient size and reflectivity to be visible
95	from both sides for five hundred (500) feet when directly in front of lawful lower beams of head
96	lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both
97	sides from a distance of at least five hundred (500) feet. "After dark" shall mean one-half (1/2)
98 00	hour after sunset.
99 100	(4) It is unlawful to leave a micromobility device obstructing pedestrian travel on the sidewalk,
100	in a pedestrian crosswalk, or in a roadway except in an area where it would be lawful to park a
101	motor vehicle.
102	motor venicle.
103	(5) Whenever any person is riding a micromobility device, such person shall yield the right-of-
104	way to any pedestrian and shall give an audible signal before overtaking and passing such
105	pedestrian.
100	pedestrian.
107	(6) A property owner may prohibit micromobility devices generally, specific types of
108	micromobility devices, and/or specific uses of micromobility devices on the owner's property by
110	posting signs that give reasonable notice of the prohibited device(s) and/or use(s). It is unlawful
111	to use a micromobility device on any property contrary to the prohibitions posted by the owner.
	to and a manual sector of any property contrary to the promotions posted by the officer.

- 112
- 113 (7) It is unlawful for any company to provide micromobility device rentals for use upon City
- streets unless done on behalf of the City pursuant to a contract with the City.
- 115
- 116 (8) It is unlawful to operate any micromobility device described in Subsection (1)(c) on city
- 117 sidewalks.
- 118
- (9) No person shall ride a micromobility device upon a sidewalk contiguous to University
- Avenue between 400 North Street and 100 South Street, and on a sidewalk contiguous to Center
- 121 Street between 100 East Street and 500 West Street.