

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI BY AMENDING CHAPTER 10.04, "DEFINITIONS"; CHAPTER 10.20, "RULES OF THE ROAD GENERALLY"; AND CHAPTER 10.60, "BICYCLES" THEREOF.**

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**WHEREAS**, the City of North Kansas City, Missouri (the "**City**") is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

**WHEREAS**, the City Council finds and determines that it is appropriate and in the best interests of the citizens of the City that the City amend portions of the City Code by adding provisions for motorized scooters.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 10.04.010 "Definitions" of the Code of the City of North Kansas City, Missouri (the "**City Code**") is hereby amended by repealing the definitions for "Bicycle," "Motorized bicycle," and "Pedestrian" and adopting new definitions in lieu thereof and adopting the following additional definitions set forth in this section, with such definitions being respectively amended or added to Section 10.04.010 of the City Code as follows:

"Foot scooter" means a device with at least two ten-inch or smaller diameter wheels and a deck to be stood upon by the operator, capable of being propelled solely by human power.

"Motorized scooter" means any device with at least two wheels, a seat or a deck upon which a person may stand, equipped with an internal combustion engine or electric motor capable of propelling the device at a speed of less than twenty (20) miles per hour on level ground.

Other than as specifically set forth hereinabove, Section 10.04.010 shall be unaffected by this amendment.

**Section 2.** Chapter 10.20 "Rules of the Road Generally" of the Code of the City of North Kansas City, Missouri is hereby amended to add Section 10.20.280, to read as follows:

**10.20.280      Driving in a Bicycle Lane**

A. A person may not drive a motor vehicle, motorcycle, or a motorized bicycle in, on, or across a bicycle lane except:

1. to enter or leave a driveway, building, or alley taking care to cross the bicycle lane as near to a 90-degree angle as possible; or

2. to enter or leave an on-street parking space; or
3. for a bus, to enter or leave a bus stop.

B. Subsection (A) does not apply to a bicycle, foot scooter, motorized scooter or other similar vehicle that is equipped with an electric motor that is capable of propelling the bicycle, scooter, or vehicle at a maximum speed of 20 miles per hour.

C. A person may not drive on or cross a bicycle lane under this section without first yielding the right-of-way, if necessary, to avoid collision or interference with bicycle traffic.

**Section 3.** The name of Chapter 10.60, "Bicycles" of the Code of the City of North Kansas City, Missouri is hereby amended to hereafter be named Chapter 10.60, "Bicycles and Scooters."

**Section 4.** Section 10.60.050 "Riding to right, required by bicycles, motorized bicycles and motorized scooters, mandatory use of bicycle path by bicycles, riding on sidewalks" of the Code of the City of North Kansas City, Missouri is hereby repealed in its entirety and a new Section 10.60.050 is enacted in lieu thereof as follows:

**10.60.050 Riding to right, required by bicycles, motorized bicycles and motorized scooters, riding on sidewalks.**

A. Every person operating a bicycle, motorized bicycle or motorized scooter upon a roadway at a speed slower than the normal and reasonable flow of motor vehicle traffic thereon shall ride as near to the right side of the right through lane as is safe and reasonable, except as may be appropriate while preparing to make or while making turning movements, while overtaking or passing another bicycle or vehicle proceeding in the same direction, or when the lane is too narrow for an overtaking motorist to pass the bicyclist safely.

B. A person operating a bicycle, motorized bicycle or motorized scooter upon a roadway that carries traffic in one (1) direction only may ride as near to the left side of the left through lane as is safe.

C. A person operating a bicycle, motorized bicycle or motorized scooter upon a roadway may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists.

D. Persons operating bicycles, motorized bicycles or motorized scooters upon a roadway or sidewalk shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

E. Persons operating bicycles, motorized bicycles or motorized scooters may ride two (2) abreast if not impeding the flow of traffic or when the lane is too narrow for an overtaking motorist to pass a bicyclist safely.

F. A person operating a bicycle, motorized bicycle or motorized scooter across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, but shall yield to pedestrians upon and along a crosswalk. No person operating a bicycle, motorized bicycle or motorized scooter shall suddenly enter a crosswalk into the path of a vehicle which is so close that the driver cannot yield safely.

G. Every person operating a bicycle or foot scooter upon any sidewalk or public path shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic-control devices.

H. No motorized bicycle or motorized scooter shall be operated on a public sidewalk.

I. Whenever any person is riding a bicycle or foot scooter upon a sidewalk or public path, such person shall yield the right-of-way to any pedestrian, and shall give audible signal before overtaking and passing such pedestrian.

J. No person shall ride a bicycle, motorized bicycle or motorized scooter upon the walking and jogging paved path located in Macken Park and identified with signs providing "WALKERS AND JOGGERS ONLY."


**Section 5.** Providing for Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

**Section 6.** Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

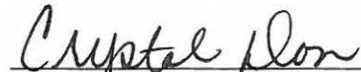
**Section 7.** Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 8.** Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

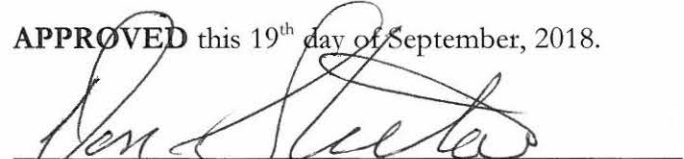
PASSED this 19<sup>th</sup> day of September, 2018.

  
Don Stielow, Mayor

ATTEST:

  
Crystal Doss, City Clerk

APPROVED this 19<sup>th</sup> day of September, 2018.

  
Don Stielow, Mayor

APPROVED AS TO FORM:

  
Anthony Bologna City Attorney

  
Thomas E. Barzee, Jr., City Counselor

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## MEMORANDUM



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**TO:** Mayor and City Council  
City Administrator

**FROM:** Sara Copeland, AICP, Community Development Director  
Steve Beamer, Chief of Police

**DATE:** September 19, 2018

**RE:** Municipal Code Amendments regarding Bicycling in North Kansas City

During the City Council work session on September 4, the Council directed staff to prepare an amendment to Section 10.60 regarding bicycles to clearly prohibit riding motorized scooters on sidewalks in North Kansas City. The current code, as amended by the City Council on August 7, 2018, prohibits motorized bicycles from operating on sidewalks, but did not include a prohibition on motorized scooters.

The proposed ordinance amends the definitions of foot scooter and motorized scooter. Under the new definitions, "foot scooter" means a device propelled solely by human power and "motorized scooter" includes those powered with an internal combustion or electric motor capable of propelling the device at speeds of less than 20 miles per hour.

The proposed ordinance mainly concerns Section 10.60.050 "Riding to right, required by bicycles, motorized bicycles and motorized scooters, riding on sidewalks." In addition to adding "motorized scooters" to the title of the section, the ordinance clarifies requirements for motorized bicycles and motorized scooters when they are being operated in the roadway; clarifies that foot scooters, like bicycles, must yield to pedestrians on sidewalks or public paths; prohibits motorized scooters from operating on public sidewalks; and clarifies that motorized bicycles and motorized scooters, in addition to bicycles, are prohibited from the marked walking and jogging paths in Macken Park.

The proposed ordinance also adds motorized scooters to Section 10.20.280, allowing motorized scooters to operate legally in a designated bicycle lane.

Below is a redline version of the language included in the proposed ordinance, showing the changes to the ordinance as approved by the City Council on August 7. Deletions are shown in ~~**bold strikethrough**~~ and additions in **bold underline**.



## Section 10.04.010 Definitions

"Foot scooter" means a device with at least two ten-inch or smaller diameter wheels and a deck to be stood upon by the operator, capable of being propelled solely by human power, ~~or equipped with an electric motor that is capable of propelling the device with or without human propulsion at a speed of no more than twenty (20) miles per hour on level ground.~~

"Motorized scooter" means any device with at least two wheels, a seat or a deck upon which a person may stand, equipped with an internal combustion engine or electric motor capable of propelling the device at a speed of less than twenty (20) miles per hour ~~or an electric motor capable of propelling the device great than fifteen (15) miles per hour but less than thirty (30) miles per hour on level ground.~~

## Section 10.20.280 Driving in a Bicycle Lane

A. A person may not drive a motor vehicle, motorcycle, or a motorized bicycle in, on, or across a bicycle lane except:

1. to enter or leave a driveway, building, or alley taking care to cross the bicycle lane as near to a 90-degree angle as possible; or
2. to enter or leave an on-street parking space; or
3. for a bus, to enter or leave a bus stop.

B. Subsection (A) does not apply to a bicycle, foot scooter, motorized scooter or other similar vehicle that is equipped with an electric motor that is capable of propelling the bicycle, scooter, or vehicle at a maximum speed of 20 miles per hour.

## Section 10.60.050 Riding to right, required by bicycles, and motorized bicycles and motorized scooters, riding on sidewalks.

A. Every person operating a bicycle, ~~or~~ motorized bicycle or motorized scooter upon a roadway at a speed slower than the normal and reasonable flow of motor vehicle traffic thereon shall ride as near to the right side of the right through lane as is safe and reasonable, except as may be appropriate while preparing to make or while making turning movements, while overtaking or passing another bicycle or vehicle proceeding in the same direction, or when the lane is too narrow for an overtaking motorist to pass the bicyclist safely.

B. A person operating a bicycle, motorized bicycle or motorized scooter upon a roadway that carries traffic in one (1) direction only may ride as near to the left side of the left through lane as is safe.

C. A person operating a bicycle, **motorized bicycle or motorized scooter** upon a roadway may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists.

D. Persons operating bicycles, **motorized bicycles or motorized scooters** upon a roadway or sidewalk shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

E. Persons operating bicycles, **motorized bicycles or motorized scooters** may ride two (2) abreast if not impeding the flow of traffic or when the lane is too narrow for an overtaking motorist to pass a bicyclist safely.

F. A person operating a bicycle, **motorized bicycle or motorized scooter** across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, but shall yield to pedestrians upon and along a crosswalk. No person operating a bicycle, **motorized bicycle or motorized scooter** shall suddenly enter a crosswalk into the path of a vehicle which is so close that the driver cannot yield safely.

G. Every person operating a bicycle **or foot scooter** upon any sidewalk or public path shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic-control devices.

H. No motorized bicycle **or motorized scooter** shall be operated on a public sidewalk.

I. Whenever any person is riding a bicycle **or foot scooter** upon a sidewalk or public path, such person shall yield the right-of-way to any pedestrian, and shall give audible signal before overtaking and passing such pedestrian.

J. No person shall ride a bicycle, **motorized bicycle or motorized scooter** upon the walking and jogging paved path located in Macken Park and identified with signs providing "WALKERS AND JOGGERS ONLY."