

**Ordinance \_\_\_\_\_**

**An ordinance of the Missoula City Council amending Missoula Municipal Code Title 10, Chapter 10.42 entitled “Bicycles”, to permit and regulate the use of electrically assisted bicycles within the City.**

**Be it ordained that a new Section 10.42.160 is hereby added:**

**10.42.160 Electrically Assisted Bicycles.** The City may regulate the use of public right-of-way by electrically assisted bicycles within the City pursuant to Montana Code Annotated § 61-12-101(1). The following regulations apply to the use of electrically assisted bicycles within the City:

- A. Class 1 and Class 2 electrically assisted bicycles may be operated anywhere the City allows bicycles to be ridden.
- B. So long as the use is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions, Class 1 and Class 2 electrically assisted bicycles may operate within vehicle travel lanes, designated bikes lanes, sidewalks, and along paved shared use paths unless otherwise prohibited.
- C. Class 1 and Class 2 electrically assisted bicycles may be operated on and along a sidewalk only under human propulsion and may not be operated on or along a sidewalk if the device is under power from an independent power source.
- D. It shall be unlawful to operate electrically assisted bicycles on sidewalks within the Central Business District, as defined in Chapter 10.46 of the Missoula Municipal Code if a traffic control device states that bicycles shall not be ridden on the sidewalk at that location.
- E. Operation of electrically assisted bicycles within City of Missoula parks, open spaces, conservation lands, and trails is governed by Chapter 12.40 of the Missoula Municipal Code.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

## EFFECTIVE DATE

This ordinance will be effective 30 days after passage.

First reading and preliminary adoption on the \_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_ ayes ; \_\_\_\_ nays; \_\_\_\_ abstaining; and \_\_\_\_ absent.

Second and final reading and adoption on the \_\_\_\_ day of \_\_\_\_\_, 2019 by a vote of \_\_\_\_ ayes; \_\_\_\_ nays; \_\_\_\_ abstentions; and \_\_\_\_ absent.

ATTEST:

APPROVED:

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Martha L. Rehbein, CMC  
City Clerk

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John Engen  
Mayor