

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

**An ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.40 entitled “City Parks” to allow certain electrically assisted bicycles to use primary commuter trails within the City.**

**Be it ordained that Section 12.40.020 Missoula Municipal Code is hereby amended to read:**

**12.40.020 Parks, Trails, Conservation Lands – operation and parking of motorized vehicles.**

A. It is unlawful for any person or persons to operate or park any motorized vehicle as defined in Section 12.40.007 within any city owned public park, trail or conservation land under the supervision and management of the city unless otherwise specifically provided for in this section; with the following exceptions:

1. Motorized vehicles may only be operated or parked in designated parking lanes, parking areas, and parking lots within City parks and open space trailheads for the purpose of park and trail use, and shall comply with posted time limits, and
2. Class 1 and class 2 electrically assisted bicycles, as defined in Section 10.02.094 MMC, may be operated upon Primary Commuter Trails.

B. This section shall not be construed to prohibit vehicles operated by Authorized Persons from use of any park, trail, or conservation land; nor shall it be construed to limit the right of individuals with disabilities from using other mechanical or electrical powered mobility devices (also known as other power-driven mobility devices, or OPDMDs, as further defined by federal law) as allowed by the Americans with Disabilities Act. Employees of public utilities acting in the scope and course of their employment may operate vehicles in parks, trails and conservations lands pursuant to applicable easement terms; where the easement is silent regarding notice, such public utilities must give at least 72 hours advance notice to the City Parks and Recreation Department Director or their designee.

**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