

ORDINANCE NO. 1197

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 10 AND TITLE 12, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 10.12.010: EFFECTIVE REGULATIONS; ADDING A NEW SECTION 10.12.020: PUBLIC PATHWAYS; AMENDING SECTION 10.12.020: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES; AMENDING SECTION 10.12.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES; AMENDING SECTION 10.12.040: RIDING BICYCLES; AMENDING SECTION 10.12.050: RIDING ON ROADWAYS AND BICYCLE PATHS; AMENDING SECTION 10.12.060: SPEED LIMITS; AMENDING SECTION 10.12.070: EMERGING FROM ALLEY OR DRIVEWAY; AMENDING SECTION 10.12.080: CLINGING TO VEHICLES; AMENDING SECTION 10.12.090: CARRYING ARTICLES; AMENDING SECTION 10.12.100: PARKING; AMENDING SECTION 10.12.110: RIDING ON SIDEWALKS; AMENDING SECTION 10.12.120: LAMPS AND OTHER EQUIPMENT ON BICYCLES; AMENDING SECTION 10.12.130: PENALTY AND DELETING SECTION 12.28.030: PERMITTED AND PROHIBITED USES; DELETING SECTION 12.28.040: PUBLIC PATHWAYS; AND RENUMBERING SECTIONS 12.28.050, 12.28.060, AND 12.28.070.

Whereas, the City of Ketchum is authorized to amending the Ketchum Municipal Code pursuant to Idaho Code 67-6511;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM:

Section 1: AMENDMENTS TO CHAPTER 10.2 TITLE: That Chapter 10.2 title of the Ketchum Municipal Code be amended to

Section 2: AMENDMENTS TO SECTIONS 10.12.010 C, D, and E, EFFECT OF REGULATIONS. That Title 10 of the Ketchum Municipal Code be amended to

Section 3: AMENDMENTS TO SECTION 10.12.020 1, 2, 3, PUBLIC PATHWAYS. That Title 10 of the Ketchum Municipal Code be amended to

Section 4: AMENDMENTS TO SECTION 10.12.20 RENUMBERED TO 10.12.030: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, EBIKES, AND ALTERNATIVE ELECTRIC MOTORED VEHICLES. That Title 10 of the Ketchum Municipal Code be amended to

Section 5: AMENDMENTS TO SECTION 10.12.030 RENUMBERED TO 10.12.040 A, B: OBEDIENCE TO TRAFFIC CONTROL DEVICES. That Title 10 of the Ketchum Municipal Code be amended to

Section 6: AMENDMENTS TO SECTION 10.12.040 RENUMBERED TO 10.12.050 A, B, C: AND NOW TITLED: RIDING ON BICYCLES, EBIKES AND ALTERNATIVE

ELECTRIC MOTORED VEHICLES. That Title 10 of the Ketchum Municipal Code be amended to

Section 7: AMENDMENTS TO SECTION 10.12.050 RENUMBERED TO 10.12.060 A, B, AND DELETE C: RIDING ON ROADWAYS AND BICYCLE PATHS. That Title 10 of the Ketchum Municipal Code be amended to

Section 8: AMENDMENTS TO SECTION 10.12.060 RENUMBERED TO 10.12.070 A, B, C, D: SPEED LIMITS. That Title 10 of the Ketchum Municipal Code be amended to

Section 9: AMENDMENTS TO SECTION 10.12.070 RENUMBERED TO 10.12.080: EMERGING FROM ALLEY OR DRIVEWAY. That Title 10 of the Ketchum Municipal Code be amended to

Section 10: AMENDMENTS TO 10.12.080 RENUMBERED TO 10.12.090: CLINGING TO VEHICLES. That Title 10 of the Ketchum Municipal Code be amended to

Section 11: AMENDMENTS TO 10.12.090 RENUMBERED TO 10.12.100 CARRYING ARTICLES. That Title 10 of the Ketchum Municipal Code be amended to

Section 12: AMENDMENTS TO 10.12.100 RENUMBERED TO 10.12.110: PARKING. That Title 10 of the Ketchum Municipal Code be amended to

Section 13: AMENDMENTS TO 10.12.110 RENUMBERED TO 10.12.120 A, B, C: RIDING ON SIDEWALKS. Title 10 of the Ketchum Municipal Code be amended to

Section 14: AMENDMENTS TO 10.12.120 RENUMBERED TO 10.12.130 A, B, C: LAMPS AND OTHER EQUIPMENT ON BICYCLES. Title 10 of the Ketchum Municipal Code be amended to

Section 15: AMENDMENTS TO 10.12.130 RENUMBERED TO 10.12.140: PENALTY. Title 10 of the Ketchum Municipal Code be amended to

Section 16: AMENDMENTS TO CHAPTER 12.28 TITLE OF CHAPTER 12.28 TO READ: CITY PARKS AND CAMPING. Title 12 of the Ketchum Municipal Code be amended to

Section 17: AMENDMENTS TO SECTION 12.28.030 TO DELETE: PERMITTED AND PROHIBITED USES. Title 12 of the Ketchum Municipal Code be amended to

Section 18: AMENDMENTS TO SECTION 12.28.040 TO DELETE: PUBLIC PATHWAYS. Title 12 of the Ketchum Municipal Code be amended to

Section 19: AMENDMENTS TO SECTIONS 12.28.50, 12.28.60, AND 12.28.70 TO RENUMBER. Title 12 of the Ketchum Municipal Code be amended to

Section 20: SAVINGS AND SERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 21: REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 22: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit C, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 23: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 3rd day of June 2019.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this 3rd day of June 2019.



APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Robin Crotty, City Clerk

Chapter 10.12
REGULATION OF BICYCLES, HUMAN PROPELLED VEHICLES, E-BIKES, ALTERNATIVE
ELECTRIC MOTORED VEHICLES, OPDMDS, WHEELCHAIRS AND MOTORIZED VEHICLES
ON STREETS AND PUBLIC PATHWAYS

10.12.010: EFFECT OF REGULATIONS:

- A. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
- C. An allowed vehicle shall consist of bicycles, human propelled vehicles, E-bikes, alternative electric motored vehicles, OPDMDS and wheelchairs.
1. An e-bike shall be defined as a vehicle designed to be operated by human power with the assistance of an electric motor that has a power totaling no more than 750 watts that: (i) enable speeds equal to or less than 20 miles per hour and (ii) disengage or cease to function when the vehicle's brakes are applied and (iii) have two tandem wheels or two parallel wheels and one forward wheel, any two of which, are not less than twelve inches in diameter.
 2. A wheelchair is defined as a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Wheelchairs and manually-powered mobility aides by individuals with mobility disabilities would qualify the user to obtain an Idaho State handicap parking permit or otherwise allowed under the Americans with Disabilities Act shall be permitted on the City trail system.
 3. Alternative electric motored vehicles shall be defined as a vehicle, including but not limited to electric scooters, electric skateboards, and "one wheels," provided (i) those devices have electrical assist(s) totaling no more than 750 watts and enabling speeds equal to or less than 20mph.
 4. OPDMDS shall be defined as (i) devices that have electrical assist(s) totaling no more than 750 watts and enabling speeds equal to or less than 20mph.
- C. These regulations are applicable to allowed vehicles whenever such vehicle is operated upon any street or upon any public path set aside for the ~~exclusive~~ use of bicycles, subject to the exceptions stated in this chapter.
- D. All regulation of allowed vehicles on the City trail system shall be subject to applicable easements.

10.12.020: PUBLIC PATHWAYS

1. This chapter shall apply to any and all portions of the following public property, easements and rights of way:
 - A. Former Union Pacific Railroad right of way described in exhibit A, attached to the ordinance codified herein and made a part of this section;
 - B. Pathway easement dedicated to the public within the Northwood PUD large block subdivision plat and within the Bigwood PUD large block subdivision plat; and
 - C. All public pathways within the street and alley rights of way of the city of Ketchum, Idaho.
 - D. Any and all portions of the public pathway system, as set forth in this chapter, for use by pedestrians, equestrians, bicycle riders, skiers and snowshoers.
2. Public pathways shall only be used by pedestrians, equestrians, bicycle riders, skiers, snowshoers, and operators of allowed vehicles.
3. Except for allowed vehicles, it is unlawful for any person to operate, park or stand any motor vehicle upon any portion of the public pathway system set forth in this chapter except when necessary for construction or maintenance of the pathway with the expressed consent of the city of Ketchum, Idaho. For the purposes of this chapter, "motor vehicle" means and includes, but is not limited to, cars, trucks, motorcycles, mopeds, motor scooters, snow machines and any other motorized means of transportation.

10.12.030: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, E-BIKES, AND ALTERNATIVE ELECTRIC MOTORED VEHICLES:

Every person riding a bicycle, e-bike, or alternative electric motored vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state declaring rules of the road applicable to vehicles or by the traffic ordinances of the city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

10.12.040: OBEDIENCE TO TRAFFIC CONTROL DEVICES:

A. Any person operating a bicycle, e-bike, or alternative electric motored vehicle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, e-bike, or alternative electric motored vehicle shall disobey the direction of any such sign, except where such person dismounts from the bicycle, e-bike, or alternative electric motored vehicle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

10.12.050: RIDING ON BICYCLES, E-BIKES, AND ALTERNATIVE ELECTRIC MOTORED VEHICLES:

A. A person propelling a bicycle, e-bike, or alternative electric motored vehicle shall not ride other than upon or astride a permanent and regular seat attached to such bicycle.

B. No bicycle, e-bike, alternative electric motored vehicle or human propelled vehicle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. An adult rider may carry a child securely attached to his or her person in a backpack or sling or in a child carrier attached to the bicycle, e-bike, or alternative electric motored vehicle.

10.12.060: RIDING ON ROADWAYS AND BICYCLE PATHS:

A. Every person operating a bicycle, e-bike, or alternative electric motored vehicle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles, e-bikes, or alternative electric motored vehicles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the ~~exclusive~~ use of bicycles.

10.12.070: SPEED LIMITS:

A. No person shall use or operate any allowed vehicle, bicycle, skates, skateboard, rollerblades or operate any other human powered vehicle on the multi-use path system at a speed inconsistent with posted speed limits or statute.

B. If no speed limit is posted, no person shall use or operate any allowed vehicle, bicycle, skates, skateboard, rollerblades or operate any other human powered vehicle on the multi-use path system at a speed greater than is reasonable, and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall operate an allowed vehicle, bicycle, skates, skateboard, rollerblades or any other human powered vehicle the multi-use path at a safe and appropriate speed on approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when proceeding down a hill, when traveling upon a winding section of the trail system, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or other conditions of the trail system.

C. Firefighters and police officers, while operating within the official scope of their duties in an emergency, may exceed the speed limits set forth in this section.

D. Penalties: Any person engaging in skating, skateboarding, rollerblading or operating a bicycle, e-bike, alternative electric motored vehicle or other human powered vehicle in violation of this section shall be guilty of an infraction.

10.12.080: EMERGING FROM ALLEY OR DRIVEWAY

The operator of a bicycle, e-bike, or alternative electric motored vehicle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area and, upon entering the roadway, shall yield the right of way to all vehicles approaching on such roadway.

10.12.090: CLINGING TO VEHICLES:

No person riding upon any bicycle, e-bike, or alternative electric motored vehicle shall attach the same or himself or herself to any streetcar or vehicle upon a roadway

10.12.100: CARRYING ARTICLES:

No person operating a bicycle, e-bike, or alternative electric motored vehicle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

10.12.110: PARKING:

No person shall park a bicycle, e-bike, or alternative electric motored vehicle upon a street, other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

10.12.120: RIDING ON SIDEWALKS:

A. No person shall ride a bicycle, e-bike, or alternative electric motored vehicle upon a sidewalk within a business district.

B. The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles, e-bikes, or alternative electric motored vehicles by any person, and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle, e-bike, or alternative electric motored vehicle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.12.130: LAMPS AND OTHER EQUIPMENT ON BICYCLES:

A. Every bicycle, e-bike, or alternative electric motored vehicle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle, e-bike, or alternative electric motored vehicle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100'); except, that a bicycle shall not be equipped with nor shall any persons use upon a bicycle any siren or whistle.

C. Every bicycle, e-bike, or alternative electric motored vehicle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

10.12.140: PENALTY:

Every person convicted of a violation of any provision of this chapter shall be guilty of an infraction.

Chapter 12.28
CITY PARKS AND CAMPING

12.28.010: CAMPING IN VEHICLES OVERNIGHT WITHIN THE CITY LIMITS

It is unlawful for any person to occupy any vehicle upon any city street, alley, way or other public area if the purpose for such occupation is the use of the vehicle as a permanent or temporary residence.

12.28.020: CAMPING ON CITY PROPERTY AND IN THE CITY RIGHT OF WAY

No person shall camp or sleep on city property or in the city right of way within the city of Ketchum, Idaho, from ten o'clock (10:00) P.M. to eight o'clock (8:00) A.M. except as associated with and approved through a special event license application.

12.28.030: GLASS BEVERAGE CONTAINERS IN PARKS

No person shall possess or carry any glass beverage container within Atkinson's Park, city of Ketchum, Idaho.

12.28.040: HOURS PARKS CLOSED

All city parks shall be closed to the public between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. unless written permission for a special event is obtained from the office of the city clerk.

12.28.050: PENALTIES

Any person violating any provision of this chapter is guilty of a misdemeanor and shall, upon conviction, be fined not more than three hundred dollars (\$300.00) or imprisoned in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment, as provided in the general penalty provisions of title 1, chapter 1.36 of this code.

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1197

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 10 AND TITLE 12, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 10.12.010: EFFECTIVE REGULATIONS; ADDING A NEW SECTION 10.12.020: PUBLIC PATHWAYS; AMENDING SECTION 10.12.020: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES; AMENDING SECTION 10.12.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES; AMENDING SECTION 10.12.040: RIDING BICYCLES; AMENDING SECTION 10.12.050: RIDING ON ROADWAYS AND BICYCLE PATHS; AMENDING SECTION 10.12.060: SPEED LIMITS; AMENDING SECTION 10.12.070: EMERGING FROM ALLEY OR DRIVEWAY; AMENDING SECTION 10.12.080: CLINGING TO VEHICLES; AMENDING SECTION 10.12.090: CARRYING ARTICLES; AMENDING SECTION 10.12.100: PARKING; AMENDING SECTION 10.12.110: RIDING ON SIDEWALKS; AMENDING SECTION 10.12.120: LAMPS AND OTHER EQUIPMENT ON BICYCLES; AMENDING SECTION 10.12.130: PENALTY AND DELETING SECTION 12.28.030: PERMITTED AND PROHIBITED USES; DELETING SECTION 12.28.040: PUBLIC PATHWAYS; AND RENUMBERING SECTIONS 12.28.050, 12.28.060, AND 12.28.070.

A summary of the principal provisions of Ordinance 1197 of the City of Ketchum, Blaine County Idaho, adopted on June 3, 2019, is as follows:

- Section 1:** Amends the title of Chapter 10.2 of the Ketchum Municipal Code to include human propelled vehicles, ebikes, alternative electric motorized vehicles, OPDMDS, wheelchairs and motorized vehicles on streets and public pathways.
- Section 2:** Amends Section 10.12.010 C, D, and E, EFFECT OF REGULATIONS to add a new section defining human propelled vehicles, ebikes, alternative electric motorized vehicles, OPDMDS, wheelchairs and motorized vehicles and renumbering sections.
- Section 3:** Amends Section 10.12.020 1, 2, 3, PUBLIC PATHWAYS by adding a new section identifying public pathways in Ketchum, establishing the use of public pathways and prohibits certain activities on the public pathways.
- Section 4:** Amends Section 10.12.20 to renumber Section to 10.12.030 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, EBIKES AND ALTERNATIVE ELECTRIC MOTORIZED VEHICLES by adding ebikes and alternative electric motorized vehicles to the list of vehicles regulated by the Section.
- Section 5:** Amends Section 10.12.030 and renumbers to Section 10.12.040 A, B: OBEDIENCE TO TRAFFIC CONTROL DEVICES to include ebikes and alternative electric motorized vehicles to list of vehicles regulated by the Section.
- Section 6:** Amends Section 10.12.040 and renumbers to Section 10.12.050 A, B, C: now titled: RIDING ON BICYCLES, EBIKES AND ALTERNATIVE ELECTRIC

MOTORED VEHICLES and includes ebikes and alternative electric motored vehicles to the Section.

- Section 7:** Amends Section 10.12.050 and renumbers to Section 10.12.060 RIDING ON ROADWAYS AND BICYCLE PATHS A, B, and deletes C and adds ebikes and alternative electric motored vehicles to the Section.
- Section 8:** Amends Section 10.12.060 and renumbers to Section 10.12.070 SPEED LIMITS A, B, C, D to add speed limits on public pathways and delete redundant regulations.
- Section 9:** Amends Section 10.12.070 and renumbers to Section 10.12.080: EMERGING FROM ALLEY OR DRIVEWAY and adds ebikes and alternative electric motored vehicles to the Section.
- Section 10:** Amends Section 10.12.080 and renumbers to Section 10.12.090: CLINGING TO VEHICLES and adds ebikes and alternative electric motored vehicles to the Section.
- Section 11:** Amends Section 10.12.090 and renumbers to Section 10.12.100 CARRYING ARTICLES and adds ebikes and alternative electric motored vehicles to the Section.
- Section 12:** Amends Section 10.12.100 and renumbers to Section 10.12.110: PARKING and adds ebikes and alternative electric motored vehicles to the Section.
- Section 13:** Amends Section 10.12.110 and renumbers to Section 10.12.120 RIDING ON SIDEWALKS A, B, C and adds ebikes and alternative electric motored vehicles to the Section.
- Section 14:** Amends Section 10.12.120 and renumbers to Section 10.12.130 LAMPS AND OTHER EQUIPMENT ON BICYCLES A, B, C and adds ebikes and alternative electric motored vehicles to the Section.
- Section 15:** Amends Section 10.12.130 and renumbers to Section 10.12.140: PENALTY.
- Section 16:** Amends Chapter title 12.28 to delete language and read CITY PARKS AND CAMPING.
- Section 17:** Amends Section 12.28.030 to delete PERMITTED AND PROHIBITED USES from the Chapter.
- Section 18:** Amends Section 12.28.040 to delete PUBLIC PATHWAYS from the Chapter.
- Section 19:** Amends Sections 12.28.50, 12.28.60, AND 12.28.70 to renumber Sections

Section 20: Provides a savings and severability clause.

Section 21: Provides a repealer clause.

Section 22: Provides a publication clause.

Section 23: Provides an effective date.

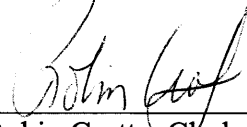
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Neil Bradshaw Mayor

ATTEST:



Robin Crotty, Clerk

