



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF RESCHEDULED REGULAR STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in rescheduled regular session at 5:00 p.m. on the 22nd day of May, 2018 in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

RESCHEDULED REGULAR STUDY SESSION AGENDA

1. CALL TO ORDER/ROLL CALL.
2. AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE RESCHEDULED REGULAR SESSION AGENDA OF MAY 22, 2018.
3. PRESENT AND DISCUSS KAW LAKE PROJECT PHASE II UPDATE.
4. REVIEW SKATEBOARD ORDINANCE.
5. DISCUSS SEGWAY ORDINANCE.
6. ADJOURN.

City Commission Study Session

4.

Meeting Date: 05/22/2018

SUBJECT:

REVIEW SKATEBOARD ORDINANCE.

Attachments

Skateboard Ordinance

ORDINANCE NO. 2018- __

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 10, "BICYCLES AND PLAY VEHICLES", SECTION 6-10-8 "SKATEBOARDS, IN-LINE SKATES, COASTERS, AND ROLLER SKATES" TO ALLOW SKATEBOARD USE DOWNTOWN UNLESS PROHIBITION IS POSTED; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 6, Chapter 10, Section 6-10-8 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

6-10-8: SKATEBOARDS, IN-LINE SKATES, COASTERS AND ROLLER SKATES:

A. Riding Restricted In Certain Areas:

~~1. No person shall ride a skateboard on any public street or sidewalk within the downtown area bounded by Adams Street on the west, Elm Street on the north, Oklahoma Street on the south and the Old Rock Island railroad tracks on the east.~~

~~2. No person shall ride a skateboard, in-line skates or roller skates on private or public property where signs are posted prohibiting such use.~~

B. Outdoor Skate And Bicycle Motocross Parks:

1. It shall be unlawful for any person to use the outdoor skate and bicycle motocross parks without a helmet designed for said use.

2. No motor vehicles may be used at the outdoor skate and bicycle motocross parks.

3. The fine for a violation of this subsection shall be twenty five dollars (\$25.00).

C. Use Of Coasters, Roller Skates On Roadway:

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing shall be granted all of the rights and subject to all of the duties applicable to pedestrians. This subsection shall not apply to any street while set aside as a play street as authorized by ordinance.

D. Clinging To Vehicles: No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(1994 Code §§ 20-16, 20-365.1, 20-366; amd. Ord. 2001-24, 9-18-2001; Ord. 2004-06, 1-20-2004; Ord. 2004-07, 2-3-2004)

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 6, Chapter 10, Section 6-10-8 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Study Session

5.

Meeting Date: 05/22/2018

SUBJECT:

DISCUSS SEGWAY ORDINANCE.

Attachments

SEGWAY ORDINANCE

SEGWAY ORDINANCE

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 1, “GENERAL TRAFFIC PROVISIONS” SECTION 6-1-2 “DEFINITIONS” TO ADD ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE”; AND AMENDING CHAPTER 13 “LOW SPEED ELECTRICAL VEHICLES, GOLF CARTS, MINIBIKES, AND ALL-TERRAIN VEHICLES”, TO CREATE SECTION 6-13-5 “ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” TO ALLOW FOR USE UPON CITY STREETS AND TRAILS PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 6, Chapter 1, Section 6-1-2 of the Enid Municipal Code 2014 is hereby amended to read as follows:

6-1-2: DEFINITIONS:

Whenever any words and phrases used in this title are not defined herein, but are defined in the state laws regulating the operation of vehicles, such definitions therein shall be deemed to apply to such words and phrases used herein. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALL-TERRAIN VEHICLE: Utility type motor driven cycle with a maximum curb weight of one thousand five hundred (1,500) pounds. (State law reference, 47 OS § 1-125)

ALLEY: A narrow passage or way, not designed to be a street or highway, intersecting a block or tract of land, and so designated on a plat of record or established by prescription and used primarily for the accommodation of the abutting or adjoining property.

ARTERIAL STREET: Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential highway designated as part of a major arterial system of streets or highways. (State law reference, 47 OS § 1-102)

AUTHORIZED EMERGENCY VEHICLES: Vehicles of fire departments, ambulances, and police vehicles, including vehicles owned or operated by the federal bureau of investigation; such vehicles shall be equipped with siren capable of giving an audible signal, as required by law, and a flashing red light. (State law reference, 47 OS § 1-103)

AUXILIARY SERVICE HIGHWAY: A street especially designed to furnish access to an arterial highway.

BICYCLE: Any device propelled solely by human power, upon which any person or persons may ride, having a seat or saddle for the use of each rider and: a) on a bicycle, two (2) tandem wheels, either of which is twenty inches (20") or more in diameter; b) on a tricycle, three (3) wheels in any configuration, of which at least one is twenty inches (20") or more in diameter; c) or on a quad cycle, four (4) wheels in any configuration, of which at least two (2) are twenty inches (20") or more in diameter. The wheel diameter provisions do not apply to recumbent bicycles. (State law reference, 47 OS § 1-104)

BUS: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (State law reference, 47 OS § 1-105)

BUS STOP: Parking space along the side of a street adjacent to a crosswalk properly marked and designated, which shall be used by public buses for discharging and taking on passengers.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway. (State law reference, 47 OS § 1-106)

CROSSWALK: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (State law reference, 47 OS § 1-111)

CURB LOADING ZONE: Space adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

DAYTIME: One-half ($1/2$) hour before sunrise to one-half ($1/2$) hour after sunset.

DRIVER: A person who drives or is in actual physical control of a vehicle. (State law reference, 47 OS § 1-114)

ELECTRIC ASSISTED BICYCLE: Any bicycle with two (2) or three (3) wheels, fully operational pedals and an electric motor with a power not to exceed one thousand (1,000) watts, incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground, and, is incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more. (State law reference, 47 OS § 1-104)

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE: a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds. (State law reference, 47 OS §1-114(A))

GOLF CART OR GO-CART: Motor driven operated vehicle that is manufactured principally for use off the streets and highways. (State law reference, 47 OS § 1151)

GROSS WEIGHT: The weight of a vehicle without load plus the weight of any load thereon. (State law reference, 47 OS § 1-121)

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (State law reference, 47 OS § 1-122)

INTERSECTION: A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) highways which join one another at approximately right angles, or the area within which vehicles traveling upon different highways, joining at any other angle, may come in conflict. B. Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection. (State law reference, 47 OS § 1-126)

LOW SPEED ELECTRICAL VEHICLE: Any four (4) wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour and is manufactured in compliance with the national highway traffic safety administration standards for low speed vehicles in 49 CFR 571.500. (State law reference, 47 OS § 1-134.1)

MINIBIKE: Any self-propelled vehicle or motor driven cycle having less than an eight inch (8") wheel rim, or less than a forty inch (40") wheel base, or less than a twenty five inch (25") seat height. (State law reference, 47 OS § 1-133.1)

MOPED: Any motor driven cycle with a motor that does not exceed two (2) brake horsepower and that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. (State law reference, 47 OS § 1-133.2)

MOTOR DRIVEN CYCLE: Any motor vehicle having a power source that if it is a combustion

engine, has a piston or rotor displacement of greater than thirty five (35) cubic centimeters but less than one hundred fifty (150) cubic centimeters regardless of the number of chambers in the power source or if it is electric has a power output of greater than one thousand (1,000) watts and with either power source, has a seat or saddle for use by each rider and not more than three (3) wheels in contact with the ground, but excluding motorized bicycles. (State law reference, 47 OS § 1-136)

MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, that the definition of "motor vehicle" shall not include "implements of husbandry" as defined by 47 Oklahoma Statutes. (State law reference, 47 OS § 1-134)

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of each rider in contact with the ground, but excluding a tractor and combustion engine with a piston or rotor displacement of greater than one hundred fifty (150) cubic centimeters. (State law reference, 47 OS § 1-135)

MOTORIZED BICYCLE: Any bicycle having fully operative pedals for propulsion by power, an automatic transmission; and, a combustion engine with a piston or rotor displacement of fifty (50) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground. (State law reference, 47 OS § 1-104)

MOTORIZED SCOOTER: Any vehicle having not more than three (3) wheels in contact with the ground, handlebars and a foot support or seat for the use of the operator, a power source capable of propelling the vehicle at a maximum design speed of not more than twenty five (25) miles per hour on level ground and if the power source is a combustion engine, has a piston or motor displacement of thirty five (35) cubic centimeters or less regardless of number of chambers in the power source or if the power source is electric, has a power output of not more than one thousand (1,000) watts. This definition does not include an electric personal assistive mobility device, bicycle, electric assisted bicycle, or motorized bicycle. (State law reference, 47 OS § 1-133.3)

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, barricades, signals and markings and devices not inconsistent with state law, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (State law reference, 47 OS § 1-139)

OUTSKIRTS OF THE CITY: Those parts of the national system of interstate and defense highways, federal aid highways and state highways within the boundaries of the city of Enid where there is: a) low land use density; b) absence of any school or residential subdivision requiring direct ingress or egress from the highway; c) low volume of traffic on the highway; and d) a scarcity of retail or commercial businesses abutting the highway. Highways 45, 64, 81, and 412 do not qualify as outskirts. (State law reference, 47 OS § 2-117)

OWNER: A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this title.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers. (State law reference, 47 OS § 1-142)

PARKING METER: Means and includes any mechanical device or meter, not inconsistent herewith, placed or erected for the regulation of parking by authority of the city. Each parking meter installed shall indicate by proper legend the legal parking time established herein and when operated shall at all times indicate the balance of the legal parking time, and at the expiration of such period shall indicate illegal or over parking time.

PARKING METER SPACE: Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by the lines painted or adjacent to or adjoining the parking meter.

PARKING METER ZONES: Means and includes any restricted streets upon which parking meters are installed and in operation.

PARKWAY: Any street, highway, or limited access facility from which trucks, buses and other commercial vehicles are excluded.

PEDESTRIAN: A person afoot. (State law reference, 47 OS § 1-143)

POLICE OFFICER: Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of state traffic laws and municipal ordinances. (State law reference, 47 OS § 1-147)

PRIVATE ROAD OR DRIVEWAY: A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (State law reference, 47 OS § 1-148)

RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails. (State law reference, 47 OS § 1-149)

RAILROAD SIGN OR SIGNAL: Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (State law reference, 47 OS § 1-150)

RAILROAD TRAIN: A steam engine, diesel, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (State law reference, 47 OS § 1-151)

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300') or more is in the main improved with residence or residences and buildings in use for business. (State law reference, 47 OS § 1-154)

RIGHT OF WAY: The privilege of the immediate use of the highway. (State law reference, 47 OS § 1-156)

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. (State law reference, 47 OS § 1-158(a))

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (State law reference, 47 OS § 1-159)

SCHOOL BUS: A motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; provided, however, that this definition of "school bus" shall not be extended to include buses normally used in city transit which may be used part time for transportation of school children within the city during some portion of the day. (State law reference, 47 OS § 1-160)

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. (State law reference, 47 OS § 1-158(b))

SIDEWALK: That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians. (State law reference, 47 OS § 1-163)

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (State law reference, 47 OS § 1-167)

STOP: When required, the word "stop" shall mean complete cessation from movement. (State law reference, 47 OS § 1-169)

STOP OR STOPPING: When prohibited, the words "stop" or "stopping" mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. (State law reference, 47 OS § 1-170)

STREET: The entire width between boundary lines of every way publicly maintained when any

part is open to the use of the public for the purposes of vehicular travel. (State law reference, 47 OS § 1-171)

TAXICAB STAND: A parking space properly marked and designated to be used by taxicabs while waiting for customers.

THROUGH HIGHWAY OR STREET: A street or highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title. (State law reference, 47 OS § 1-175)

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any highway for the purpose of travel. (State law reference, 47 OS § 1-177)

TRAFFIC CONTROL SIGNAL: A device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed. (State law reference, 47 OS § 1-178)

TRAFFIC DIVISION¹: The traffic division of the police department, or in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department.

TRAFFIC LANE: The portion of the traveled way for the movement of a single line of vehicles. (State law reference, 47 OS § 1-179)

TRUCK: Every motor vehicle designed, used or maintained primarily for the transportation of property. (State law reference, 47 OS § 1-182)

TRUCK ROUTES: The streets and avenues herein designated for use by trucks.

URBAN DISTRICT: The territory contiguous to, and including, any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more. (State law reference, 47 OS § 1-185)

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle", as used in this title, shall not include "implements of husbandry" as defined in 47 Oklahoma Statutes section 1-125. (State law reference, 47 OS § 1-186) (Ord. 2004-28, 9-7-2004)

Section II: That Title 6, Chapter 13, Section 6-13-5 of the Enid Municipal Code 2014 is hereby created to read as follows:

6-13-5: ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES:

A. Electric personal assistive mobility devices, as defined in Section 6-1-2, are not required to be registered pursuant to the Oklahoma Vehicle License and Registration Act and operators are not be required to have an Oklahoma driver license to operate the device.

B. Electric personal assistive mobility devices cannot be operated on the highways or turnpikes of this state except they may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state.

C. A person operating an electric personal assistive mobility device shall:

1. obey all speed limits,
2. yield the right of way to pedestrians and human powered devices at all times,
3. give an audible signal before overtaking and passing any pedestrian, and
4. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

D. Penalty: The violation of this section shall result in a warning for the first offense and thereafter the offense carries a maximum fine of Ten Dollars (\$10.00). Each act of noncompliance shall be considered a separate offense.

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-1-2 and Chapter 13, Section 6-13-5 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 1, “GENERAL TRAFFIC PROVISIONS” SECTION 6-1-2 “DEFINITIONS” TO ADD ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE”; AND AMENDING CHAPTER 13 “LOW SPEED ELECTRICAL VEHICLES, GOLF CARTS, MINIBIKES, AND ALL-TERRAIN VEHICLES”, TO CREATE SECTION 6-13-5 “ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” TO ALLOW FOR USE UPON CITY STREETS AND TRAILS PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 6, Chapter 1, Section 6-1-2 of the Enid Municipal Code 2014 is hereby amended to read as follows:

6-1-2: DEFINITIONS:

Whenever any words and phrases used in this title are not defined herein, but are defined in the state laws regulating the operation of vehicles, such definitions therein shall be deemed to apply to such words and phrases used herein. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALL-TERRAIN VEHICLE: Utility type motor driven cycle with a maximum curb weight of one thousand five hundred (1,500) pounds. (State law reference, 47 OS § 1-125)

ALLEY: A narrow passage or way, not designed to be a street or highway, intersecting a block or tract of land, and so designated on a plat of record or established by prescription and used primarily for the accommodation of the abutting or adjoining property.

ARTERIAL STREET: Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential highway designated as part of a major arterial system of streets or highways. (State law reference, 47 OS § 1-102)

AUTHORIZED EMERGENCY VEHICLES: Vehicles of fire departments, ambulances, and police vehicles, including vehicles owned or operated by the federal bureau of investigation; such vehicles shall be equipped with siren capable of giving an audible signal, as required by law, and a flashing red light. (State law reference, 47 OS § 1-103)

AUXILIARY SERVICE HIGHWAY: A street especially designed to furnish access to an arterial highway.

BICYCLE: Any device propelled solely by human power, upon which any person or persons may ride, having a seat or saddle for the use of each rider and: a) on a bicycle, two (2) tandem wheels, either of which is twenty inches (20") or more in diameter; b) on a tricycle, three (3) wheels in any configuration, of which at least one is twenty inches (20") or more in diameter; c) or on a quad cycle, four (4) wheels in any configuration, of which at least two (2) are twenty inches (20") or more in diameter. The wheel diameter provisions do not apply to recumbent bicycles. (State law reference, 47 OS § 1-104)

BUS: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (State law reference, 47 OS § 1-105)

BUS STOP: Parking space along the side of a street adjacent to a crosswalk properly marked and designated, which shall be used by public buses for discharging and taking on passengers.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway. (State law reference, 47 OS § 1-106)

CROSSWALK: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (State law reference, 47 OS § 1-111)

CURB LOADING ZONE: Space adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

DAYTIME: One-half ($1/2$) hour before sunrise to one-half ($1/2$) hour after sunset.

DRIVER: A person who drives or is in actual physical control of a vehicle. (State law reference, 47 OS § 1-114)

ELECTRIC ASSISTED BICYCLE: Any bicycle with two (2) or three (3) wheels, fully operational pedals and an electric motor with a power not to exceed one thousand (1,000) watts, incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground, and, is incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more. (State law reference, 47 OS § 1-104)

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE: a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds. (State law reference, 47 OS §1-114(A))

GOLF CART OR GO-CART: Motor driven operated vehicle that is manufactured principally for use off the streets and highways. (State law reference, 47 OS § 1151)

GROSS WEIGHT: The weight of a vehicle without load plus the weight of any load thereon. (State law reference, 47 OS § 1-121)

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (State law reference, 47 OS § 1-122)

INTERSECTION: A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) highways which join one another at approximately right angles, or the area within which vehicles traveling upon different highways, joining at any other angle, may come in conflict. B. Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection. (State law reference, 47 OS § 1-126)

LOW SPEED ELECTRICAL VEHICLE: Any four (4) wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour and is manufactured in compliance with the national highway traffic safety administration standards for low speed vehicles in 49 CFR 571.500. (State law reference, 47 OS § 1-134.1)

MINIBIKE: Any self-propelled vehicle or motor driven cycle having less than an eight inch (8") wheel rim, or less than a forty inch (40") wheel base, or less than a twenty five inch (25") seat height. (State law reference, 47 OS § 1-133.1)

MOPED: Any motor driven cycle with a motor that does not exceed two (2) brake horsepower and that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. (State law reference, 47 OS § 1-133.2)

MOTOR DRIVEN CYCLE: Any motor vehicle having a power source that if it is a combustion

engine, has a piston or rotor displacement of greater than thirty five (35) cubic centimeters but less than one hundred fifty (150) cubic centimeters regardless of the number of chambers in the power source or if it is electric has a power output of greater than one thousand (1,000) watts and with either power source, has a seat or saddle for use by each rider and not more than three (3) wheels in contact with the ground, but excluding motorized bicycles. (State law reference, 47 OS § 1-136)

MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, that the definition of "motor vehicle" shall not include "implements of husbandry" as defined by 47 Oklahoma Statutes. (State law reference, 47 OS § 1-134)

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of each rider in contact with the ground, but excluding a tractor and combustion engine with a piston or rotor displacement of greater than one hundred fifty (150) cubic centimeters. (State law reference, 47 OS § 1-135)

MOTORIZED BICYCLE: Any bicycle having fully operative pedals for propulsion by power, an automatic transmission; and, a combustion engine with a piston or rotor displacement of fifty (50) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground. (State law reference, 47 OS § 1-104)

MOTORIZED SCOOTER: Any vehicle having not more than three (3) wheels in contact with the ground, handlebars and a foot support or seat for the use of the operator, a power source capable of propelling the vehicle at a maximum design speed of not more than twenty five (25) miles per hour on level ground and if the power source is a combustion engine, has a piston or motor displacement of thirty five (35) cubic centimeters or less regardless of number of chambers in the power source or if the power source is electric, has a power output of not more than one thousand (1,000) watts. This definition does not include an electric personal assistive mobility device, bicycle, electric assisted bicycle, or motorized bicycle. (State law reference, 47 OS § 1-133.3)

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, barricades, signals and markings and devices not inconsistent with state law, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (State law reference, 47 OS § 1-139)

OUTSKIRTS OF THE CITY: Those parts of the national system of interstate and defense highways, federal aid highways and state highways within the boundaries of the city of Enid where there is: a) low land use density; b) absence of any school or residential subdivision requiring direct ingress or egress from the highway; c) low volume of traffic on the highway; and d) a scarcity of retail or commercial businesses abutting the highway. Highways 45, 64, 81, and 412 do not qualify as outskirts. (State law reference, 47 OS § 2-117)

OWNER: A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this title.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers. (State law reference, 47 OS § 1-142)

PARKING METER: Means and includes any mechanical device or meter, not inconsistent herewith, placed or erected for the regulation of parking by authority of the city. Each parking meter installed shall indicate by proper legend the legal parking time established herein and when operated shall at all times indicate the balance of the legal parking time, and at the expiration of such period shall indicate illegal or over parking time.

PARKING METER SPACE: Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by the lines painted or adjacent to or adjoining the parking meter.

PARKING METER ZONES: Means and includes any restricted streets upon which parking meters are installed and in operation.

PARKWAY: Any street, highway, or limited access facility from which trucks, buses and other commercial vehicles are excluded.

PEDESTRIAN: A person afoot. (State law reference, 47 OS § 1-143)

POLICE OFFICER: Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of state traffic laws and municipal ordinances. (State law reference, 47 OS § 1-147)

PRIVATE ROAD OR DRIVEWAY: A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (State law reference, 47 OS § 1-148)

RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails. (State law reference, 47 OS § 1-149)

RAILROAD SIGN OR SIGNAL: Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (State law reference, 47 OS § 1-150)

RAILROAD TRAIN: A steam engine, diesel, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (State law reference, 47 OS § 1-151)

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300') or more is in the main improved with residence or residences and buildings in use for business. (State law reference, 47 OS § 1-154)

RIGHT OF WAY: The privilege of the immediate use of the highway. (State law reference, 47 OS § 1-156)

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. (State law reference, 47 OS § 1-158(a))

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (State law reference, 47 OS § 1-159)

SCHOOL BUS: A motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; provided, however, that this definition of "school bus" shall not be extended to include buses normally used in city transit which may be used part time for transportation of school children within the city during some portion of the day. (State law reference, 47 OS § 1-160)

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. (State law reference, 47 OS § 1-158(b))

SIDEWALK: That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians. (State law reference, 47 OS § 1-163)

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (State law reference, 47 OS § 1-167)

STOP: When required, the word "stop" shall mean complete cessation from movement. (State law reference, 47 OS § 1-169)

STOP OR STOPPING: When prohibited, the words "stop" or "stopping" mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. (State law reference, 47 OS § 1-170)

STREET: The entire width between boundary lines of every way publicly maintained when any

part is open to the use of the public for the purposes of vehicular travel. (State law reference, 47 OS § 1-171)

TAXICAB STAND: A parking space properly marked and designated to be used by taxicabs while waiting for customers.

THROUGH HIGHWAY OR STREET: A street or highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title. (State law reference, 47 OS § 1-175)

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any highway for the purpose of travel. (State law reference, 47 OS § 1-177)

TRAFFIC CONTROL SIGNAL: A device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed. (State law reference, 47 OS § 1-178)

TRAFFIC DIVISION¹: The traffic division of the police department, or in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department.

TRAFFIC LANE: The portion of the traveled way for the movement of a single line of vehicles. (State law reference, 47 OS § 1-179)

TRUCK: Every motor vehicle designed, used or maintained primarily for the transportation of property. (State law reference, 47 OS § 1-182)

TRUCK ROUTES: The streets and avenues herein designated for use by trucks.

URBAN DISTRICT: The territory contiguous to, and including, any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more. (State law reference, 47 OS § 1-185)

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle", as used in this title, shall not include "implements of husbandry" as defined in 47 Oklahoma Statutes section 1-125. (State law reference, 47 OS § 1-186) (Ord. 2004-28, 9-7-2004)

Section II: That Title 6, Chapter 13, Section 6-13-5 of the Enid Municipal Code 2014 is hereby created to read as follows:

6-13-5: ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES:

A. Electric personal assistive mobility devices, as defined in Section 6-1-2, are not required to be registered pursuant to the Oklahoma Vehicle License and Registration Act and operators are not be required to have an Oklahoma driver license to operate the device.

B. Electric personal assistive mobility devices cannot be operated on the highways or turnpikes of this state except they may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state.

C. A person operating an electric personal assistive mobility device shall:

1. obey all speed limits,
2. yield the right of way to pedestrians and human powered devices at all times,
3. give an audible signal before overtaking and passing any pedestrian, and
4. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

D. Penalty: The violation of this section shall result in a warning for the first offense and thereafter the offense carries a maximum fine of Ten Dollars (\$10.00). Each act of noncompliance shall be considered a separate offense.

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-1-2 and Chapter 13, Section 6-13-5 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney