

CITY OF MARCELINE, MISSOURI

BILL NO. 25-10-004

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CITY CODE ON
BICYCLES, MOTORIZED BICYCLES AND OTHER VEHICLES**

BE IT ORDAINED by the Council of the City of Marceline, Missouri as follows:

Section 1. Chapter 375 of the City Code is amended to read”

Chapter 375. Bicycles, Motorized Bicycles, and Other Vehicles

Section 375.010. Definitions.

As used in this Chapter, the following terms shall mean:

BICYCLE

Every device propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE

Any two- or three-wheeled device, excluding motorized play vehicles, motorized skateboards, low-speed vehicles, and all-terrain vehicles, having an automatic transmission, capable of achieving a maximum speed of not more than thirty (30) miles per hour on level ground; and

1. If equipped with a gasoline motor, the motor cylinder capacity shall not be more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower; or
2. If equipped with an electric motor, the motor shall produce less than two thousand two hundred thirty-seven and one-tenth (2,237.1) watts of power.

A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

MOTORIZED PLAY VEHICLE

Any self-propelled device such as a pocket rocket, pocket bike, mini moto, mini motorcycle, minibike, quad bike, go-cart, mini chopper, electric unicycle, or similar device, that, when unmodified, has a seat height of thirty (30) inches or less; and

1. If equipped with a gasoline motor, the motor cylinder capacity shall not be more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower; or
2. If equipped with an electric motor, the motor shall produce less than two thousand two hundred thirty-seven and one-tenth (2,237.1) watts of power.

MOTORIZED SKATEBOARD

A self-propelled device such as a stand-up-scooter, motorized skateboard, or powerboard that has a deck on which a person may stand while the device is in operation and at least two (2) tandem wheels in contact with the ground; and

1. If equipped with a gasoline motor, the motor cylinder capacity shall not be more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower; or
2. If equipped with an electric motor, the motor shall produce less than two thousand two hundred thirty-seven and one-tenth (2,237.1) watts of power.

OTHER VEHICLES

For purposes of Chapter 375 the term “other vehicles” means MOTORIZED PLAY VEHICLES and MOTORIZED SKATEBOARDS.

Section 375.020. Brakes Required On All Bicycles, Motorized Bicycles And Other Vehicles — When Required.

Every bicycle, motorized bicycle, motorized play vehicle, or motorized skateboard shall be equipped with brakes which will enable its driver to stop the vehicle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Section 375.030. Lights And Reflectors — When Required — Standards To Be Met.

- A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise shall be equipped with the following:
1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
 2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;

3. Reflective material and/or tights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 375.040. Rights And Duties Of Bicycle And Motorized Bicycle Riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 375.050. Riding To Right — Required For Bicycles And Motorized Bicycles — Mandatory Use Of Bicycle Path By Bicycles.

Every person operating a bicycle or motorized bicycle shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

Section 375.055. Use Of Motorized Skateboard Or Play Vehicles.

A. No person may operate a motorized skateboard or motorized play vehicle upon any street, highway, roadway or sidewalk within the City, or within the boundaries of any City park or other public property unless in an area of a park or other public property specifically designated for such use.

1. Exceptions. This prohibition shall not apply to:

- a. Motorized skateboards or motorized play vehicles operated on private property with the express permission of the property owner.
- b. Motorized skateboards or motorized play vehicles used in parades, exhibitions, or other events with a valid permit issued by the City.

c. Motorized skateboards or motorized play vehicles operated by law enforcement or emergency personnel in the performance of their official duties.

d. Motorized skateboards operated by a person who is at least sixteen (16) years of age, provided motorized skateboards are not to be operated after sunset or before sunrise. No passengers are allowed under this provision.

Section 375.060. Bicycle To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

- A. A person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 375.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle or motorized bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Section 375.050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Section 375.070. Bicycle Required To Give Hand Or Mechanical Signals.

The operator of a bicycle or motorized bicycle shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle or motorized bicycle. An operator of a bicycle or motorized bicycle intending to turn the bicycle or motorized bicycle to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 375.075. Electric Bicycles — Rights And Privileges; Label, Requirements, Modifications; Safety Standards; Authorized To Ride, Where, Exceptions; Class 3 Electric Bicycles, Special Provisions.

- A. Except as otherwise provided in this Section, every person riding an electric bicycle shall be granted all the rights and shall be subject to all of the duties applicable to the operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle.
- B. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

- C. Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle. The label, which shall be affixed to the electric bicycle in a prominent location, shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle. The text on the label shall be Arial font and in at least nine-point type.
- D. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under Subsection (C) of this Section with a new label indicating the new classification.
- E. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512.
- F. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.
- G. An electric bicycle may be ridden where bicycles are permitted to travel, subject to the following provisions:
 - 1. An electric bicycle may be ridden on bicycle or multi-use paths where bicycles are permitted;
 - 2. Following notice and a public hearing, a municipality, local authority, or State agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a Class 1 electric bicycle or Class 2 electric bicycle on that path if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations;
 - 3. A municipality, local authority, or State agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a Class 3 electric bicycle on that path; and
 - 4. The provisions of this Subsection shall not apply to a trail that is specifically designated as non-motorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of the State having jurisdiction over a trail described in this Subsection may regulate the use of an electric bicycle on that trail.
- H. The use of Class 3 electric bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age shall operate a Class 3 electric bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric bicycle that is designed to accommodate passengers; and
2. All Class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an electric bicycle is travelling in miles per hour.

Section 375.080. Motorized Bicycles — License Required.

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal Interstate Highway System.

Section 375.085. Use And Operation Of Motorized Play Vehicles And Motorized Skateboards — Parental Responsibility.

- A. No motorized play vehicle or motorized skateboard may be operated on public property including any public sidewalk, designated pedestrian and bikeway, roadway, alley, highway, or street, except for motorized skateboards excepted under Section 375.055.
- B. No motorized play vehicle or motorized skateboard shall be operated on any public thoroughfare located within this City that has been designated as part of the Federal Interstate Highway System.
- C. Responsibilities Of Parents, Guardians, And Legal Custodians.

1. The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this Section.
2. Any minor found guilty of violation of this Section shall be subject to a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). The parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the fine, whether or not the parents or guardian knew of, or anticipated, a violation of this Section.

Section 375.090. Equipment Required.

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July 1977, as promulgated by the Vehicle Equipment Safety Commission.

Section 375.095. Other requirements.

No person shall operate a motorized play vehicle, motorized skateboard, bicycle, and motorized bicycle:

1. In a careless manner as to endanger the operator or any other person or property.
2. While under the influence of alcohol, marijuana, or any other controlled substance.

Section 375.100. Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for the first offense and punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for all subsequent violations. If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, said officer may impound the bicycle, motorized bicycle, or other vehicle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 2. It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

Section 3. If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the City Council hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 4. This Ordinance shall be in full force the first day of the month following the passage by the City Council.

PASSED by the City Council of the City of Marceline, Missouri, this _____ day of _____, 2025.

Shelly J. Milford – Mayor

