Ordinance No. 2020-\_\_\_

**AN ORDINANCE ADOPTING A NEW CITY CODE ARTICLE 377**

**ENTITLED “ELECTRONIC BICYCLES”**

WHEREAS, by Acts 2020, c. 343, effective June 4, 2020, the legislature of the State of West Virginia adopted definitions, rules, and regulations for the operation of electric bicycles on public highways within the State, which are codified at *W. Va. Code* §17C-1-70, defining electric bicycles and Class 1 and Class 3 electric bicycles, and § 17C-11-18, governing electric bicycles; and

WHEREAS, the City of Morgantown wishes to include the electric bicycle provisions within the City Code by adopting a new Article of the City Code for that purpose;

NOW, THEREFORE, the City of Morgantown hereby ordains that a new Article 377 is established in the City Code as follows:

**Article 377**

**Electric Bicycles**

(a) The operator of an electric bicycle has all of the rights and privileges and is subject to all of the duties applicable to the driver of a vehicle under this Code, except as otherwise provided by this section and except as to those provisions of this Code which by their nature can have no application to electric bicycles.

(b) A person owning or operating an electric bicycle is not subject to the provisions of West Virginia Code § 17A-1-1 et seq., § 17B-1-1 et seq., or § 17D-1-1 et seq., relating to registration, title, driver’s license, and financial responsibility requirements.

(c) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement between pedal-assist and throttle-assist types of engagement. If a motor on an electric bicycle is modified so that a limit established in West Virginia Code § 17C-1-70 is exceeded, that vehicle is no longer an electric bicycle. The provisions of this subsection are not applicable to a modified electric bicycle operated solely and exclusively on a person’s own property.

(d) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, as codified at 16 C.F.R. Part 1512, as it may be amended or superseded.

(e) The motor on an electric bicycle must disengage or cease to propel the electric bicycle when the operator stops pedaling, or when the operator applies the brakes and stops pedaling.

(f) A Class 3 electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

(g) Electric bicycles operated on public roadways, public bicycle paths, public multiuse paths, and other public rights-of-way where bicycles are permitted to travel are subject to the following restrictions:

(1) A Class 1 electric bicycle may be used in places where bicycles are permitted to travel, including, but not limited to, public roadways, public bicycle paths, public multiuse trails, and public single-use trails.

(2) A Class 3 electric bicycle may not be operated on a bicycle path, multiuse trail, or single-use trail unless it is within a highway or roadway: Provided, That the provisions of this subdivision are not applicable to a bicycle path, multiuse trail, or single-use trail if the municipality, local authority, or governing body of a state agency that has jurisdiction over the bicycle path, multiuse trail, or single-use trail expressly permits that operation.

(3) This subsection may not be construed to limit the authority of the owner of a private way or the owner of private property to restrict or allow the operation of electric bicycles on the way or property.

(h) Age restrictions related to the operation of electric bicycles are as follows:

(1) A person under 16 years of age may not operate a Class 3 electric bicycle;

(2) A person under 15 years of age may only be a passenger on a Class 3 electric bicycle, including as a passenger within any attachment to the vehicle designed to transport an additional person, including a child, provided the operator of the electric bicycle is 18 years of age or older; and

(3) A person under 15 years of age who is an operator or passenger on an electric bicycle shall wear a properly fitted and fastened bicycle helmet, pursuant to the Child Bicycle Safety Act, § 17C-11A-1 et seq. of this code.

(i) A person under the influence of alcohol or controlled substances shall not operate a Class 1 or Class 3 electric bicycle.

This ordinance is effective upon adoption.

FIRST READING: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

SECOND READING: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City Clerk

FILED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_