

CHAPTER 3

BICYCLES, SKATES AND SKATEBOARDS

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ARTICLE 1

BICYCLE REGISTRATION

Section

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3-1-1. Definitions.

Whenever used in this Chapter, the terms defined in this section shall have the following meaning:

(a) Bicycle shall mean every device propelled solely by human power, upon which any person may ride, and having two (2) tandem wheels either of which is more than fourteen (14) inches in diameter.

(b) Police Chief shall mean the Chief of Police or any City employee designated by the Police Chief to perform the functions described in this Article. (Ord. 3202, 1991)

3-1-2. Unregistered bicycles; operation prohibited.

It shall be unlawful for any person to operate a bicycle upon any street or public way within the City without first having registered the bicycle as provided in this Article. (Ord. 3202, 1991)

3-1-3. Registration; application; fee.

Application for registration of any bicycle shall be made by the owner in writing to the Police Chief on forms furnished by the City. The application shall include the name of the applicant, the applicant's address, a description of the bicycle, and any other information as the Police Chief may require. Before the issuance of a registration certificate and number plates, the applicant shall pay to the Police Chief the fee provided in Chapter 6, Article 6. (Ord. 3340, 1994)

3-1-4. Registration certificate; when issuable.

The Police Chief shall issue a registration certificate for a bicycle when such bicycle satisfactorily complies with the inspection test hereafter provided for, and upon the payment of the required registration fee. (Ord. 1116)

3-1-5. Registration; inspection; Police Chief, by.

The Police Chief shall inspect each bicycle presented to him for registration, and shall refuse to issue a registration certificate and number plate for any bicycle found to be in an unsafe mechanical condition. (Ord. 1116)

3-1-6. Registration certificate; period effective.

All registration certificates and number plates issued hereunder shall be effective as long as the owner owns the bicycle, provided, registration certificates and number plates may be issued for a lesser period of time if requested by the owner or if the Police Chief determines the circumstances warrant a shorter registration period. (Ord. 3968, 2008)

3-1-7. Registration plate; attaching.

The City shall provide a registration number plate corresponding to the number appearing on the registration certificate, which registration plate shall be attached to the bicycle under the supervision of the Police Chief and shall remain attached thereto for as long as the owner owns the bicycle. (Ord. 3968, 2008)

3-1-8. Records; Police Chief; duty.

The Police Chief shall keep a record of all fees collected for the issuance of registration certificates, the date of issuance thereof, to whom issued, the number thereof, a description of the bicycle, the manufacturer's serial number on the bicycle frame, and the Police Department serial number stamped on such frame. (Ord. 1116)

3-1-9. Registration plate; display; operation without; prohibited.

It shall be unlawful for any person to operate a bicycle upon any street or public way without having the registration number plate issued therefor under the direction of the Police Chief, displayed upon the frame of such bicycle so as to be plainly visible. (Ord. 1116)

3-1-10. Registered bicycle; transfer; report; registration; registration plates; transfer; application.

It shall be the duty of any person who sells or transfers ownership of any registered bicycle to report, within five (5) days from the date of sale or transfer, such sale or transfer by returning to the Police Chief the registration certificate therefor, together with the name and address of the person to whom such bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of such

bicycle to apply for a new registration therefor within five (5) days of sale or transfer. (Ord. 1116)

3-1-11. Serial number, registration plate, police number; removal; destruction; alteration; prohibited.

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle registered pursuant to the provisions hereof, or any registration number plate during the period when such registration is operative. (Ord. 1458; Ord. 1116)

3-1-12. Bicycle rental agencies; bicycles; registration, registration plates; required.

A rental agency shall not offer any bicycle for rent unless such bicycle shall first have been registered and the registration number plate attached thereto as hereinbefore provided. (Ord. 1116)

3-1-13. Violations; penalty.

A violation of any provision of this Article is a Class II violation. In addition a person convicted of any provision of this Article may be ordered to surrender the number plate for his or her bicycle to the Police Chief for a period of not to exceed six (6) months, or be ordered to surrender their bicycle to the Police Chief for impounding for a period of not to exceed six (6) months. Provided, in the event of an apparent violation of Section 3-1-9 by a person under twelve (12) years of age who has not been convicted, and not received a written warning, of a violation of any provision of this Chapter during the preceding twelve (12) months, such person shall not be subject to prosecution for such apparent violation but the Police Chief shall, instead, issue to such person a written warning and mail a copy thereof to the parents or guardian of such person at their last known address. (Ord. 3968, 2008)

ARTICLE 2

BICYCLE EQUIPMENT AND OPERATION

Section

<u>3-2-1</u>	<u>Bicycle; brakes.</u>
<u>3-2-2</u>	<u>Bicycles; lights and reflectors.</u>
<u>3-2-3</u>	<u>Bicycle rental agencies; bicycles; safety equipment; good condition; required.</u>
<u>3-2-4</u>	<u>Operation; on certain sidewalks; prohibited.</u>
<u>3-2-5</u>	<u>Same; limitation; prohibition.</u>
<u>3-2-6</u>	<u>Same; on streets.</u>
<u>3-2-7</u>	<u>Sidewalks; parks; pedestrians; presumption of negligence.</u>
<u>3-2-8</u>	<u>Riding abreast; restrictions.</u>
<u>3-2-9</u>	<u>Entering sidewalk, street; right-of-way.</u>
<u>3-2-10</u>	<u>Parking; restrictions; requirements.</u>
<u>3-2-11</u>	<u>Riders; number; position; restrictions.</u>
<u>3-2-12</u>	<u>Holding to moving vehicle; prohibited.</u>
<u>3-2-13</u>	<u>Packages, bundles, articles; restrictions.</u>
<u>3-2-14</u>	<u>General traffic regulations; applicability.</u>
<u>3-2-15</u>	<u>Violations; penalty.</u>

Nebraska Statutes

For statutory provisions on bicycle equipment, see R.R.S. 60-6,318 and 60-6,319; for provisions on bicycle operation, see R.R.S. 60-6,315 et seq.

3-2-1. Bicycle; brakes.

Any bicycle operated on the streets and public ways of the City shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement. (Ord. 3340, 1994)

3-2-2. Bicycles; front light; rear reflector; operation without, after sunset; prohibited.

No person shall operate any bicycle upon the streets or public ways of the City from one-half hour after sunset to one-half hour before sunrise unless the bicycle is equipped with (a) a light visible from a distance of at least 500 feet to the front on a clear night, and with (b) a red reflector, of not less than one-half inch in diameter, which is visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to the required red reflector. (Ord. 3340, 1994)

3-2-3. Bicycle rental agencies; bicycles; safety; equipment; good condition; required.

Bicycles offered for rent by a rental agency shall be equipped by such agency with lights and other safety equipment as is required by this Article, and shall be kept in good and safe working order. (Ord. 1116)

3-2-4. Operation; on certain sidewalks; prohibited.

No person shall operate any bicycle on a public sidewalk situated in whole or in part within the area bounded by Railway Street on the south, 20th Street on the north, 2nd Avenue on the east and Avenue B on the west. (Ord. 3202, 1991)

3-2-5. Same; limitation; prohibition.

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires, may limit or entirely prohibit the operation of bicycles upon any public sidewalk within the City, or within any area of the City designated in the resolution. The operation of a bicycle on a designated sidewalk shall constitute a violation of this Article. (Ord. 3202, 1991)

3-2-6. Same; on streets.

Any person operating a bicycle on any street or public way shall ride as near to the curb on the right side of the street or public way as is practicable, and shall exercise due care when passing any vehicle. (Ord. 3202, 1991)

3-2-7. Sidewalks; parks; pedestrians; presumption of negligence.

Any person operating a bicycle upon a public sidewalk or within a park shall yield the right-of-way to pedestrians, shall announce his or her presence before passing a pedestrian, and shall exercise due care when passing a pedestrian. Any person operating a bicycle upon a public sidewalk or within a park when involved in a collision with a pedestrian, shall be rebuttably presumed to have been negligent. (Ord. 3447, 1995)

3-2-8. Riding abreast; restrictions.

Persons riding bicycles upon a street or roadway or within Monument Valley Pathways shall not ride more than two abreast. (Ord. 3447, 1995)

3-2-9. Entering sidewalk, street; right-of-way.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley way, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area; and, upon entering any street or roadway shall yield the right-of-way to all vehicles approaching on such street or roadway. (Ord. 1116)

3-2-10. Parking; restrictions; requirements.

No person shall park a bicycle on the street, alley, sidewalk or other public way in such a position as to interfere with the safety of movement of vehicular or pedestrian traffic. When parked upon a sidewalk, the bicycle shall be parked within four (4) feet of the curb. Where a public bicycle rack containing parking space is situated within one hundred (100) feet, the bicycle shall be parked in such rack. (Ord. 1458, 1964; Ord. 1116)

3-2-11. Riders; number; position; restrictions.

It shall be unlawful for more than one person to ride on a bicycle unless such bicycle is constructed to carry the number of persons to be conveyed. No person shall ride in front of the operator. (Ord. 1116)

3-2-12. Holding to moving vehicle; prohibited.

No person riding a bicycle shall take hold of, or hold onto, any vehicle in motion. (Ord. 1116)

3-2-13. Packages, bundles, articles; restrictions.

No person riding a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handle-bars. (Ord. 1116 § 3-211.)

3-2-14. General traffic regulations; applicability.

All stop signs, light signals, and other general traffic regulations shall apply to bicycle operators as well as operators of other vehicles. (Ord. 1116)

3-2-15. Violations; penalty.

A violation of any provision of this Article is a Class II violation. In addition a person convicted of any provision of this Article may be ordered to surrender the number plate for his or her bicycle to the Police Chief for a period of not to exceed six (6) months, or be ordered to surrender his bicycle to the Police Chief for impounding for a period of not to exceed six (6) months. Provided, in the event of an apparent violation of this Article by a person under twelve (12) years of age who has not been convicted, and not received a written warning, of a violation of any provision of this Chapter during the preceding twelve (12) months, such person shall not be subject to prosecution for such apparent violation but the Police Chief shall, instead, issue to such person a written warning and mail a copy thereof to the parents or guardian of such person at their last known address. (Ord. 3427, 1995)

ARTICLE 3

SKATES AND SKATEBOARDS

Section

<u>3-3-1</u>	<u>Skates.</u>
<u>3-3-2</u>	<u>Skateboard.</u>
<u>3-3-3</u>	<u>Operation; on streets prohibited.</u>
<u>3-3-4</u>	<u>Same; on certain sidewalks; prohibited; exceptions.</u>
<u>3-3-4.1</u>	<u>Same; on property of Scottsbluff School District; prohibited.</u>
<u>3-3-5</u>	<u>Sidewalks; parks; pedestrians; Same; on sidewalks; presumption of negligence.</u>
<u>3-3-6</u>	<u>Violations; penalty.</u>

3-3-1. Skates.

The term “skates” shall mean any device worn on the feet or shoes which has one or more wheels attached and which is propelled solely by human power. (Ord. 3202, 1991)

3-3-2. Skateboard.

The term “skateboard” shall mean a single platform mounted on wheels, which is propelled solely by human power and which has no mechanism or other device with which to steer or to control the movement or direction of the platform. (Ord. 3202, 1991)

3-3-3. Operation; on streets; prohibited.

Skates and skateboards shall not be operated on the streets of the City except for the purpose of crossing a street within a crosswalk or designated street crossing area. The rules relating to pedestrians crossing streets shall apply to persons crossing streets on skates or a skateboard. (Ord. 3202, 1991)

3-3-4. Same; on certain sidewalks; prohibited; exceptions.

No person shall operate skates or a skateboard on a public sidewalk or city owned or operated parking lot situated in whole or in part within the area bounded by Railway Street on the south, 20th Street on the north, 2nd Avenue on the east and Avenue B on the west. Provided however, that skates or skateboards may be operated on public parking lots in connection with a business promotion event for which a permit has been issued as provided elsewhere in this municipal code. (Ord. 3436, 1995)

3-3-4.1. Same; On property of Scottsbluff School District; prohibited.

The Mayor and the City Council find:

1. That the Scottsbluff School District has requested the City Council to regulate and prohibit by ordinance the operation of skates and skateboards on school property,
2. That such areas are within the City, or owned or under the control of the Scottsbluff School District, and are semipublic places, and
3. That such property is adjacent to school buildings owned or under the control of Scottsbluff School District.
4. No person shall operate skates or a skateboard upon any property of the Scottsbluff

School District. (Ord. 3588, 1998)

3-3-5. Sidewalks; parks; pedestrians; presumption of negligence.

Any person operating skates or a skateboard upon a public sidewalk or within a park shall yield the right-of-way to pedestrians, shall announce his or her presence before passing a pedestrian and shall exercise due care when passing a pedestrian. Any person operating skates or a skateboard upon a public sidewalk or within a park when involved in a collision with a pedestrian, shall be rebuttably presumed to have been negligent. (Ord. 3447, 1995)

3-3-6. Violation; penalty.

A violation of any provision of this Article is a Class II violation. In addition a person convicted of any provision of this Article may be ordered to surrender his or her skates or skateboard to the Police Chief for impounding for a period of not to exceed six (6) months. Provided, in the case of an apparent violation of any provision of the Article by a person under twelve (12) years of age who has neither been convicted nor received a warning of a violation of any provision of this Chapter during the preceding twelve (12) months, a written warning shall be issued and a copy shall be mailed to the parents or guardians of the apparent violator at their last known address. (Ord. 3202, 1991)

ARTICLE 4

MOTORIZED SKATEBOARDS

Section

<u>3-4-1</u>	<u>Motorized Skateboard.</u>
<u>3-4-2</u>	<u>Operation; where prohibited.</u>
<u>3-4-3</u>	<u>Violation; penalty.</u>

3-4-1. Motorized Skateboard.

A “motorized skateboard” shall mean a device consisting of a deck or riding surface of any design upon which a person may stand or sit, having any number of wheels, and is propelled by any type of motorized power, provided however that a device designed and used for the transport of disabled persons shall not be considered a motorized skateboard within the meaning of this Article, and an Electric Personal Assistive Mobility Device as defined by §3-5-1 of this Municipal Code shall not be considered a motorized skateboard within the meaning of this Article. (Ord. 4048, 2011)

3-4-2. Operation; Prohibited; Where.

Motorized skateboards shall not be operated:

- A. On any public street and alley in the City;
- B. On any sidewalk in the City which is located in the public right of way;
- C. In any City Park or roadway within a park;
- D. On any pedestrian or bicycle pathway;
- E. On any public or private property when notice against trespass is given as defined

in Section 13-2-9(2).

3-4-3. Violation; Penalty.

A violation of any provision of this Article is a Class II violation. In addition, a person convicted of any provision of this Article may be ordered to surrender his or her motorized skateboard to the Chief of Police for impounding for a period not to exceed six (6) months. (Ord. 3668, 2001)

ARTICLE 5

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Section

<u>3-5-1</u>	<u>Electric Personal Assistive Mobility Device, defined.</u>
<u>3-5-2</u>	<u>Electric Personal Assistive Mobility Device, exception from certain requirements.</u>
<u>3-5-3</u>	<u>Electric Personal Assistive Mobility Device, operation, restrictions.</u>
<u>3-5-4</u>	<u>Electric Personal Assistive Mobility Device, operation at nighttime, equipment required.</u>
<u>3-5-5</u>	<u>Violations, penalty.</u>

3-5-1. Electric Personal Assistive Mobility Device, defined.

Electric Personal Assistive Mobility Device shall mean a self-balancing, two-non tandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of 750 watts or 1 horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. (Ord. 4048, 2011)

3-5-2. Electric Personal Assistive Mobility Device, exception from certain requirements.

1. An Electric Personal Assistive Mobility Device may be operated within the City of Scottsbluff on the streets, alleys, highway or sidewalk, except that such Electric Personal Assistive Mobility Devices may not be operated on any part of the Monument Valley Pathways or where bicycles are prohibited from being operated pursuant to Chapter 3, Article 2 of the Municipal Code.
2. All Electric Personal Assistive Mobility Devices must be registered with the Scottsbluff Police Department. An application for registration shall be made by the owner in writing to the police department on forms furnished by the police department. The application shall include the name of the applicant, the applicant's address, a description of the Electric Personal Assistive Mobility Device, and any other information as the police department may require. Before the issuance of a registration certificate and number plates, the applicant shall pay to the police department the fee as provided in Chapter 6, Article 6. The police department shall issue a registration certificate for an Electric Personal Assistive Mobility Device when such device satisfactorily complies with the inspection test provided for, and upon payment of the required registration fee. The police department shall inspect each Electric Personal Assistive Mobility Device for registration, and shall refuse to issue a registration certificate and number plate for any Electric Personal Assistive Mobility Device found to be in unsafe mechanical condition. All registration certificates and number plates issued shall be effective as long as the owner owns the Electric Personal Assistive Mobility Device, provided the certificates and number plates may be issued for a lesser period of time if requested by the owner, or if the police department determines the circumstances warrant a shorter registration period.

3. The police department may provide a registration number plate corresponding to the number appearing on the registration certificate, which number plate shall be attached to the Electric Personal Assistive Mobility Device under the supervision of the police department, and shall remain attached to the Electric Personal Assistive Mobility Device for as long as the owner owns the device. The records shall be kept by the police department reflecting all fees collected for the issuance of registration certificates and date of issuance, to whom issued, the number thereof, a description of the Electric Personal Assistive Mobility Device, and the manufacturer's serial number on the device.

4. It shall be unlawful for any person to operate an Electric Personal Assistive Mobility Device upon any street or public way without having a registration number plate issued therefor under the direction of the police department displayed upon the frame of such Electric Personal Assistive Mobility Device to be plainly visible.

5. It shall be the duty of any person who sells or transfers ownership of any Electric Personal Assistive Mobility Device to report within five (5) days of the date of sale or transfer such sale or transfer by returning to the police department the registration certificate therefor, together with the name and address of the person to whom such Electric Personal Assistive Mobility Device was sold or transferred. It shall be the duty of a purchaser or transferee of such Electric Personal Assistive Mobility Device to apply for a new registration within five (5) days of the sale or transfer. (Ord. 4048, 2011)

3-5-3. Electric Personal Assistive Mobility Device, operation, restrictions.

1. Any person who operates an Electric Personal Assistive Mobility Device on the streets, alleys, sidewalks, and public ways of the City of Scottsbluff shall comply with the same provisions as operators of bicycles pursuant to Chapter 3, Article 2, Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of the Municipal Code.

2. Any person operating an Electric Personal Assistive Mobility Device must wear a helmet in compliance with Neb. Rev. Stat. §60-6,278 through §60-6,282.

3. Every operator shall comply with Neb. Rev. Stat. §60-6,142 in regard to driving on the shoulders of highways.

4. It shall be unlawful for more than one person to stand, ride, or be carried upon an Electric Personal Assistive Mobility Device while being operated within the City of Scottsbluff.

5. Any person operating an Electric Personal Assistive Mobility Device upon a sidewalk or within a sidewalk space shall do so at their own risk.

6. It shall be unlawful to operate an Electric Personal Assistive Mobility Device within the City of Scottsbluff carelessly or without due caution so as to endanger a person or property.

7. It shall be unlawful for any person under sixteen years of age to operate an Electric Personal Assistive Mobility Device within the City of Scottsbluff, except individuals fourteen years of age or older may operate an Electric Personal Assistive Mobility Device if such operation is part of a tour group that has been approved by the Scottsbluff City Manager. Records of approved tour groups shall be kept at City Hall and available for inspection during regular business hours.

8. An Electric Personal Assistive Mobility Device, its owner, and its operator, shall be entitled to the exemptions as provided for by Neb. Rev. Stat. §60-6,375, as the same presently exists. (Ord. 4048, 2011)

3-5-4. Electric Personal Assistive Mobility Device, operation at nighttime, equipment required.

When in use at nighttime, an Electric Personal Assistive Mobility Device or the operator of an

Electric Personal Assistive Mobility Device shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night, and with a red reflector on the rear of a type which is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector. (Ord. 4048, 2011)

3-5-5. Violations, penalty.

A violation of any provisions of this Article shall be punishable as provided in §6-7-1 as a Class II violation. (Ord. 4048, 2011)