

ORDINANCE E

AN ORDINANCE ADDING CHAPTER 12.32 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGULATING USE OF THE PATHWAYS IN THE TOWN OF JACKSON, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

There is hereby added Chapter 12.32 of Title 12 Pathways of the Municipal Code of the Town of Jackson as follows:

Chapter 12.32 PATHWAYS

Sections:

12.32.010	General Regulations
12.32.020	Pathway Use Regulations
10.32.030	Speed Limits Generally
10.32.040	Schedules; Amendment
12.32.050	Minors
12.32.060	Penalty

12.32.010 General Regulations

It shall be unlawful for any person within or on the Pathways in the Town of Jackson to:

- A. Ride, operate or use any device other than Bicycles, Electric Bicycles (as defined in this Code), pedestrian travel, cross country skis, or horses.
- B. Place or utilize additional obstacles or other material (including but not limited to ramps or jumps) that are not expressly authorized by the Jackson/Teton County Pathways Coordinator.
- C. Fail to obey any rule or regulation posted on or at the entrance to the Pathway at the direction of the Town Council, his or her designee, or the Jackson/Teton County Pathways Coordinator.

12.32.020 Pathway Use Regulations

- A. Pathway users proceeding in opposite directions shall pass each other to the right and each user shall give to the other at least one-half (1/2) of the main-traveled portion of the Pathway as nearly as possible.

- B. All Pathway users shall travel upon the right half of the Pathway, except as follows:
 - i. When overtaking and passing another Pathway user proceeding in the same direction; or
 - ii. When a stationary obstruction or hazard exists making it necessary to operate left of the center of the Pathway, but any user doing so shall yield the right-of-way to all users traveling in the proper direction upon the unobstructed portion of the Pathway within such distance as to constitute an immediate hazard.
- C. Overtaking:
 - i. The overtaking user has the duty to do so with safety and caution.
 - ii. The user overtaking another user proceeding in the same direction shall pass to the left thereof at a safe distance and shall not return to the right side of the pathway until safely clear of the overtaken user.
 - iii. No Pathway user shall overtake another user proceeding in the same direction by utilizing the left side of the center of the Pathway unless the left side is clearly visible and free of oncoming users for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with any user approaching from the opposite direction. In every event the overtaking user must return to the right side of the Pathway as soon as practicable.
 - iv. Every Pathway user overtaking another shall announce their presence before overtaking such that the user being overtaken can hear the announcement and have sufficient time to acknowledge and prepare for the overtaking user.
 - v. If a group of more than one Pathway user is overtaking one or more Pathway users, said overtaking shall be done in a single-file line.
- D. The Pathway user employing the higher-speed mode of travel has the duty to avoid slower mode-of-travel users.

10.32.030 Speed Limits Generally

- A. No person shall operate a device on a Pathway at a greater speed than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- B. Except when a special hazard exists that requires lower speed for compliance with subsection A above or when no speed is posted, the speed limit on the Pathway shall be as indicated and posted on appropriate signs.

12.32.040 Schedule; Amendment

- A. The schedule referred to in this Chapter and set out in subsection B is a part of this Chapter that may be amended from time to time by the Town Council by resolution without amending this Chapter. Any amendments made by resolution of the Town Council becomes a part of this Chapter as fully as though written herein, provided such resolution is duly published with the minutes of the Town of Jackson and a copy maintained in the office of the Town clerk of Jackson.
- B. Schedule 1. Speed Limits Generally – Ten Miles Per Hour
Except when a special hazard exists that requires lower speed for compliance with 10.32.030.A, the maximum lawful speed shall be ten (10) miles per hour when posted with appropriate signage.

12.32.050 Minors

All minors riding, operating or using the devices authorized in Sec. 12.32.010 within or on the Pathways in the Town of Jackson must:

- A. If using an Electric Bicycle, follow the provisions of the laws of the state applicable to drivers of motor-driven cycles, as set forth in Wyo. Stat. Ann. § 31-5-101 *et seq.* as amended, and all provisions of the ordinances of the Town.

12.32.060 Penalty.

A violation of any provision of this Chapter is an infraction punishable as provided by Section 1.12.010 of this Code.

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2018.

PASSED 2ND READING THE ____ DAY OF _____, 2018.

PASSED AND APPROVED THE ____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandy P. Birdyshaw
Town Clerk

ORDINANCE F

AN ORDINANCE ADDING CHAPTER 10.13 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON PROVIDING FOR THE USE AND REGULATION OF ELECTRIC BICYCLES ON THE STREETS AND PATHWAYS OF THE TOWN OF JACKSON, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

There is hereby added Chapter 10.13 of Title 10 Vehicles and Traffic of the Municipal Code of the Town of Jackson as follows:

Chapter 10.13 ELECTRIC BICYCLES

Sections:

- 10.13.010 Definitions.**
- 10.13.020 Laws Applicable; Prohibited Acts.**
- 10.13.030 Classes of Electric Bicycles Permitted and Prohibited; Where Permitted and Prohibited.**
- 10.13.040 Label and Permit Required; Tampering Prohibited.**
- 10.13.050 Right of Way to an Electric Bicycle on Left or Right Turn.**
- 10.13.060 Overtaking an Electric Bicycle**
- 10.13.070 Riding with two (2) or more persons on Electric Bicycle**
- 10.13.080 Towing**
- 10.13.090 Riding on Sidewalks**
- 10.13.100 Position on Roadway**
- 10.13.110 Riding Two Abreast**
- 10.13.120 Racing**
- 10.13.130 Equipment**
- 10.13.140 Prohibitions**
- 10.13.150 Penalty**

10.13.010 Definitions.

For the purposes of this Chapter, the following definitions apply:

- A. “Electric Bicycle” means a bicycle or tricycle equipped with fully operable pedals and an electric motor of less than seven hundred and fifty (750) watts.
- B. “Class 1 Electric Bicycle” or “Low Speed Pedal Assisted Electric Bicycle” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.
- C. “Class 2 Electric Bicycle” or “Low Speed Throttle Assisted Electric Bicycle” means a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.
- D. “Class 3 Electric Bicycle” or “Speed Pedal Assisted Electric Bicycle” means a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.
- E. “Electric Vehicle” means any two or more wheeled device with electric power that does not meet one of the definitions above and is not a Pedestrian Vehicle as defined in Wyo. Stat. Ann. § 31-5-102, as amended.

10.13.020 Classes of Electric Bicycles Permitted and Prohibited; Where Permitted and Prohibited.

- A. Class 1 Electric Bicycles, Class 2 Electric Bicycles and Class 3 Electric Bicycles are permitted on Town of Jackson public streets, bike lanes, pathways, and alleys.
- B. All Electric Vehicles are prohibited on all Town of Jackson pathways, bike lanes, skateparks or other bicycle facilities including natural surface trails. Emergency response vehicles, maintenance vehicles, and Pedestrian Vehicles for the exclusive use of persons with a physical disability as those terms are defined in Wyo. Stat. Ann. § 31-5-102, as amended, are exempt from this prohibition.
- C. The use of Electric Bicycles outside Town of Jackson city limits is regulated separately by the Federal Government, Wyoming Department of Transportation and the Teton County Board of County Commissioners, and this ordinance has no applicability to roads and pathways under those respective jurisdictions.

10.13.030 Laws Applicable; Prohibited Acts.

- A. All Electric Bicycles operated within the Town of Jackson shall comply with the manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).
- B. Every person riding or operating an Electric Bicycle on any street, alley or public place in the Town shall be subject to all provisions of the laws of the state applicable to drivers of motor-driven cycles, as set forth in Wyo. Stat. Ann. § 31-5-101 *et seq.* as amended, and all provisions of the ordinances of the Town.

C. The parent of any child, the guardian of any ward, or a person assuming responsibility for a child or ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

10.13.040 Inspection and Permit Required.

- A. Every Electric Bicycle within thirty (30) days of purchase, whether purchased new or used, must be presented at the Jackson Police Department for:
 - i. Inspection: All Electric Bicycles shall be presented to an authorized inspection agent within the Town with a completed notarized attestation of the owner, made under oath, stating the classification, top assisted speed, that the speedometer functions, and motor wattage of the Electric Bicycle.
 - ii. Permitting: All Electric Bicycles must get a permit permanently affixed by the Jackson Police Department stating the classification number, top assisted speed, and motor wattage of the Electric Bicycle.
- B. Every person riding or operating an Electric Bicycle on any street, alley or public place in the Town must carry a document showing the purchase date until the Electric Bicycle is permitted in accordance with provision A of this subsection.
- C. Every Electric Bicycle must have a valid permit affixed to it in a conspicuous location within thirty (30) days of purchase, whether used or new.

10.13.050 Right of Way to an Electric Bicycle on Left or Right Turn.

- A. The driver of a vehicle within an intersection or entering any alley or driveway intending to turn to the left or right so close thereto so as to constitute an immediate hazard, shall yield the right of way to an Electric Bicycle approaching on a parallel Shared Use Pathway or bicycle pathway.

10.13.060 Overtaking an Electric Bicycle.

- A. The operator of a vehicle overtaking an Electric Bicycle proceeding in the same direction shall leave a safe distance, but not less than three (3) feet, when passing the Electric Bicycle and shall maintain a safe distance until safely clear of the overtaken bicycle.

10.13.070 Riding with two (2) or more persons on Electric Bicycle.

- A. No person shall operate or ride any Electric Bicycle upon the streets, pathways, alleys or public highways in the Town with two (2) or more persons upon the same Electric Bicycle, provided, however, that this restriction shall not apply to:
 - i. Tandem or Cargo Electric Bicycles equipped for two (2) or more riders;

- ii. A baby or child seat attached to the Electric Bicycle, provided that the seat is equipped with a harness to hold the baby or child securely in the seat and that protection is provided against the baby or child's feet hitting the spokes of the wheel; and
- iii. A child attached to an adult Electric Bicycle operator in a backpack or sling.

10.13.080 Towing.

- A. No Electric Bicycle shall pull any skier, sled, or other combination vehicle by rope, or flexible coupling. All sleds, trailers, or other combination vehicle shall be safely and securely affixed to the Electric Bicycle by direct coupling, solid tongue, or triangular shaped tow-bar not to exceed forty (40) inches in length, being securely affixed to two (2) points on the sled, trailer, or other combination vehicle.

10.13.090 Riding on Sidewalks.

- A. No person shall operate or ride an Electric Bicycle upon any sidewalk within the Town of Jackson.

10.13.100 Position on Roadway.

- A. Every person riding or operating an Electric Bicycle upon any street, roadway, alley or public place at less than the normal speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:
 - i. When overtaking and passing another Electric Bicycle, bicycle or vehicle proceeding in the same direction.
 - ii. When preparing for a left turn at an intersection or into a private road or driveway.
 - iii. When reasonably necessary to avoid obstructions and hazards.
 - iv. When riding in the right-turn only lane.
- B. Every person riding or operating an Electric Bicycle upon a one-way street or roadway with two (2) or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

10.13.110 Riding Two Abreast.

- A. Electric Bicyclists are permitted to ride two (2) abreast within the same lane. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic, and when being overtaken by other vehicles using the same lane shall ride single file.

10.13.120 Racing.

- A. It is unlawful for any person or persons to run, engage, or cause to run or to be engaged in any Electric Bicycle race on any street, alley, or public place within the corporate limits of the Town without applying for and obtaining a permit from the Town.

10.13.130 Equipment

- A. Every Electric Bicycle must be equipped with a functioning speedometer at all times it is operated within the Town of Jackson.

10.13.140 Prohibitions.

- A. A device shall no longer be considered a Class 1, Class 2 or Class 3 Electric Bicycle if the wattage, the speedometer, or any other mechanical element of the Electric Bicycle that affects its classification is modified or tampered with after manufacture and it shall be unlawful to use such a device on Town of Jackson public streets, bike lanes, pathways, or alleys.
- B. Obtaining a permit required by this Chapter by fraud, deceit or misrepresentation is unlawful.
- C. Tampering with or falsifying the notarized attestation required in accordance with this Chapter so as to falsify any information therein or to forge such a document is unlawful.
- D. Tampering so as to falsify any information in the permit affixed on an Electric Bicycle by the Town or to forge such is unlawful.
- E. Town of Jackson Electric Bicycle permits are non-transferable, and it is unlawful to transfer permit(s) from one Electric Bicycle to another.

10.13.150 Penalty

- A. Any person or persons found guilty of violating any of the provisions of this Chapter shall be fined and punished in accordance with Sec. 1.12.010 of this Code, to which may be added costs.

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2018.
PASSED 2ND READING THE _____ DAY OF _____, 2018.
PASSED AND APPROVED THE _____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandy P. Birdyshaw
Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 661 AND SECTION 10.04.205 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING ELECTRIC BICYCLES WITHIN ON-STREET BIKE LANES AND PATHWAYS IN THE TOWN OF JACKSON; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I:

Section 1 of Town of Jackson Ordinance No. 661 and Section 10.04.205 of the Municipal Code of the Town of Jackson are hereby amended and reenacted to read as follows:

10.10.205 Designated on-street bicycle lanes and pathways.

- A. It shall be lawful to ride, operate or use Electric Bicycles, as that term is defined in § 10.13.010 of this Code, in the on-street bike lanes and Pathways within the Town.
- B. Except for the purposes of crossing to gain immediate access to an adjacent property, in the case of an emergency, or when directed to do so by a law enforcement officer, it is unlawful to stop, stand, park, or operate a motor vehicle, motorcycle, or other motorized vehicle in any designated on-street bicycle lane as described in Schedule 13 set out in Section 10.04.390 and made a part of this chapter, or upon any pathway within the corporate limits of the Town of Jackson. These provisions shall not apply to governmental agencies, utility providers or other duly authorized persons engaged in maintenance of said bicycle lanes, pathways and adjacent utilities, nor in cases of unavoidable necessity.

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

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TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
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Sandy P. Birdyshaw
Town Clerk