

ORDINANCE NO. 01- 172

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-142 PERTAINING TO BICYCLES, NON-MOTORIZED SCOOTERS, IN LINE SKATES AND MOTORIZED PLAY VEHICLES; APPLICABILITY OF TRAFFIC LAWS, OBEDIENCE TO TRAFFIC SIGNALS AND SIGNS AND BY AMENDING SECTION 14-143 PERTAINING TO BICYCLES, NON-MOTORIZED SCOOTER, IN LINE SKATES, MOTORIZED PLAY VEHICLES, RESPONSIBILITY TO YIELD AND BY AMENDING SECTION 14-148 PERTAINING TO BICYCLES, MOTORIZED PLAY VEHICLES; REQUIRED EQUIPMENT; PROHIBITED EQUIPMENT; PERMITTING VIOLATIONS PROHIBITED AND BY AMENDING SECTION 14-149 PERTAINING TO BICYCLES, MOTORIZED PLAY VEHICLES; OPERATIONS, VIOLATION AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-142 pertaining to Bicycles; non-motorized scooters, in line skates and motorized play vehicles; applicability of traffic laws; obedience to traffic signals and signs and which shall read as follows:

Sec. 14-142. Bicycles; non-motorized scooters, in line skates and motorized play vehicles; Applicability of traffic laws; Obedience to traffic signals and signs.

(a) All traffic laws shall apply to persons riding bicycles, non-motorized scooters, in line skates and motorized play vehicles. Every person riding a bicycle, a non-motorized scooter or operating a motorized play vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.

(b) It is unlawful for any person operating a bicycle, non-motorized scooter, in line skates or motorized play vehicle not to obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

SECTION 2. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-143 pertaining to Bicycles; non-motorized scooters, in line skates and motorized play vehicles; responsibility to yield and which shall read as follows:

Sec. 14-143. Bicycles, non-motorized scooter, in line skates, motorized play vehicles; responsibility to yield.

(a) The operator of a bicycle, non-motorized scooter, in line skates or motorized play vehicle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across such alley, driveway, or building exit, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(b) Whenever any person is riding a bicycle, non-motorized scooter, in line skates or motorized play vehicle upon a sidewalk he shall yield the right-of-way to a pedestrian.

SECTION 3. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-148 pertaining to Bicycles, motorized play vehicles; required equipment; prohibited equipment; permitting violations prohibited and which shall read as follows:

Sec. 14-148. Bicycles, motorized play vehicles; required equipment; prohibited equipment; hours of operation; permitting violations by others prohibited.

(a) No person shall operate upon a public roadway, bicycle path or on any right of way under the jurisdiction or control of the city, a motorized play vehicle which requires the operator to physically attach to their person the fuel pack providing fuel for the motorized play vehicle.

(b) The parent, guardian or legal custodian of a minor shall not authorize or knowingly permit the minor to violate this section.

(c) No person under the age of eighteen years shall operate upon a public roadway, bicycle path upon any right of way under the jurisdiction or control of the city, a motorized play vehicle without wearing a helmet designed for bicycle or in line skate use.

(d) No person shall operate a motorized play vehicle upon a public roadway, bicycle path or upon any right of way under the jurisdiction or control of the City or open to access by the general public for its benefit between the hours of Sundown and 8:00 a.m.

(e) Every Motorized Play Vehicle operated upon any street or highway within the City shall be equipped with the following:

(1) Except as provided in section (4) of this subsection, a lamp emitting a white light which, while the Motorized Play Vehicle is in motion, illuminates the roadway in front of the operator and is visible from a distance of Three Hundred (300) Feet in front of and from the sides of the Motorized Play Vehicle.

(2) Except as provided in Section (5) of this subsection, a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle

(3) A white or yellow reflector on each side visible from the front and rear of the motorized play vehicle from a distance of Two Hundred (200) feet. upon a public roadway, bicycle path or upon any right of way under the jurisdiction or control of the City, a motorized play vehicle without such vehicle being equipped with a reflector that is visible at night from all distances from fifty to three hundred feet when directly in front of lawful upper beams of headlamps.

(4) A lamp or lamp combination, emitting a white light attached to the operator and visible from a distance of Three Hundred (300) Feet in front and from the sides of the Motorized Play Vehicle, may be used in lieu of the lamp required by Section (1) of this subsection.

(5) A red reflector or reflectorized material attached to the operator and visible from a distance of 500 feet to the rear when directly in front of the lawful upper beams of headlamps on a motor vehicle may be used in lieu of the reflector required by Section (2) of this subsection.

(f) It is unlawful for any person to operate a motorized play vehicle upon any street or highway within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug. A person by operating such motorized play vehicle upon the street or highway within the City is deemed to have impliedly consented to the administration of a chemical test of the person's blood or breath for the purpose of determining the alcoholic or drug content of that person's blood, and upon request of the arresting office shall have the test performed. A violation of this subsection shall be a class one misdemeanor and shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars

(f) No person shall operate a Motorized Play Vehicle at any time upon any street or highway within the City without a muffler being installed to reduce engine noise.

(g) No person shall operate a Motorized Play Vehicle at any time upon any street or highway within the City having installed a "high performance exhaust, filter and carburation kit or any modification of the air inflow system for the purpose or having the result of increasing the maximum speed of the Motorized Play Vehicle.

(h) No person shall operate a Motorized Play Vehicle at any time upon any street or roadway of the City unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(i) No person shall operate a Motorized Play Vehicle with any passengers in addition to the operator.

(j) No person shall operate a Motorized Play Vehicle carrying any package, bundle, article or item that prevents the operator from keeping at least one hand upon the handlebars at all times while the vehicle is being operated.

SECTION 4. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-149 pertaining to Bicycles, motorized play vehicles; operations, violation and which shall read as follows:

Sec. 14-149. Bicycles; Motorized Play Vehicles; operations, violation.

(a) It is unlawful to ride a bicycle upon a sidewalk within a business district that is designated in some manner indicating that bicycles are prohibited.

(b) It is unlawful to operate a motorized play vehicle upon any sidewalk within the city.

(c) No person shall operate a motorized play vehicle on the property of political subdivisions of this state other than the city if the political subdivision has posted upon its property notice that such violations are prohibited.

(d) No person shall operate a motorized play vehicle in any city park; Peoria sports complex or Peoria municipal complex or in any parking structure owned by the city.

(e) No person shall operate a motorized play vehicle upon any public street in the city's consisting of four or more marked traffic lanes or having a speed limit established greater than thirty miles per hour or upon any local or collector street that the Public Works Director of the city has determined to be unsuitable for motorized play vehicle operation due to traffic, speed, visibility and access concerns and has been duly posted. However, motorized play vehicles may be operated in a designated bicycle lane, unless the street has been posted in accordance with this subsection.

(f) No person shall operate a motorized play vehicle on any private property unless permission shall have been granted by the owner of the property.

(g) Violations of sections 14-142 - 14-149 of this code shall be designated a civil traffic violation unless otherwise designated and shall be prosecuted in the same manner as provided by law for other civil traffic violations.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 6 day of November, 2001.

Dated: November 16, 2001



John C. Keegan, Mayor

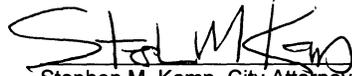
ATTEST:



Janice L. Graziano, City Clerk



APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

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