

ORDINANCE NO. 2460

AN ORDINANCE RELATING TO THE DERBY TRAFFIC ORDINANCE FOR THE CITY OF DERBY, KANSAS; AMENDING AND REPEALING SECTIONS 10.04.134, 10.04.134.1 AND 10.04.135 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR; FURTHER AMENDING CHAPTER 10.04 BY ADDITION OF NEW SECTION 10.04.134.2; AND FURTHER AMENDING CHAPTER 10.04 BY REPEAL OF SECTION 10.04.109.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Section 10.04.109 of the Derby Municipal Code is hereby repealed in its entirety with said section number 10.04.109 reserved for future use.

Section 2. Section 10.04.134 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.134 – Electric-assisted bicycles, traffic law application.

Vehicle registration and driver’s license shall not be required for operation of an electric-assisted bicycles within the City. Traffic regulations applicable to bicycles shall apply to electric-assisted bicycles, except tricycles with no brake horsepower.

Section 3. Section 10.04.134.1 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.134.1 – Micromobility device operation.

- A. For purposes of sections 10.04.134.1 through and including section 10.04.134.3 of this Code, “micromobility device” shall mean electric-assisted scooters, motorized skateboards, electric one-wheel boards, electric personal assistive mobility devices, hoverboards or self-balancing skateboards, and similar devices as those terms are defined in Section 10.04.001 of the Derby Municipal Code. Micromobility devices shall not mean motorized wheelchair.
- B. Except as set forth below, the operation of a micromobility device shall be permitted upon streets, roadways and sidewalks within the City.
- C. It shall be unlawful for any person to operate a micromobility device on any interstate highway, federal or state highway within the city; provided that, nothing in this section shall prohibit a micromobility device from crossing a federal or state highway.

- D. It shall be unlawful for any person to operate a micromobility device on a street with a posted speed limit greater than thirty (30) miles per hour.
- E. It shall be unlawful for any person to operate a micromobility device in such a manner as to indicate a careless or heedless disregard for the rights or safety of others or in such a manner as to endanger or be likely to endanger any person or property.
- F. Every person riding a micromobility device upon a street or 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 this Code except as to special ordinances so designated and except as to those provisions which by their nature can have no application.
- G. Every person operating a micromobility device upon a street or roadway at less than the normal speed of traffic shall ride as near to the right side of the street or roadway as practicable except when:
 - 1. Preparing to make a left turn at an intersection or into a private drive or roadway;
 - 2. Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or other conditions that make it unsafe to continue along the right-hand edge of the street or roadway;
- H. Any person operating a micromobility device upon a one-way street or roadway with two or more marked traffic lanes may ride as near to the left side of the street or roadway as practicable.
- I. Whenever an on-street bike lane or usable path has been provided adjacent to a roadway, every person operating a micromobility device shall use such bike lane or path and shall not use the roadway.
- J. Persons riding micromobility devices upon a street or roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- K. No micromobility device shall be used to carry more persons at one time than the number for which it is designed or equipped.
- L. It shall be unlawful for any person while riding a micromobility device within the City to hitch or otherwise attach him or herself onto other moving vehicles.
- M. A person operating a micromobility device across a street, roadway, crosswalk, or sidewalk shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- N. Any person operating a micromobility device across a street, roadway or crosswalk shall have all of the rights and duties applicable to a pedestrian under the same circumstances.
- O. Every micromobility device in use between sunset and sunrise shall be equipped with, or the operator of such device shall be wearing, a front white light visible from a distance of at least five hundred feet to the front and either: (1) a red reflector on the rear which shall be visible from all distances one hundred feet to six hundred feet to

the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; (2) a lamp on the rear that shall emit a red light visible from a distance of five hundred feet to the rear; or (3) the operator of such device shall be wearing a device that emits a red or amber light that shall be visible from a distance of five hundred feet to the rear.

- P. It shall be unlawful for any person to operate a micromobility device at a speed in excess of fifteen (15) miles per hour.
- Q. Vehicle registration and driver's license shall not be required for operation of a micromobility device.

Section 4. Section 10.04.134.2 of the Derby Municipal Code is hereby established to read as follows:

“10.04.134.2 – Prohibited Parking of Micromobility Devices

- A. It is unlawful for any person to park or leave a micromobility device on public property where such micromobility device blocks pedestrian travel or presents a traffic hazard.
- B. It is unlawful for any person to park or leave a micromobility device in the area adjacent to, within, or in any manner that obstructs the following areas:
 - 1. Loading zones;
 - 2. Disabled parking zones;
 - 3. Curb ramps;
 - 4. Driveways and driveway approaches;
 - 5. Motor vehicle driving lanes or bicycle lanes;
 - 6. Benches; and
 - 7. Entrances to private property or driveways.
- C. It is unlawful for any person to park or leave a micromobility device in any manner which impedes or interferes with the access to or from any building.
- D. Nothing in this section shall prevent a person from lawfully parking any micromobility device on private property where such person has such authority.

Section 5. Section 10.04.135 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.135 – Use of coasters, roller skates and similar devices restricted.

- A. It shall be unlawful for any person upon a non-motorized skateboard, roller skates or inline skates to:
 - 1. Go upon that portion of any street or highway intended or designed for vehicular traffic, except while crossing a street at a crosswalk, and when so crossing such person shall have all the rights and be subject to all the duties applicable to pedestrians;

2. Go upon any parking lot owned or maintained by the city;
 3. Go upon any other parking lot, parking garage or property with the city when such property is clearly and visibly marked by a sign or signs indicating that non-motorized skateboards, roller skates and inline skate use thereon is prohibited; provided, that signs have lettering at least one and one-half inches high and one-half inch wide; and provided further, that when such signs are present upon privately owned property, the police department shall be authorized thereby to enforce the provisions of this section; or
 4. Coast or otherwise move upon a non-motorized skateboard, roller skates or inline skates in a reckless manner on any public sidewalk, or without exercising due care for the safety of others using the sidewalk, or to otherwise endanger or interfere with pedestrian traffic.
- B. In addition to any other penalty provided for violation of this section, any non-motorized skateboard, roller skates or inline skates used in violation of this section may be seized. Thereafter, in the discretion of the municipal court, such equipment may be released to the rightful owner following his or her appearance in court, or ordered to be destroyed or otherwise disposed of by the chief of police when no longer needed for evidentiary purposes.”

Section 6. Repeal.

Original sections 10.04.109, 10.04.134, 10.04.134.1, and 10.04.135 of the Derby Municipal Code are hereby repealed.

Section 7. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 8. Severability


Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 9. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City’s official newspaper as provided by State law.

PASSED by the City Council this 25th day of May, 2021 and **SIGNED** by the Mayor.






Randy White, Mayor

Seal
Attest:



Lynn Carleglio, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney