ORDINANCE 205

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CITY OF WAHPETON, IOWA BY AMENDING CHAPTER 76, PERTAINING TO BICYCLE AND MICROMOBILITY REGULATIONS."

Be It Enacted by the City Council of Wahpeton, Iowa that

SECTION 1. Chapter 76 of the Wahpeton City Code is hereby amended as follows:

CHAPTER 76

BICYCLE AND MICROMOBILITY REGULATIONS

76.01 Scope of Regulations
76.02 Definitions
76.03 Traffic Code Applies
76.04 Double Riding Restricted
76.05 Two Abreast Limit
76.06 Speed
76.07 Right of Way
76.08 Entering of Crossing of Roadway
76.09 Emerging from Alley or Driveway
76.10 Carrying Articles
76.11 Riding on Sidewalks or Multiuse Trails
76.12 Operation in Parks
76.13 Towing
76.14 Improper Riding
76.15 Use of Personal Electronics
76.16 Impaired Operation
76.18 Parking
76.19 Equipment Requirements

76.01 PURPOSE.

The purpose of this Chapter is to set forth regulations for operating bicycles, electric scooters, low-speed electric bicycles, and other micromobility devices on the city's streets, sidewalks, and multi-use trails. *(Code of Iowa, Sec. 321.236[10])*

76.02 DEFINITIONS.

1. "Bicycle" means a device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

2. "Electric scooter" means a device weighing less than one hundred pounds that is equipped with two or three wheels, handlebars, and an electric motor, and which is solely powered by the rider or by an electric motor capable of propelling the device without additional propulsion supplied by the rider, at a maximum speed on a paved level surface of no more than twenty miles per hour, or both.

3. "Low-speed electric bicycle" means a device having a saddle or seat for the use of a rider, up to four wheels, equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes:

A. "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.

B. "Class 2 low-speed electric bicycle" means a low-speed electric 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 a speed of twenty miles per hour or more.

C. "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

4. "Micromobility device" means a mobility device under one hundred fifty pounds, which may be equipped with an electric motor for assistance or sole propulsion, designed for conveying the operator, with speeds of less than twenty miles per hour.

5. "Multi-use trail" means a way or place for the use and travel of bicycles, pedestrians, or other authorized conveyances, the use of which is controlled by the county/city, designated by the multi-use trail maps, as approved by resolution by the city council, and no multi-use trail shall be considered as a street or highway.

6. "Bicycle Helmet" means a bicycle helmet that meets the CPSC standard or greater.

76.03 TRAFFIC CODE APPLIES.
Every person riding a bicycle, electric scooter, low-speed electric bicycle or other micromobility device upon a roadway or in a bicycle lane 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 the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Bicycles, electric scooters, low-speed electric bicycles or other micromobility devices are not subject to registration, licensure, titling, inspection, and proof of financial liability coverage provisions of Code of Iowa, Chapter 321. Riders of bicycles, electric scooters, low-speed electric bicycles or other micromobility devices are not required to have possession of a driver's license or permit. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.04 DOUBLE RIDING RESTRICTED.
A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle, electric scooter, low-speed electric bicycle or micromobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

76.05 TWO ABREAST LIMIT.
Persons riding bicycles, electric scooters, low-speed electric bicycles or micromobility devices upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles electric scooters, low-speed electric bicycles or micromobility devices ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236[10])

76.06 SPEED.
No person shall operate a bicycle, electric scooter, low-speed electric bicycle or micromobility device at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236[10])

76.07 RIGHT OF WAY. Riders of electric scooters, low-speed electric bicycles, and other micromobility devices shall yield right of way to pedestrians, human-powered bicycles, and other human-powered conveyances. Riders of bicycles and other human powered devices shall yield right of way to pedestrians.

76.08 ENTERING OR CROSSING OF ROADWAY. Unless crossing at a controlled intersection where official traffic control devices give the operator visual instruction to cross (i.e. green traffic light or white pedestrian crossing signal), operators of bicycles, electric scooters, low-speed electric bicycles or micromobility devices shall come to a complete stop and wait to enter or cross any roadway until they ensure it is safe to do so. Operators of bicycles, electric scooters, low-speed electric bicycles or micromobility devices shall yield right of way to all vehicles approaching when entering or crossing the roadway even with a green light or white pedestrian crossing signal unless dismounted and walking said device across the crosswalk.

76.09 EMERGING FROM ALLEY OR DRIVEWAY.
The operator of a bicycle, electric scooter, low-speed electric bicycle or other micromobility devices emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, 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.

(Code of Iowa, Sec. 321.236[10])

76.10 CARRYING ARTICLES.
No person operating a bicycle, electric scooter, low-speed electric bicycle or micromobility device shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars and/or controls.

(Code of Iowa, Sec. 321.236[10])

76.11 RIDING ON SIDEWALKS OR MULTIUSE TRAILS
The following provisions apply to riding bicycles, electric scooters, low-speed electric bicycle and micromobility devices on sidewalks:

1. Bicycles, electric scooters, class 1 and class 2 low-speed electric bicycles and micromobility devices may be allowed on sidewalks and multi-use trails unless otherwise posted prohibiting operation.

2. No device with an electric motor exceeding 750 watts or operating at a speed exceeding 20 miles per hour shall be operated on any multiuse trail or 10 miles per hour on any sidewalk.

(Code of Iowa, Sec. 321.236[10])

3. Yield Right-of-Way. Whenever any person is riding a bicycle, electric scooter, low-speed electric bicycle or micromobility device upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

4. Class 3 electric bicycles and motorized bicycles shall not be operated on any sidewalk.

(Code of Iowa, Sec. 321.236[10])

76.12 OPERATION IN PARKS

Bicycles, electric scooters, low-speed electric bicycles and micromobility devices may be operated in parks only in areas designed for such use (i.e. sidewalks, parking lots, trails) and may not operate in areas where use may cause damage to park property.

76.13 TOWING.
It is unlawful for any person riding a bicycle, electric scooter, low-speed electric bicycle or micromobility device to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.14 IMPROPER RIDING.
No person shall ride a bicycle, electric scooter, low-speed electric bicycle or micromobility device in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

76.15 USE OF PERSONAL ELECTRONICS.
Operators of bicycles, electric scooters, low-speed electric bicycles or micromobility devices shall not use any personal electronics, such as phones, which impair their ability to maintain control of the device they are operating.

76.16 IMPAIRED OPERATION.

No person shall operate any bicycle, electric scooter, low-speed electric bicycle or micromobility device while under the influence of alcohol or drugs.

76.17 PARKING.

1. Parking of a bicycle, electric scooter, low-speed electric bicycle or other micromobility device may be allowed:
   A. upon a street against or near the curb,
   B. upon the area between the sidewalk and the roadway,
   C. in a designated parking area for the device, or;
   D. against the wall of a building in such a manner as to afford pedestrian traffic clear movement in accordance with the American's with Disabilities Act.

2. Bicycles, electric scooters, low-speed electric bicycles or other micromobility devices shall not be parked in such a way as to impede access to:
   A. a fire hydrant;
   B. a US Postal Service mailbox;
   C. a crosswalk or curb ramp;
   D. loading zones;
   E. transit zones, including bus stops, shelters, or other passenger waiting areas;
   F. accessible parking spaces;
   G. street furniture or amenities that require pedestrian access;
   H. entryways and/or driveways.

76.18 EQUIPMENT REQUIREMENTS.

Every person riding a bicycle, electric scooter, low-speed electric bicycle or other micromobility device shall be responsible for providing and using equipment as provided herein:

76.18.1 Lamps Required.

Every device when in use between sunset to sunrise and when weather conditions provide insufficient lighting to render clearly discernable persons and vehicles on the road at a distance of 300 feet ahead, shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, may be used in lieu of a rear light. The lamps or reflector may be attached to the rider of the device rather than the device itself provided the visibility requirements are met. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires. (Code of Iowa, Sec. 321.384 and Sec. 321.397)

(Code of Iowa, Sec. 321.397)

76.18.1 Equivalent equipment such as headlamps and red-light attachments to the head, back, arm, or leg may be used in lieu of a lamp on the front and a red light on the rear of the device.

76.18.2 A device shall not be equipped with and a person shall not use upon such device any siren or whistle. This shall not apply to bicycles ridden by peace officer in the line of duty.

76.18.3 Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236[10])

76.18.4 Safety Equipment Required. All riders under the age of 14 shall wear a helmet at all times while operating any electric bicycle, low-speed electric bicycle or micromobility device.

76.19 VIOLATIONS.

1. Any person convicted of a violation of this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under Section 805.8A of *Code of Iowa*.

2. Any person violating the provisions of this chapter may, in lieu of a simple misdemeanor provided for violations of this Code of Ordinances, allow the person's bicycle, electric scooter, low-speed electric bicycle or other micromobility device to be impounded by the City of not less than five days for the first offense, 10 days for a second offense, and 30 days for a third offense.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk / Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa, in conformance with Iowa Law.

A motion was made on October 12, 2026, at a regular meeting by Councilmember Mead and second by Councilmember Kruger to consider approval of this Ordinance (first consideration) and upon roll call the following vote was recorded:

AYE: Kruger, Mead, Jones, Benson, and Prior. NAY: None.

A motion was made on October 12, 2026, at a regular meeting by Councilmember Prior and a second by Councilmember Mead to waive the second and third considerations of this ordinance and upon roll call the following vote was recorded:

AYE: Prior, Benson, Jones, Mead, and Kruger. NAY: None.

A motion was made on October 12, 2026, at a regular meeting by Councilmember Mead and a second by Councilmember Jones to adopt this ordinance and upon roll call the following vote was recorded:

AYE: Jones, Mead, Kruger, Benson, and Prior. NAY: None.

Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.
NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Wahpeton, Iowa:

Passed and approved this 12th day of October, 2026.

Mayor Phillip Johnson

ATTEST:

Carrie Funk, City Clerk/Administrator