



NOTICE OF PUBLIC MEETING

Tuesday, November 12, 2019

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor:

- Calendars, Announcements and Reports (10)
- Acceptance and/or Receipt of Minutes

Council:

- Liaison Reports and Council Concerns (10)

Community Development Services:

- Progress Report: South Downtown Planning (15)

Parks and Recreation:

- Discussion: War Bonnet Round Up Association Agreement (20)

Police:

- Pay Scale Discussion (30)

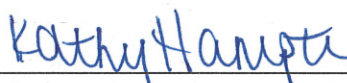
Public Works:

- Introduce Capital Improvement Ordinance modification to Include Water Rights (15)
- Snow Removal Discussion (15)
- Municipal Separate Storm Sewer System (MS4) Permit Update (15)

Multiple Departments:

- E-Scooter Discussion (45)

DATED this 8th day of November, 2019



Kathy Hampton
City Clerk

Idaho Falls Downtown Development Corp. board meeting was held in the Syringa Networks Board Room (460 Park Ave) at 8:30am October 1, 2019

Attendance: Antonio Meza, Shanon Taylor, Brent McLane, Kevin Cutler, Greg Crockett, Jake Durtschi, Jill Hansen, Tasha Taylor, Brandi Newton, Jim Francis – city council; Staff: Catherine Smith, Mala Lyon, Juan Hernandez; visitors: Jim Pletcher

Juan Hernandez was introduced as our new full-time parking ambassador.

Minutes for September 10, 2019 were reviewed – Brandi motioned they be approved; Jake seconded, and board approved

Financials – Shanon reported that this is the end of our fiscal year. Our line of credit at the Bank of Idaho is at zero; We made \$76,000 with the events last year and \$91,000 from parking revenue; Expenses that were up last year were the public art/murals, insurance for the parking monitoring vehicle and office supplies. We are ending the year in the black. Shanon motioned that the report be approved; Brandi seconded, and board approved.

Parking Committee – Jake explained that the B Street lots has had an increase of problems since we stopped the 24/7 monitoring and ticketing. It is recommended that we go back to having Juan during the day and Ed in the evenings and at night monitor and give out tickets in just the B Street lots. Greg motioned that we return to the 24/7 monitoring of the B Street lots; Brandi seconded; board approved. Validation – it is proposed by the parking committee that the validation now be 100 hours of validation for \$100. It is currently a flat fee of \$100 for unlimited validation. Brandi asked if businesses can just be billed for what they use? Greg said we need to have a minimum purchase \$200 = 200 hours to be in the program. It was discussed that, that might be difficult for the smaller Mom & Pop type stores to budget \$200 in. Is the goal to have more merchants participate? Having a \$200 minimum will push some out even with on-street parking more strictly enforced. Jake proposed that since all that are participating now pay \$100 that we keep it at that point - \$100 = 100 hour of validation. Tasha expressed that we can go slowly on this and make changes as needed. Brent said we need to be sensitive to the small businesses. Many of them are not using 100 hours of validation now. Higher users will have to pay more, but smaller businesses can still be part of it. Tasha made the motion that we offer for \$100 – 100 hours of validation with no maximum cap-off of what a business can buy. Validation hours purchased will be good for 1 year then they will have to be renewed. Greg seconded and board approved. Brandi said that after this year we can relook at it and maybe for the smaller businesses we can offer \$50 for 50 hours.

Oktoberfest report – it was cold and rained until about 5:30. We started at 3:00 and had street games. Sawtooth Brewing from Ketchum reached out to us asking to come and be part of this event. They sold food and beer, which cut into our sales. We only made \$3,897 which leaves us about \$1,200 short to cover our expenses. We are anticipating Sawtooth will give us a kickback from their sales, but we didn't have an agreement with them on that before the event.

Crawloween will be Oct 26th and Fallbrew will be Nov. 2nd.

Corner projects are finished now that the corner at the Celt is done. A pergola will be installed with a safety bar along the edge to protect people from the traffic. There is a list of a few other problems that we will work through so that everything is the way it should be. Jake said some broken pavers were

replaced outside his place. Catherine said there is some cleanup work needed where cement splashed on some lamps and trash cans. Antonio asked if I.F. Power was going to do the skirts around the base of the lamp poles? Catherine said yes, they were just waiting for all the work to be finished so they could come in and do them all at once. Special thanks to Kevin Cutler for all his help in coordinating this project.

Parking – the Smart Meters have been installed. They are currently covered with plastic garbage bags as we are not ready to start them. We are waiting on the city attorney to get final permission to drive the UTV on the street. We will do a slow roll out with lot of education not the merchants. Juan and Ed have been practicing with the handheld machines that print out the tickets. Jim F. asked if we are on the agenda for the Council meeting? We need to double check with Brad Cramer to make sure we are. Once that is approved by the City Council, we will receive the \$35,000 from the city. The license plate reader cameras were installed on the 'bumper' of the UTV and we feel they are too close to the tires. We have a call tomorrow with IPS to discuss a solution. We have had great training with IPS. There are no lights on the UTV at this point. We need clarifications from the police as to what we can use.

Brent invited everyone to the open house discussing 'South Downtown' Oct 9th at the library from 7-9:00pm. This area involves south of the railroad track that runs behind the library to Pancheri and then from the river to Yellowstone Highway.

Meeting was adjourned at 9:30am. Our next board meeting will be held November 5, 2019.
Respectfully submitted by Kevin Josephson, IFDDC secretary and Mala Lyon

Approved October 2, 2019
Idaho Falls Sister City Youth Meeting-Minutes

Attendees:

Whitney St. Michel	Anna St. Michel	Kylie Eaton
Charlotte Combs	Laura Combs	Mike Medema
Heather Medema	Charlie Medema	Max Medema
Katie Eaton	David Eaton	Kendra Peck
Nathan Peck	Izabel Kelly	Abby Gallegos
Aidan Gallegos	Jo Gallegos	Robert Gallegos
Aurora Mahoney	Chad Mahoney	Melinda Cebul
Nicholas Cebul	Carter Thompson	Samantha Gohl
Rylee Young	Sam Hawker	Jackie Sugar
Tate Corbridge	Jackson Corbridge	

Membership:

All applications need to be updated and signed by guardian. Membership dues for the 2019/2020 year in the amount of \$25.00 for individual membership and \$35.00 for families with two or more students in IFSCY.

Membership will become delinquent as of January 1 if dues are not paid. (Article II Section 1 of Bylaws)

Nathan Peck \$25.00.

Approval of minutes:

Kendra Peck motioned to approve the October 2, 2019 meeting minutes (after corrections made) and seconded by Max Medema. Voted and unanimously approved.

Fundraisers:

Winter Carnival

David Eaton talked with Erin Tucker, Director of the Ice Skating Rink. The date that was agreed on for the IFSCY Winter Carnival is December 28, 2019 with the start time of 1:00 and ending at 5:00 pm. David asked for volunteers to discuss the details with Erin Tucker. [entrance fee based on age, charging for food, suggestion of bringing Japanese snacks] etc.

Volunteers are needed for the Winter Carnival: An Adult coordinator is needed for the Winter Carnival. Max Medema volunteer to create a poster. Izabelle Kelley, Samatha Gohl, and Aurora Mahoney volunteered for the concessions. Abby Gallegos and Aiden Gallegos volunteered to

be ice guards. Sam Hawker volunteered to help out with a game. Volunteers are still needed for Ice Bocce, games, and concessions.

Paramount

Max Medema has been working fundraiser at the Paramount Theater. A sign up sheet for volunteers for shifts went around. Max will pick up tickets after talking with Brandon Lott.

Need phonts for a poster board used for display at the theater. Kylie Eaton will make the poster.

The date of the Paramount Theater fundraiser is Saturday, October 26, 2019.

Paramount Theater Sign Up Sheet	
11:00-1:00	Charlotte Combs, Laura Combs Nate Nakashima, Andrew Nakashima, Izzy Kelley, Laura Kelley
1:00-3:00	Whitney St. Michel, Anna St. Michel, Aiden Gallegos, Abby Gallegos
3:00-5:00	Max Medema, Charlie Medema, Heather Medema, Mike Medema, Carter Thompson
5:00-7:00	Tate Corbridge, Jackson Corbridge, Brennan Corbridge, Jackie Sugai
7:00-9:00	David Eaton, Katie Eaton, Kylie Eaton, Aurora Mahoney

Reminder:

Next meeting for Idaho Falls Sister City Youth is scheduled for October 21, 2019 at 7:00 pm at the Idaho Falls Public Library. The meeting was moved from October 14th because the Idaho Falls Public Library will be closed. Please put the dates on your calendar.

Student Activity:

We started the student meeting by giving everyone a piece of paper, to start planning their culture/language lesson. Each lesson should be interative or a game. Students assigned to the lessons need to fill the 30 minutes. Students who signed up are expected to fill that time.

October 21st Culture - Sam Hawker, Tate and Jackson T are going to teach us about Manga and/or organized crime

Samantha Gohl and Rylee Young are going to teach us a Japanese lesson - basic phrases

November 6th - Max will be doing hiragana Kahoot - his brother Charlie is teaching about samurai

November 18th, Izzy Kelly and Abby G- are talking about culture differences in gestures and they are playing a game to teach about Japanese gestures.

December 4th Aurora is going to come up with a fun way to teach us about Kabuki Theater and maybe make masks

Charlotte Combs is going to do Japanese pictiography

January 8th - Aiden G

unassigned date - Kylie and Anna are going to talk about do's and don'ts in Japan

Meeting Adjourned:

Nathan Peck motioned to adjourn meeting. It was seconded by Anna St. Michel.



PARKS & RECREATION COMMISSION MEETING

OCTOBER 7, 2019

ACTIVITY CENTER

12:00 Noon

Members in Attendance: B. Combo, J. Forbes, J. Hammon, T. Hersh, M. Hill, K. Hope, B. Lee P. Lloyd, J. LoBuono, C. White, R. Campbell, D. Pennock

Members Not In Attendance: W. Johnson, D. Radford, P. Holm

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:03.

APPROVAL OF MINUTES

C. White motioned to approve the July 1st minutes as well as the September 9th minutes. K. Hope seconded. Motion carried.

DIRECTOR'S REPORT – (Reported by R. Campbell)

R. Campbell reported on the following:

- E-Scooters are now running on the river walk. An ordinance for e-scooters is in the works to address safety, speed, etc. This ordinance is expected to go to council in November. There are also plans for signage on the river walk to address safety measures riders should take.
- Parks winterizing is under way. It is a two month process.
- Heritage Park update. They are still working on design. The October deadline was not met concerning bids. Public works is working on some documents and hopefully it will go to bid in February. He addressed the dirt shortage, and that City Council approved the Pennock property land acquisition.
- The Parks Comprehensive Plan. Neelay is ready to review the survey results and will start working on bench mark studies, etc.

USER GROUPS

Geri Rackow - Christian Co-ed Softball League (via e-mail to the Commissioners)

- Their needs have been adequately met. The only they request, would be a permanent restroom near the dugouts or at the very least a porta potty at that location during the entire softball season.

Jim Bernard – Ida Racing Association

- Jim discussed their plan to donate ten percent of the purse money to Sandy Downs. They intend to raise purse amounts which will be funded by revenue made from the off track betting facility in Boise.
- They are looking to do some events here in Idaho Falls which have been successful in Boise.
- He believes all the needs at Sandy Downs will be addressed in the Sandy Downs Master Plan. He thinks that RV hookups and improvement in that regard would be very beneficial.
- He advised that Ida Racing can contribute both manually and financially to help with updates in the future.
- He also stated that lights on the track would be helpful for the racing schedule during the evenings.

Brock Ashbocker & Travis Walker – Snake River Stock Car Association

- They handed out a list of improvements that the Stock Car Association has done and funded with their club. The list included numerous improvements that took many volunteer hours, materials, and equipment for the betterment of the park.
- Their needs include the following: More help from Parks & Recreation on trash removal, lawn mowing, etc. They request we update the bathrooms which are old metal toilets with no lids. They need more weed control and dust control. Having a well installed would solve the water problem and provide enough access to be able to control the dust all together.
- Their events can bring in 200 to 500 people, but the facilities are not adequate.
- Bill Combo recommended that we put Noise Park on the January agenda and recommends we have some solutions by then to address some of these issues.

Dustin Pancheri – Motocross

- Dustin advised the Commission of his history and dealings with the motocross track at Noise Park. There is not an official organized club at this time, but there are a lot of riders using the track. He offered to volunteer his time to help guide the City on the management of the track and ways to improve safety.
- Their needs are dust control (more water) and better bathroom facilities.

- It was suggested by some of the commissioners that the motocross community form an organized club to advocate for the track.

Elena Manwaring – President of the Idaho Falls Figure Skating Club

- She discussed the overcrowding of the ice arena and the desperate need for a second sheet of ice. Particularly a year round sheet of ice. The many user groups in figure skating and hockey are limiting their access to the ice. As a consequence, many Idaho Falls residents are having to drive to Sun Valley or Utah a couple of times a week to get ice time.

Tom Hersh – Idaho Falls Golf Community

- Tom discussed the irrigation system emergency at Pinecrest and soon at Sand Creek Golf Course. He advised that the golf superintendents are daily battling the failing system and spending fifty hours a week on water line issues. The worry being, that if the Pinecrest irrigation system fails, it will cause a catastrophic financial set-back for the City.

Brandon Lee – BYSL

- BYSL is the largest soccer group in the community. Their needs are met for outdoor fields but as other user groups continue to grow, their field needs will grow. He expressed the need for lit fields especially for the fall season. There are currently only two lit fields.
- He advised that ideally there should be an agreement between the user groups, school districts, and Parks and Recreation to fund a lit turf field that could be used for several user groups including BYSL.

The board discussed all the needs and lack of funds to address any of them. Each Commissioner voiced ideas on how the board should move forward to raise funds like building partnerships, raise current prices, etc.

It was agreed that the first step will be for the Commissioners to prioritize the many needs to present to the Council. It was also agreed upon to have a phone meeting with Pro's Consulting and the Commissioners on how other comparable cities have raised funds for facilities.

Meeting adjourned at 1:50 p.m.

Next meeting will be held November 4, 2019.

Recorded by:
Tracy Sessions, Clerk, Parks & Recreation



MEMORANDUM

FROM: PJ Holm, Director, Parks and Recreation Department

DATE: Friday, November 8, 2019

RE: War Bonnet Association Agreement

Item Description

Agreement between the City of Idaho Falls and the War Bonnet Round Up Association.

Purpose

This agreement purports to the Community-Oriented Results by maintaining regulations and practices that provide the regulatory framework for supporting a high quality community and offering residents and visitors diverse options for cultural, recreational and entertainment programming and venues.

Fiscal Impact / Financial Review

This agreement allows for the War Bonnet Association to collect, retain, and manage moneys from all WBRUA socials, raffles, rifles, alcohol sales, and rodeo royalty until remitted to CITY pursuant to WBRUA By-Laws.

Legal Review

The City Legal Department has prepared and approved of this agreement.

Interdepartmental Review

N/A

Recommended Action

The Parks and Recreation Department respectfully requests authorization for the Mayor, Council, and City Clerk to execute said document.



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☐ Safety



☐ Sustainability



☐ Transportation

AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND THE WAR BONNET ROUND UP ASSOCIATION

THIS AGREEMENT BETWEEN CITY OF IDAHO FALLS, IDAHO, AND THE WAR BONNET ROUND UP ASSOCIATION (hereinafter "Agreement"), is made this _____ day of _____ 2019 ("effective date"), by and between the CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, whose address is P.O. Box 50220, (hereinafter "CITY") and The War Bonnet Round Up Association, Inc., an Idaho 509(a)(2) nonprofit corporation, whose address is P.O. Box 50222, Idaho Falls, Idaho 83405-0222 (hereinafter "WBRUA").

WITNESSETH:

WHEREAS, the War Bonnet Round Up is Idaho's Oldest Rodeo ("Rodeo"); and

WHEREAS, the Rodeo is located in Idaho Falls, Idaho; and

WHEREAS, the Rodeo is a very important and well known regional event which offers rodeo entertainment at the highest professional level; and

WHEREAS, CITY has a long-standing commitment to develop the Rodeo into the premier rodeo event in Idaho; and

WHEREAS, the Rodeo is sanctioned by the Professional Rodeo Cowboys Association (PRCA); and

WHEREAS, the War Bonnet Round Up Association (WBRUA) was established in order to preserve and enhance the culture, heritage, and traditions of South Eastern Idaho, including the Rodeo, to make contributions to charitable organizations in the Idaho Falls area and the gifting of student scholarships; and

WHEREAS, WBRUA has a mission to support the Rodeo under the direction of CITY by helping to produce the Rodeo.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION I: SCOPE OF WORK

A. WBRUA shall do the following pursuant to the terms and conditions of this Agreement or as otherwise mutually agreed to in writing by the Parties:

1. Collect, retain, and manage moneys from all WBRUA socials, raffles, rifles, alcohol sales, and rodeo royalty until remitted to CITY pursuant to WBRUA By-Laws.

2. Collect, retain, and manage WBRUA-sponsored grants, donations to WBRUA, fundraising by WBRUA, and sponsorship dollars related to the Rodeo directed to or through WBRUA.

3. Maintain adequate financial records to track and account for all receipts and expenditures of Rodeo monies collected by WBRUA pursuant to this Agreement and in accordance with generally accepted accounting principles and practices.

4. Include Director of Parks and Recreation on the WBRUA governing board as non-voting, ex officio member.

B. CITY shall do the following pursuant to the terms and conditions of this Agreement or as otherwise mutually agreed to in writing by the Parties:

1. Allow WBRUA to apply for grants, raise money, hold special events, advertise Rodeo activities, promote the Rodeo, and to use Rodeo grounds for such purposes.

2. At CITY's sole discretion, CITY shall lend support to WBRUA grant applications, special events, money raising activities, and similar activities.

3. Grant permission and license to WBRU Rodeo-related trademarks for WBRUA purposes without cost or license fee, with the provision that CITY may, at its sole discretion, deny, revoke, or prohibit permission for items or uses not in CITY's or the Rodeo's best interests.

SECTION II:

A. Independent Contractor.

The contracting parties warrant by their signature that no employer/employee relationship is established between WBRUA and CITY by the terms of this Agreement. It is understood by the parties hereto that WBRUA is an independent contractor for purposes of this Agreement and as such neither it nor its employees, if any, are employees of CITY for purposes of tax, retirement system, or social security (FICA) withholding.

B. Fees and Conditions for WBRUA Services.

There shall be no fees and conditions for professional services that require the exchange of monies between WBRUA and CITY.

SECTION III:

A. Term and Term Renewal.

This Agreement shall be effective from the date of the Agreement, and shall remain in effect

until October 1, 2021, unless renewed or replaced by mutual agreement of the Parties.

B. Extent of Agreement.

This Agreement may be amended only by written instrument signed by both parties.

C. Termination of Agreement.

This Agreement may be terminated by WBRUA if WBRUA gives written notice to CITY of WBRUA's intent to terminate between August 15 and October 1 of any year. CITY may terminate this Agreement without cause and without further liability to CITY or WBRUA if CITY gives written notice to WBRUA of CITY's intent to terminate between August 15 and October 1 of any year. Notice of intent to terminate outside of the termination notice period (August 15-October 1) shall not be effective and shall subject the defaulting party to damages allowed by law.

D. Insurance

WBRUA shall obtain insurance for WBRUA activities and for BRUA board members in a sufficient amount to protect WBRUA, its board members, and agents from legal liability.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date indicated above.

ATTEST:

“CITY”
City of Idaho Falls, Idaho

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

ATTEST:

“WBRUA”
War Bonnet Round Up Association

Dennis Marshall, President



MEMORANDUM

FROM: Interdepartmental

DATE: Tuesday, November 12, 2019

RE: E-Scooter/E-Bike Ordinance

Item Description

Please find attached for review and discussion a draft ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted with several City departments involved, including the Police, Public Works, Community Development Services, Parks & Recreation, and Legal departments.

Purpose

To provide comprehensive regulation of E-bike and E-scooter operations in Idaho Falls.

Fiscal Impact / Financial Review

There is no direct fiscal impact of this ordinance.

Legal Review

The ordinance was drafted and reviewed by the legal department.

Interdepartmental Review

The Police, Public Works, Parks & Recreation, Community Development Services, Municipal Services, and Economic Development departments have reviewed this ordinance.

Recommended Action

The recommended action is to review, discuss, and edit as needed before finalizing the ordinance for vote at a City Council meeting.



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ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, technology has developed dockless E-bikes and E-scooters so that they are popular and useful within an urban environment, such as the City and its downtown business district; and

WHEREAS, the “sharing economy” promotes and sustains Dockless Bikeshare Programs; and

WHEREAS, the City desires to incorporate E-bike and E-scooter uses and programs within the City’s transportation system; and

WHEREAS, E-bike and E-scooter technology and shared economy systems are best regulated with a comprehensive plan to allow uses of E-bikes and E-scooters in City transportation corridors and on public properties within the City; and

WHEREAS, the Council believes that this Ordinance accomplishes the goals and needs of cities regarding safety, convenience, availability, predictability, and use.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 9, Chapter 8, of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

9-8-1: DEFINITIONS. The following terms, whenever used in this Chapter, shall have the meaning ascribed below:

ABANDONED E-BIKE OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left or remaining unattended or unused in a public place for forty-eight (48) consecutive hours or longer after it is tagged with a notice of intention to abate.

ALLOWED USE AREA. A section of the City, designated by “geofencing” technology or otherwise, where dockless bikeshare programs utilizing E-bikes and E-scooters may operate.

BICYCLE PATH. A travel way, as defined in Title 9 Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

BICYCLE ROUTE. A travel way, as defined in Title 9 Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

CROSSWALK. (a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one (1) side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DOCKLESS BIKESHARE PROGRAM. A person or entity that provides E-bikes and E-scooters for rent to the general public within a geographical area or City including rental of bicycles, E-bikes, and E-scooters controlled by a computer program or application (such as a smart phone app) and where individual units can be located by GPS.

ELECTRIC ASSISTED BICYCLE (E-bike). A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle". An electric-assisted 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.

(c) "Class 3 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An E-bike is not a "motor vehicle" as defined in Idaho Code Title 49, Chapter 1, for purposes of this Chapter.

ELECTRIC ASSISTED SCOOTER (E-Scooter). A two (2) wheeled device that has handlebars, a floorboard designed to be stood upon when riding, and an electric motor with a power output of not more than three hundred (300) watts that: (a) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; (b) gives the operator the option to propel the device exclusively under human power without the assistance of the motor, and (c) disengages or ceases to function when the device's brakes are applied. An E-scooter is not a "motor vehicle" as defined in Idaho Code Title Code Title 49, Chapter 1, for purposes of this Chapter.

OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

OPERATOR. A person or persons in exclusive control of an E-bike or E-scooter and using the device for transportation.

PUBLIC PLACE. Any publicly owned or operated property, including, but not limited to, sidewalks, streets, alleys, rights-of-way, parks, and plazas located within the City's jurisdictional limits.

RIDER. A person or persons using an E-bike or E-scooter for transportation, other than the operator.

9-8-2: TRAFFIC LAWS APPLY TO PERSONS RIDING E-BIKES AND E-SCOOTERS.

A. Every person, regardless of age, who operates an E-bike or E-scooter upon a roadway, public parking lot, sidewalk, bicycle path, bicycle route, or other public vehicular right-of-way in the City shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by Idaho Code. Provisions of this Chapter not in conflict with Title 49, Idaho Code also apply, except to the extent those laws and ordinances by their very nature can have no application to E-bikes or E-scooters.

B. Exemptions. Any Idaho peace officer, as defined in Idaho Code Section 19-5101(d), operating an E-bike or E-scooter in the course and scope of their official duties is exempt from the requirements of Subsection A of this Section, if the E-bike or E-scooter is being operated under any of the following circumstances:

1. When responding to a 9-1-1 call;
2. While en route to or engaged in rescue operations; or
3. While actively pursuing an actual or suspected violator of the law.

9-8-3: REQUIRED EQUIPMENT. No person shall operate an E-bike or E-scooter without the following features:

A. Brakes capable of causing the E-bike or E-scooter to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement; and

B. A bell or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no E-bike or E-scooter shall be equipped with nor shall any person use upon an E-bike or E-scooter any siren or whistle; and

C. A red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of the lawful upper beams of a motor vehicle, and a forward-facing, white electric light

visible from a distance of at least five hundred feet (500') in front of the E-bike or E-scooter. Any E-bike or E-scooter equipped with a generator-powered light that is unlit when the E-bike or E-scooter is stopped shall also have a front-facing white or yellow reflector visible at least five hundred feet (500') in front of the E-bike or E-scooter when directly in front of the lawful upper beams of a motor vehicle.

9-8-4: OPERATING E-BIKES OR E-SCOOTERS.

A. No person riding or operating an E-bike or E-scooter shall place themselves other than upon or astride a permanent and regular seat or floorboard attached thereto.

B. No E-bike shall be used to convey more persons at one time than the number for which it is designed and equipped.

C. No E-scooter shall be used to carry more than one (1) person at one time.

D. Every person operating an E-bike or E-scooter shall keep at least one (1) hand on the handlebars at all times while the E-bike or E-scooter is in motion and shall not use the E-bike or E-scooter to transport any items or luggage other than with a backpack or other such device that allows the operator to carry something without actively holding it in the hands or arms.

9-8-5: CLINGING TO MOTOR VEHICLES. Persons operating E-bikes or E-scooters shall not hold on to, cling to, or attach themselves or such E-bikes or E-scooters to a moving motor vehicle.

9-8-6: RIDING ON ROADWAYS. No person shall operate an E-bike or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings. The operator of an E-bike or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, except where unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the E-bike or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing. When an operator is within fifty feet (50') of an intersection, they shall not be required to move to the right or left until they have moved through the intersection.

9-8-7: OPERATING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS.

A. An E-bike or E-scooter may be operated upon a sidewalk and upon and within a crosswalk, except where prohibited by official traffic control devices, or when the number of pedestrians using the sidewalk or crosswalk renders operating the E-bike or E-scooter unsafe because of the risk of colliding with pedestrians, in which case the operator of an E-bike or E-scooter must dismount and walk the E-bike or E-scooter to an area where safe riding may resume.

B. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing

such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.

C. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of an E-bike or E-scooter traveling on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

9-8-8: E-BIKE AND E-SCOOTER PARKING. E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs, streetlights, benches, or other affixed public property.

9-8-9: RECKLESS OR INATTENTIVE OPERATION. It shall be unlawful for any operator using an E-bike or E-scooter recklessly, inattentively, carelessly, heedlessly or at a greater speed than reasonable or prudent, under circumstances existing, on any property open to public use including any roadway, bicycle route or bicycle path.

9-8-10: MAXIMUM POSTED SPEED LIMITS. All E-bike or E-scooter operators shall obey all posted maximum speed limits. E-bikes and E-scooters shall not travel faster than fifteen (15) miles per hour on City sidewalks.

9-8-11: REMOVAL OF IDENTIFICATION TAG. It shall be unlawful for any person to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City, other than following the lawful sale or gift of such E-bike or E-scooter to another.

9-8-12: NO E-BIKES OR E-SCOOTERS AT ZOO. It shall be unlawful for E-bikes, and E-scooters to operate in the Idaho Falls Zoo at Tautphaus Park.

9-8-13: DOCKLESS BIKESHARE PROGRAM BUSINESS LICENSE AND E-BIKE AND E-SCOOTER REGISTRATION.

A. The City, as a matter of public policy, requires all Dockless Bikeshare Programs doing business in City limits to have a City Dockless Bikeshare Program business license and to have all of their E-bikes or E-scooters registered with and tagged by the City Police Department ("IFPD") or its designated agents. The purpose of such Dockless Bikeshare Program business licensing and E-bike and E-scooter registration is to assist the City, or other public safety agencies, in recovering E-bikes or E-scooters should they be stolen or otherwise misplaced.

B. Every Dockless Bikeshare Program wishing to do business in the City shall obtain and retain a Dockless Bikeshare Program business license prior to such Program's operation in the City. Such license shall be issued annually. Failure to hold a current Dockless Bikeshare Program

business license, or to renew an expired license within ten (10) days after its expiration, shall result in the immediate impounding of all Dockless Bikeshare Program's E-bikes and E-scooters until such license deficiency is remedied. The Dockless Bikeshare Program shall be liable for the daily expense of impounding the E-bikes and E-scooters until Dockless Bikeshare Program license annual renewal or the sale of the impounded E-bikes or E-scooters by the City.

C. Every Dockless Bikeshare Program shall register every E-bike and E-scooter by filing with the City the name and address of the owner, together with a complete description of the E-bike or E-scooter on forms provided by or made available through the City. The fee for said registration shall be established from time to time by Resolution of the Council. The registration fee applies for the entire period the licensed registrant owns the licensed device. Registration shall be serially numbered and kept on file by the City. Upon such registration, the City or its designee shall cause an identification tag to be affixed to each registered E-bike or E-scooter which shall be serially numbered to correspond with the registration number. Such identification tag shall remain affixed to the E-bike or E-scooter unless removed by IFPD for re-tagging upon re-registration.

D. It shall be unlawful for a Dockless Bikeshare Program to fail to register or to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City.

9-8-14: DOCKLESS BIKESHARE PROGRAM REGULATIONS.

A. Each Dockless Bikeshare Program doing business in the City shall, under the direction and with the permission of the Parks and Recreation Department and Public Works Department, establish allowed use areas and designate locations within allowed use areas for E-bikes and E-scooters to be returned after daily collection and recharging.

B. Dockless Bikeshare Programs shall ensure any E-bikes and E-scooters belonging to the Program found beyond the allowed use areas are collected and relocated within one (1) hour of being found beyond an allowed use area during business hours (8 a.m. to 5 p.m. local time), and within two (2) hours at all other times.

C. An E-bike or E-scooter belonging to a Dockless Bikeshare Program shall prominently display the 24/7 contact phone number of the Dockless Bikeshare Program to which it belongs in a conspicuous and permanent location on the frame of the E-bike or E-scooter. Anyone shall be able to call the number, whether or not the caller is a current customer of the Dockless Bikeshare Program.

D. All E-bikes and E-scooters operating in the City pursuant to a Dockless Bikeshare Program license shall operate with built-in computer programming that prevents the E-bike or E-scooter from reaching speeds above thirty (30) miles per hour.

9-8-15: NOTICE OF VIOLATION AND PROCEDURES.

Upon observing any violation of the provisions of this Chapter, the City is authorized to serve a notice of violation by personally serving the person violating the provisions of this Chapter with a citation.

9-8-16: LABELING REQUIREMENT. Owners, Dockless Bikeshare Programs, manufacturers, and distributors of E-bikes or E-scooters shall apply a label in legible type that is permanently affixed in a prominent location, to each E-bike or E-scooter or the E-bike or E-scooter shall not be permitted on public property, roadways, rights-of-way, sidewalks, bicycle paths, or bicycle routes within the City. The label shall contain the top assisted speed and motor wattage of each E-bike or E-scooter to be requested.

9-8-17: TAMPERING RESTRICTION. It shall be unlawful for any person to knowingly modify an E-bike or E-scooter so as to change its speed capability.

9-8-18: CPSC COMPLIANCE. All E-bikes and E-scooters shall comply with the relevant equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission.

9-8-19: REMOVING E-BIKES AND E-SCOOTERS, NUISANCE ABATEMENT.

A. Nuisance Declared. One (1) or more abandoned or obstructive E-bikes E-scooters, or any part thereof, in public places promotes urban blight, invites theft and vandalism, and creates a hazard to the general public's health, safety, and welfare, and thereby constitutes a public nuisance. Abandoned or obstructive E-bikes, E-scooters, or any part thereof shall be abated in accordance with this Chapter.

B. Prohibited Behavior. No person shall abandon an E-bike, E-scooter, or any part thereof in a public place. No person shall leave an obstructive E-bike, E-scooter, or any part thereof, in a public place.

C. Enforcement. In accordance with this Chapter, the City, IFPD, and designee is authorized to mark abandoned or obstructive E-bikes, E-scooters, or any part thereof, for abatement by removal and to order the removal and impoundment of such abandoned or obstructive E-bikes, E-scooters, or any part thereof, from a public place.

D. Notice Of Intention To Remove Abandoned E-Bikes, E-Scooters, Or Any Part Thereof. All notices of intention to remove shall be firmly and conspicuously affixed to the abandoned and/or obstructive E-bike, E-scooter, or any part thereof. The notice of intention to remove shall contain: the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the notice was posted; the date and time after which the E-bike, E-scooter, or any part thereof shall be removed; and the contact information and address for the location where the E-bike, E-scooter, or any part thereof, shall be impounded, and information on how to request a post-storage administrative review.

E. Notice Of Removal Of Obstructive E-Bike, E-Scooter, Or Any Part Thereof. All notices of removal of an obstructive E-bike, E-scooter, or any part thereof shall be firmly and conspicuously posted as near as possible to the location from where the obstructive E-bike, E-scooter, or part was removed. The notice of removal shall contain the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the E-bike, E-scooter, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement Of Abandoned E-Bike, E-Scooter, Or Any Part Thereof. Not less than forty-eight (48) hours after the posting of a notice of intention to abate by removal, the City may remove and impound an abandoned E-bike, E-scooter, or any part thereof.

G. Storage. All abated abandoned and obstructive E-bikes, E-scooters, or parts shall be stored and disposed of by the City in accordance with Idaho Code. Reasonable storage fees, in an amount established from time to time by Resolution of the Council, shall be charged to the owner of the abated E-bike, E-scooter, or any part thereof, to cover the costs of removal, impoundment, storage, recordkeeping, and other associated costs. Owners shall be required to pay all storage fees in full prior to the release of E-bikes, E-scooters, or any parts thereof.

H. Post-Storage Administrative Review. Whenever an abandoned or obstructive E-bike, E-scooter, or any part thereof, is abated and impounded by the City, the owner of such property shall be provided with the opportunity for a post-storage administrative review to determine the validity of the removal and storage of such property. In order for an owner to receive a post-storage administrative review, the owner shall request the review in writing from the City within fourteen (14) business days of the posting of the notice of intention to abate. The City shall conduct the post-storage review within forty eight (48) hours of the request, excluding weekends and holidays. Failure by the owner to request or to attend a review shall validate the impoundment and storage of that owner's E-bike, E-scooter, or part thereof. If it is determined at the review that there was not reasonable cause to deem the abated E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

I. Disposal. Any E-bike, E-scooter, or part thereof that is abated and impounded under this Chapter and that is not claimed and redeemed by its owner within the time limits set forth in Idaho Code shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated E-bikes, E-scooters, or parts thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property.

9-8-20: LIABILITY INSURANCE. Every Dockless Bikeshare Program operating in the City shall carry liability insurance naming the City as an insured, with a minimum one million dollars (\$1,000,000) annual coverage policy. Each Dockless Bikeshare Program operating in Idaho Falls

also indemnifies and agrees to hold harmless the City for damages in connection with the unsafe operation of any E-bike or E-scooter owned by such Dockless Bikeshare Program.

9-8-21: PENALTIES. Unless otherwise specifically provided in this Chapter, any person who violates any provision of this Chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by a civil infraction penalty, as established from time to time by Resolution of the Council.

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 3. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of August, 2019.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance
entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO,
AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO
PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-
SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY,
CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING
EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK