

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING TITLE II OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD, BY ADDING DEFINITIONS FOR MOTOR VEHICLES AND PUBLICLY OWNED PROPERTIES TO SECTION 235.020, AND ENACTING A NEW SECTION, 235.115, FOR THE REGULATION OF E-BIKES WITHIN THE CITY OF WILDWOOD.

WHEREAS, the popularity of e-bikes has rapidly grown over the last several years, as more and more people find an advantage to them and their use in commerce, mobility, and recreation; and

WHEREAS, in response to this rapid growth in the ownership and use of e-bikes, it has led to many manufacturers creating a wide range of options relative to them, some of which now can reach speeds in excess of forty (40) miles per hour; and

WHEREAS, the City's current regulations regarding its parks and trail corridors were silent relative to this type of 'motor vehicle,' but with the concurrent use of these public lands by walkers, hikers, runners, equestrian enthusiasts, and bicyclists made addressing this new trend necessary for safety of all users; and

WHEREAS, this need for a strategic approach to this new trend was also highlighted by users of the system of trails in Bluff View Park and the conflicts that were starting to arise there with the introduction of e-bikes on its system of natural surface trails; and

WHEREAS, given these circumstances, the Department of Planning and Parks presented this matter to the Planning and Parks Committee of City Council seeking direction in this regard, specifically relative to creating a system of regulations for the purposes of encouraging all users full access to the City's public holdings, but cognizant of speeds, abilities, and safety; and

WHEREAS, the Planning and Parks Committee concurred and authorized the Department to begin the preparation of draft regulations in this regard, which started with a consideration of similar rules in other jurisdictions, particularly St. Louis County, given its ownership of Greensfelder Park, a popular area for a wide range of trail users; and

WHEREAS, with the assistance of Gateway Off-Road Cyclists (GORC), the City Attorney, and others, the Department prepared draft regulations in this regard for presentation and discussion by the Planning and Parks Committee, which occurred over the course of the first half of 2023; and

WHEREAS, these proposed draft regulations were thoroughly discussed, with the Committee Members agreeing to the proposed additions to Chapter 235 Park and Recreation to allow e-bikes on City-owned or leased public lands and trail corridors, but under certain defined parameters; and

WHEREAS, this action by the Planning and Parks Committee was finalized at its April 2023 meeting with its report being presented to the City Council at its June 12, 2023 Work Session, where it agreed to proceed in this regard; and

WHEREAS, the City Council has authorized the preparation of necessary legislation to achieve these changes and this action is taken under its authority by State Statute and a local code as a means to protect and preserve the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The City Council hereby approves certain modifications to Chapter 235 Park and Recreation of the City of Wildwood Code of Municipal Ordinances, which are consistent with the endorsement of the Planning and Parks Committee contained in its recommendation letter dated May 16, 2023, which are indicated below by these following additions regarding e-bikes and their use of City and other public facilities:

**Chapter 235. Park and Recreation –
Article I. In General**

**Section 235.020. Definitions.
[R.O. 1997 § 235.020; Ord. No. 1230 § 1, 10-24-2005]**

For the purposes of this Chapter, and in addition to general definitions provided in this Code, the following words and phrases are defined as follows:

MOTOR VEHICLE

This term shall have the same meaning as set forth in Section 300.020 of this Code of Ordinances of the City of Wildwood¹

PARKS or PARK PROPERTY

All land, whether held in fee, lease, right-of-way, easement or other property interest of the City, made available for use to the public by the City of Wildwood for parks, multi-use trails or other recreational purposes, including, but not limited to, all lands specifically identified in the Park Registry maintained on file with the City Clerk and incorporated herein.

TRAIL CORRIDOR

The portion of park property constituting a pedestrian or multi-use trail and including, but not limited to, such trail network constructed and to be constructed as included within the trail network map identified in the Park Registry.

Section 235.115. E-Bikes.

Notwithstanding the provisions of Section 235.090(F) of this Code of Ordinances to the contrary, E-bikes which shall mean a two-or three-wheeled vehicle with fully operable pedals and an electric motor of no

¹(MOTOR VEHICLE - Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles)

greater than 750 watts (one (1) horse power), whose maximum speed on a paved level surface, when powered solely by such a motor, is no more than twenty (20) miles per hour.

- A. E-Bikes shall have no more than one (1) rider at a time.
- B. The minimum age of an E-Bike operator is sixteen (16) years, unless accompanied and supervised by an adult.
- C. The operation of E-Bikes shall not be in a dangerous or reckless manner that may jeopardize the safety of the operator, employees, or the general public or that may cause damage to public property or trail area.
- D. The operator of the E-Bike must abide by all rules of the City's Trail Etiquette cycling policy requirements of the City's Park and Trail Regulations.
- E. City reserves the right to limit E-Bike use on any trail corridor or component, or on park roadways, if such limitation is required to protect the public health, safety, and welfare of park users.
- F. City accepts no responsibility for transporting the E-Bike to and from any trail.
- G. The operator of the E-Bike is responsible for ensuring the device works properly, per manufacturer's instructions and all safety enhancements are operable during its use.
- H. City accepts no responsibility for providing battery or emergency retrieval of E-Bikes under any circumstances, including, but not limited to, failed power of the device.
- I. City accepts no liability for damages to the E-Bike or injury to the operator, whether caused by operator, another trail user, or any other circumstance.
- J. City accepts no liability for damages caused by the operator of the E- Bike or injury to others caused by the operator of the E-Bike.
- K. The operation of E-Bikes shall not exceed trail speeds relative to existing trail conditions but, in no instance, exceed a speed limit of fifteen (15) miles per hour, unless posted at a lower rate for safety considerations associated with that location(s).
- L. The operators of E-Bike shall obey all traffic laws.
- M. The allowance for E-Bikes is limited to all trails open to cycling and identified as the same by sign, placard, or as application of general policy herein.
- N. To protect natural-surface trails from damage, the City shall have the authority to close its trails to all users in times of inclement or wet weather.
- O. All trailheads and other major points of entry and use to the City's trail corridors shall be posted with information regarding these E-Bike regulations.

Section Two. Chapter 235, amended hereby, is adopted pursuant to the authority granted to the City Council by the Constitution of the State of Missouri through the Charter of the City of Wildwood granting the City all such powers that the General Assembly of the State of Missouri has authority to confer upon any City, including such authority relating to the regulation of housing, construction, sanitary sewers, grading and rights-of-way acceptance and management, among its other police powers, independently of any authority separately granted by state statute. Additionally, the provisions of Chapter 235, or portions thereof, are further adopted pursuant to the authority granted by Missouri Revised Statutes Section 82.190 relating to control of streets and public places, and all such other powers as are granted to regulate the public health, welfare, and safety.

Section Three. The portions of this Ordinance and attachments hereto shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon

the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. Nothing herein shall limit the enforceability of any amended provision for violations or activities occurring prior to its amendment.

Section Four. All other conditions of these sections of Chapter 235 Park and Recreation remain unchanged and in full force. This ordinance shall be in full force and effect both from and after its passage and approval.


This Bill was passed and approved this 11th day of September, 2023, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer

ATTEST:


City Clerk



James R. Bowlin, Mayor

ATTEST:


City Clerk