



Source: Public Works

Agenda Item No: REP 92-13

To: City Council
From: City Manager and Staff

Council Meeting Date: June 17, 2013

Re: Parking and Use of Mopeds Downtown and on Sidewalks (CM 3776)

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration a report concerning ordinances that pertain to parking and use of mopeds in the downtown area and on sidewalks.

DISCUSSION:

At the December 4, 2012 Council meeting, staff was directed to report on ordinances pertaining to mopeds parking on downtown sidewalks and at the meters without paying. Staff found the following information in Chapter 14 of the City of Columbia Code of Ordinances:

* Section 14-1 define a motorcycle and motor-tricycle as "vehicles", while Section 14-491 defines a cycle as "any device upon which a person may ride; propelled by human power, having two (2) or more wheels."

* Section 14-286

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a vehicle:

b. On the sidewalk, between a roadway and the property line, or other public property where no provision therefor has been made.

* Section 14-507 regulates riding on sidewalks.

(a) No person shall ride a cycle upon a sidewalk within a business district.

(b) The designee of the city manager is authorized to erect signs on any sidewalk prohibiting the riding of cycles thereon by any person, and when such signs are in place, no person shall disobey the same.

(c) Whenever any person is riding a cycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.

Additionally, staff found the following information in Missouri Code of State Regulations:

Section 301.010(18):

* A motorized bicycle is defined as any (2)-wheeled or (3)-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than 50 cubic centimeters.

* A motorized bicycle (moped) is neither defined as a vehicle nor a motor vehicle and the department of revenue does not title or license these units.

* Motorized bicycles may not be operated upon any interstate highway. They may be operated upon any other public street or highway.

Section 301.010(67):

* A vehicle is defined as any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles.

The significance of these State regulations is that:

- 1) A moped under 50 cubic centimeters may be operated upon any public street or highway not classified as an interstate, thereby addressing Council's question concerning moped use downtown.
- 2) The state of Missouri classifies mopeds under 50 cubic centimeters as "motorized bicycles", not "vehicles". Any mopeds with a motor over 50 cubic centimeters are classified as motorcycles.

The significance of the City ordinances is that while some definitions address regulations for motorcycles, classified as "vehicles" because of the size of the motor being more than 50 cubic centimeters, they fail to properly address mopeds under 50 cubic centimeters. It is imperative that staff point out the use of the term "vehicle" herein. Currently, there are no guidelines listed within the City of Columbia ordinances for parking a "motorized bicycle", or "moped" upon a sidewalk. Similarly, since a cycle is defined as being "propelled by human power", it is staff's opinion that the City ordinance does not regulate the riding of a moped under 50 cubic centimeters upon a sidewalk. Lastly, since the City of Columbia Code of Ordinances prohibits only "vehicles" from parking at a metered space without paying, staff's opinion is that there is not a current ordinance that regulates the parking of mopeds under 50 cubic centimeters at metered parking spaces.

Staff has historically allowed for the parking of mopeds under 50 cubic centimeters, typically identified as such by the body of the moped itself, at bike racks and meter poles. While there is no ticketing of such mopeds, they are subject to removal, just like bicycles, when determined to be abandoned, and are turned over to the Columbia Police Department. All mopeds over 50 cubic centimeters are classified as motorcycles and thereby further defined as vehicles, subject to all rules and regulations that govern vehicles.

Staff from Public Works and Police have discussed this issue, and do not feel that there is a problem that needs to be addressed with an ordinance change.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

Significant investments in the physical, community, and business environment, as well as the tools to leverage economic strength, will bring vibrancy and diversity of culture, professions, and businesses, and lead to major attractions. People and vehicles will have access to downtown businesses and services and enhance movement within and throughout the downtown area.

SUGGESTED COUNCIL ACTIONS:

For information only.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time		Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	6.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	6.3
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	