

July 12, 2011

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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MOTORIZED BICYCLES ON PUBLIC ROADS

450.00 PURPOSE

The purpose of this General Order is to establish the procedure for handling complaints of individuals operating motorized bicycles on the public roadways in the City of Ferguson.

450.01 DEFINITIONS

The following words and phrases when used in this General Order comply with definitions found in Revised Missouri State Statute 307.180:

- A. "Bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.
- B. "Motorized Bicycle" shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

450.02 AUTHORITY - STATE

The Ferguson Police Department shall enforce the restrictions in the operation of motorized bicycles on public streets and sidewalks as authorized by Missouri State Statutes and the respective Ferguson Municipal Traffic Code as follows:

A. **RSMo 300.345 Riding on motorcycles, additional passenger, requirements.**

"The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger."

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B. RSMo 300.347 Riding bicycle on sidewalks, limitations--motorized bicycles prohibited.

“No person shall ride a motorized bicycle upon a sidewalk.”

C. RSMo 300.350 Riding bicycles, sleds, roller skates, by attaching to another vehicle, prohibited.

“No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.”

D. RSMo 307.183 Brakes required.

“Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.”

E. RSMo 307.185 Lights and reflectors, when required--standards to be met.

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet;
2. A rear-facing red reflector, at least two square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg, visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred feet. The provisions of this subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

F. RSMo 307.188 Rights and duties of bicycle and motorized bicycle riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, RSMo, except as to special regulations in sections 307.180 to 307.193 and except as to those provisions of chapter 304, RSMo, which by their nature can have no application.

G. RSMo 307.190 Riding to right, required for bicycles and motorized bicycles.

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

450.03 AUTHORITY – MUNICIPAL

A. 44-361 Traffic Laws applying to persons riding bicycles and motorized bicycles.

Every person riding a bicycle or motorized bicycle upon any roadway in the city 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 the rules of the road applicable to vehicles or by the provisions of this chapter applicable to the drivers of vehicles, except as to special regulations in this article and except as to those provisions of state law and this chapter which, by their nature, can have no application.

B. 44-362 Manner of riding on bicycles.

It shall be unlawful for the operator of any bicycle, when upon a street, to carry any other person upon the handlebars, frame or any other part thereof not designed to carry passengers. It shall be unlawful for any person operating a bicycle to ride upon any part of such bicycle other than upon the permanent and regular seat attached thereto.

C. 44-363 Manner of riding on motorized bicycles.

The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

D. 44-364 Riding on roadways.

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

E. 44-365 Riding on sidewalks.

(1) No person shall ride a bicycle upon the sidewalks on either side of South Florissant Road between south line of Carson Road, as extended across South Florissant Road to its east side and the south line of Tiffin Avenue, as extended eastwardly across South Florissant Road to the east line of South Florissant Road.

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

(3) No person shall ride a motorized bicycle upon a sidewalk.

F. 44-366 Brakes required.

Every bicycle and motorized bicycle shall be equipped with brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

G. 44-367 Lights and reflectors.

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise shall be equipped with the following:

- (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet:
- (2) A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet:

- (3) Reflective material and/or lights on any part of the bicyclist, pedals, crank arms, shoes or lower leg, visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet:
- (4) Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three (300) feet. The provision of this subsection shall not apply to motorized bicycles which comply with the National Highway Traffic and Safety Administration Regulations relating to reflectors on motorized bicycles.

H. 44-368 Equipment required on motorized bicycles

No person shall operate a motorized bicycle on any roadway in this city unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC—17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission, this state being a party thereto as provided in RSMo 307.250, and the regulation is hereby approved as provided in RSMo 307.260

I. 44-369 Penalty for violations of article.

If any person under seventeen (17) years of age violates any provision of this article in the presence of a police officer such officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

450.04 PENALTY

A. RSMo 307.193 Penalty for violation. (State)

Any person seventeen years of age or older who violates any provision of sections 307.180 to 307.193 is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person *under seventeen years of age* violates any provision of sections **307.180 to 307.193** in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle or

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motorized bicycle involved for a period **not to exceed five days** upon issuance of a receipt to the child riding it or to its owner.

B. 44-369 Penalty for violations of article. (Municipal)

If any person under seventeen (17) years of age violates any provision of this article in the presence of a police officer such officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child or to **its owner**.

C. RSMo 307.195 License required--operation on interstate highway prohibited--violation, penalty.

1. No person shall operate a motorized bicycle on any highway or street in this state unless the person has a valid license to operate a motor vehicle.
2. No motorized bicycle may be operated on any public thoroughfare located within this state which has been designated as part of the federal interstate highway system.
3. Violation of this section shall be deemed a class C misdemeanor.

450.05 PROCEDURE

Officers observing operators of motorized bicycles in violation Section 44-361 to 44-368 (Municipal) will issue a municipal traffic summons to violators sixteen years of age and older. Violators under the age of seventeen shall have the motorized bicycle impounded and issue a receipt to the violator or its owner. The impound receipt shall advise the violator or owner that the motorized bicycle is impounded under RSMo 307.193 (or 44-369) and can be picked up at the Ferguson Police Station five calendar days from the date of impound.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel