

ORDINANCE O-4682

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE USE OF ELECTRIC-ASSIST BICYCLES ON THE CROSS KIRKLAND CORRIDOR; AND ADDING A NEW SECTION 19.40.015 AND AMENDING SECTIONS 19.40.010 AND 19.40.020 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, electric-assist bicycles ("e-bikes") have become
2 increasingly popular for bicyclists traversing longer distances and hilly
3 terrain in the region; and
4

5 WHEREAS, the City Council has determined that Class 1 and 2
6 e-bikes are appropriate for use on the Cross Kirkland Corridor ("CKC");
7 and
8

9 WHEREAS, the City Council desires to ensure consistency with
10 State Law regarding the definition of bicycles and e-bikes, and the
11 classification of the latter, by adopting its definitions and substantive
12 provisions to provide for the enforcement of allowed uses on the CKC.
13

14 NOW, THEREFORE, the City Council of the City of Kirkland do
15 ordain as follows:
16

17 Section 1. Kirkland Municipal Code Section 19.40.010 is
18 amended to read as follows:
19

20 **19.40.010 ~~"Trail"~~ defined Definitions.**
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22 "Trail," as used in this chapter, means the entire width of the Cross
23 Kirkland Corridor ("CKC"), whether or not a particular portion of the CKC
24 contains trail improvements.
25

26 "Bicycle" means every device propelled solely by human power upon
27 which a person or persons may ride, having two tandem wheels either
28 of which is 16 inches or more in diameter, or three wheels, any one of
29 which is more than 20 inches in diameter.

30 "Electric-assisted bicycle" means a bicycle with two or three wheels, a
31 saddle, fully operative pedals for human propulsion, and an electric
32 motor. The electric-assisted bicycle's electric motor must have a power
33 output of no more than seven hundred fifty watts. The electric-assisted
34 bicycle must meet the requirements of one of the following three
35 classifications:
36

37 (1) "Class 1 electric-assisted bicycle" means an electric-assisted
38 bicycle in which the motor provides assistance only when the rider is

39 pedaling and ceases to provide assistance when the bicycle reaches the
40 speed of twenty miles per hour;

41
42 (2) "Class 2 electric-assisted bicycle" means an electric-assisted
43 bicycle in which the motor may be used exclusively to propel the bicycle
44 and is not capable of providing assistance when the bicycle reaches the
45 speed of twenty miles per hour; or

46
47 (3) "Class 3 electric-assisted bicycle" means an electric-assisted bicycle
48 in which the motor provides assistance only when the rider is pedaling
49 and ceases to provide assistance when the bicycle reaches the speed of
50 twenty-eight miles per hour and is equipped with a speedometer.

51
52 Section 2. A new Section 19.40.015 of the Kirkland Municipal
53 Code is created to read as follows:

54
55 **19.40.015 RCW 46.04.169 adopted by reference.**
56 The following RCW section, as currently enacted or as hereafter
57 amended or recodified from time to time, is hereby adopted by
58 reference and shall be given the same force and effect as if set forth
59 herein in full:

60
61 RCW 46.04.169 – Electric-assisted bicycle—Class 1 electric-assisted
62 bicycle—Class 2 electric-assisted bicycle—Class 3 electric-assisted
63 bicycle.

64
65 Section 3. Kirkland Municipal Code Section 19.40.020 is
66 amended to read as follows:

67
68 **19.40.020 CKC trail use.**

69
70 (a) No person shall travel on the trail at a speed greater than what is
71 reasonable and prudent under the conditions and having regard for
72 actual and potential hazards. In every event, speed shall be controlled
73 as may be necessary to avoid colliding with others who are complying
74 with the law and using reasonable care. Travel at speeds in excess of
75 fifteen miles per hour shall result in a prima facie presumption that the
76 person violated this section.

77
78 (b) No person shall travel on the trail in a negligent manner. For the
79 purposes of this section, "travel on the trail in a negligent manner" shall
80 be construed to mean any form of travel on the trail in a manner likely
81 to endanger any persons or property.

82
83 (c) For the purposes of this section "travel" shall be construed to
84 include all forms of movement or transportation on the trail, including
85 but not limited to foot, bicycle, skateboard and roller skates.

86
87 (d) Every person traveling on the trail shall obey the instructions of
88 any official traffic control device applicable thereto unless otherwise
89 directed by a police officer.

90

- 91 (e) No motorized vehicles shall be allowed on Kirkland trails. For the
92 purpose of this section, "motorized vehicles" means any form of
93 transportation powered by an internal combustion or electric motors.
94 This includes but is not limited to automobiles, golf carts, mopeds,
95 motor-driven cycle, motorized foot scooters, and motorcycles and
96 electric bicycles. This section shall not apply to wheelchairs powered by
97 electric motors, electric-assisted bicycles or authorized maintenance,
98 police, fire or emergency vehicles.
99
- 100 (f) Trails on the CKC are open to all nonmotorized users unless
101 otherwise designated and posted. Pedestrians and bicyclists are
102 permitted on all maintained soft surface trails unless otherwise posted
103 and designated. Horseback riding and equestrians are prohibited. Trail
104 restrictions may be posted at appropriate locations along the CKC. Trail
105 use designations and restrictions may be based on the CKC master plan,
106 resource conservation, trail user conflicts, maintenance issues, and
107 safety hazards.
108
- 109 (g) Every person who shall use or travel on the trail shall obey the
110 trail user code of conduct.
111
- 112 (h) Trail User Code of Conduct.
113
- 114 (1) Using the Trail. Every person using the trail shall stay as near to
115 the right side of the trail as is safe, excepting those movements
116 necessary to prepare to make or make turning movements, or while
117 overtaking and passing another user moving in the same direction.
118
- 119 (2) Regard for Other Trail Users. Every user shall exercise due care
120 and caution to avoid colliding with any other trail user. All users shall
121 travel in a consistent and predictable manner.
122
- 123 (3) Groups on Trail. No group of trail users, including their animal(s),
124 shall occupy more than one half of the trail as measured from the right
125 side, so as to impede the normal and reasonable movement of trail
126 users.
127
- 128 (4) Audible Signal When Passing. Every user shall give an audible
129 warning signal before passing another trail user. The signal must be
130 produced in such a manner as to allow adequate time for response. The
131 signal may be given by voice, bell or horn.
132
- 133 (5) Overtaking Trail Users on the Left. Any trail user overtaking
134 another trail user proceeding in the same direction shall pass to the left
135 of such overtaken user at a safe distance, and shall stay to the left until
136 safely clear of the overtaken user.
137
- 138 (6) Entering and Crossing Trail. Trail users entering or crossing the
139 trail at uncontrolled points shall yield to traffic on the trail.
140
- 141 (7) Lights on Trail Users. All bicyclists using the trail from one-half
142 hour before sunset to one-half hour after sunrise shall equip their

143 bicycles with a headlight visible five hundred feet to the front, and a red
144 or amber light visible five hundred feet to the rear.

145 (8) Regard for Adjacent Property Owners. Trail users should respect
146 private lands adjacent to the trails and should stay on trails to avoid
147 trespassing on or interfering with adjacent private property.

148
149 (9) Pets on Leash. All pets on trails shall be kept on leash and under
150 the control of the pet's owner or caretaker. The pet's owner or caretaker
151 shall remove and properly dispose of all animal droppings left by the
152 pet.

153
154 (10) Hours of Use. Trail use shall be limited to daylight hours only.

155
156 Section 4. If any provision of this ordinance or its application to
157 any person or circumstance is held invalid, the remainder of the
158 ordinance or the application of the provision to other persons or
159 circumstances is not affected.

160
161 Section 5. This ordinance shall be in force and effect five days
162 from and after its passage by the Kirkland City Council and publication
163 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
164 form attached to the original of this ordinance and by this reference
165 approved by the City Council.

166
167 Passed by majority vote of the Kirkland City Council in open
168 meeting this 19th day of March, 2019.

169
170 Signed in authentication thereof this 19th day of March, 2019.




Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4682

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE USE OF ELECTRIC-ASSIST BICYCLES ON THE CROSS KIRKLAND CORRIDOR; AND ADDING A NEW SECTION 19.40.015 AND AMENDING SECTIONS 19.40.010 AND 19.40.020 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 10.40.010 relating to definitions for the Cross Kirkland Corridor trail use regulations.

SECTION 2. Adds a new KMC Section 10.40.015 adopting RCW 46.04.169 by reference.

SECTION 3. Amends KMC Section 10.40.020 related to trail use on the Cross Kirkland Corridor.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 19th day of March, 2019.

I certify that the foregoing is a summary of Ordinance O-4682 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk