

Chapter 10-14

BICYCLES, E-BIKES, AND E-SCOOTERS

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Section 10-14-01 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this Title, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine, and neuter genders.

- A. **ABANDONMENT:** A bicycle, E-bike, E-scooter, or any part thereof, that is left or remains unattended or unused in a public place for seventy-two (72) consecutive hours or longer after it is tagged with a notice of intention to abate.
- B. **BICYCLE:** Every vehicle having two (2) tandem wheels, or two (2) parallel wheels and one (1) forward wheel, any two of which are not less than twelve (12) inches in diameter, propelled exclusively by human power upon which any person may ride, except scooters and similar devices.
- C. **BIKE LANE:** A portion of a roadway designated for preferential or exclusive use by bicycles, E-bikes, or E-scooters that is distinguished from that portion of the roadway to be used by motor vehicles by a painted strip and other pavement markings.
- D. **BIKE PATH:** A completely separate right-of-way designated primarily for use by bicycles E-bikes, E-scooters, or pedestrians, including but not limited to the Greenbelt. Conflicts with pedestrians are kept to a minimum while cross-flows by motor vehicles are discouraged. The term bike path includes both the paved surface and minimum of two feet (2') on either side.
- E. **BIKE PATH APPROACH:** That area where a transition is made between a roadway, parking lot, sidewalk or other facility and a bike path. This area is generally identified by wooden bollards, pavement markings and a parking prohibition.
- F. **BIKE/PEDESTRIAN CURB RAMP:** A break in a curb designated to facilitate movement by the operator of a bicycle, E-bike, or E-scooter, pedestrian or person with a disability from a street or parking lot to a sidewalk or bicycle facility.
- G. **BIKE ROUTE:** Any roadway specifically signed for shared use by bicycles, E-bikes, or E-scooters, and motor vehicles.
- H. **BOISE RIVER GREENBELT (“Greenbelt”):** The paved or improved pathways and connecting trails and the twenty (20) feet of publicly owned greenspace on either side, including picnic tables, barbeque stands, benches and other improvements and fixtures connecting Boise Parks along the Boise River and maintained by the Department of Parks and Recreation and delineated generally in the publication known as the Map, and/or specifically in the Inventory of Park Properties at the office of the Director of the Department of Parks and Recreation. Greenbelt does not include any private property which may lie within twenty (20) feet of the paved or improved pathways and connecting trails.
- I. **ELECTRIC POWER-ASSISTED BICYCLE (“E-bike”):** A vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, any two of which are not less than twelve (12) inches in diameter, that is designed to be operated by human power with the assistance of an electric motor that has a power output of not more than seven hundred fifty (750) watts that: (i) is incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour; and (ii) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a motor vehicle for purposes of this Chapter.
- J. **ELECTRIC POWER-ASSISTED SCOOTER (“E-scooter”):** A two (2) wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor that has a power output of not more than three hundred (300) watts that: (i) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; and (ii)

disengages or ceases to function when the device's brakes are applied. An E-scooter is not a motor vehicle for purposes of this Chapter.

- K. **FOOTHILLS TRAILS:** Paths and trails in the Ridge to Rivers Trail Network that are located entirely and solely on property owned by the City.
- L. **OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER:** Any bicycle, E-bike, E-scooter, or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.
- M. **PUBLIC PLACE:** Any publicly owned property, including, but not limited to, sidewalks, streets, alleys, parks, and plazas located within the City jurisdictional limits.

(Ord 38-18, Amended, 9/25/18: Ord 28-18, Amended 8/21/18: Ord 35-17, Amended 12/19/17;6763, Amended, 01/12/2010)

Section 10-14-02 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES E-BIKES, AND E-SCOOTERS

- A. Every person, regardless of age, who operates a bicycle or an E-bike, or E-scooter upon a roadway, public parking lot, sidewalk, bike path, bike lane or other public vehicular right-of-way in the city of Boise City ("City") shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the state of Idaho, and the provisions of Title 10 of the Boise City Code not in conflict with and as authorized under Title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to bicycles, E-bikes, or E-scooters, or where portions of this Chapter direct otherwise.
- B.
 - 1. Any peace officer as defined in Idaho Code Section 19-5101 (d), operating a bicycle E-bike, or E-scooter in the course and scope of his official duties is exempt from the requirements of Section 10-14-02(A) above. if the bicycle, E-bike, or E-scooter is being operated under any of the following circumstances:
 - a. In response to an emergency call.
 - b. While engaged in rescue operations.
 - c. In the immediate pursuit of an actual or suspected violator of the law.
 - 2. This Section does not relieve a peace officer from the duty to operate a bicycle, E-bike, or E-scooter with due regard for the safety of all persons.

(Ord-29-18, Amended, 8/21/18: Ord 35-17, Amended; 5719, Amended, 04/09/1996)

Section 10-14-03 REQUIRED EQUIPMENT

No person shall operate a bicycle or E-bike, or E-scooter without the following equipment:

- A. Brakes capable of causing the bicycle, 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, the human voice or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no bicycle, E-bike, or E-scooter shall be equipped

with nor shall any person use upon a bicycle E-bike, or E-scooter any siren or whistle; and

- C. When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a forward-facing white light attached either to the bicycle, E-bike, E-scooter or the operator that is visible from a distance of at least five hundred feet (500') in front of the bicycle, E-bike, or E-scooter. A bicycle, E-bike, or E-scooter shall be equipped with a front-facing white or yellow reflector when the operator uses a generator powered light that is unlit when the bicycle, E-bike, or E-scooter is stopped; and
- D. All bicycles and E-bikes shall have a permanent seat designed for the bicycle or the E-bike being operated. E-scooters shall not have any attached seats.

Section 10-14-04 RIDING ON BICYCLES, E-BIKES, OR E-SCOOTERS:

- A. No person riding or operating a bicycle or E-bike shall ride other than upon or astride a permanent and regular seat attached thereto.
- B. No bicycle or an E-bike shall be used to carry 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. No person shall operate a bicycle or an E-bike that is either too large or too small for such person to operate safely.
- E. Every person operating a bicycle, E-bike, or E-scooter shall keep at least one (1) hand on the handlebar at all times, and shall carry nothing that prevents full control of the bicycle, E-bike, or E-scooter or obstructs the operator's vision.

Section 10-14-05 CLINGING TO MOTOR VEHICLES

Persons riding or operating bicycles, E-bikes, or E-scooters shall not attach themselves or such bicycles, E-bikes, or E-scooters to a moving motor vehicle. This Section shall not prohibit attaching a trailer device to a bicycle or E-bike that is designed to accommodate such a device. Attaching a trailer to and E-scooter is prohibited.

Section 10-14-06 RIDING ON ROADWAYS

- A. No person shall operate a bicycle, E-bike, or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings.
- B. Every person operating a bicycle, E-bike, or E-scooter upon a two-way roadway is entitled to use the lane appropriate for the intended destination, including the right-hand lane and any designated bus lane. The bicycle, E-bike, or E-scooter rider shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways a bicycle, E-bike, or E-scooter may be operated in any existing lane.
- C. The operator of a bicycle, 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, when it is 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 bicycle, E-bike, or E-scooter is in the left lane of a one-way roadway, as is safe under the

conditions then existing; provided, however, that when the operator is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.

- D. In right turn only lanes where traffic signs or signals indicate a bus, trolley or street car is permitted to go straight rather than turn right, a bicycle, E-bike, or E-scooter operator shall be permitted to go straight rather than turn right.

(Ord-29-18 amended, 8/21/18; Ord 35-17, Amended 12/1/17; 6763, Amended, 01/12/2010)

Section 10-14-07 USING PROVIDED BIKE LANES AND BIKE PATHS

- A. Wherever a bike lane is present upon a roadway, the operator of a bicycle E-bike, or E-scooter shall use that lane and shall not use the roadway; except that the operator shall not be required to use or remain in a bike lane:

1. When the lane is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or
2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe bicycle, E-bike, or E-scooter operation in the lane; or
3. When moving into position to make a right or left turn; or
4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.

- B. Wherever a bike path has been provided immediately adjacent to a roadway, the operator of a bicycle, E-bike, or E-scooter shall use that path and shall not use the roadway if official signs or markings so direct; except that the operator of a bicycle, E-bike, or E-scooter shall not be required to use or remain on a bike path:

1. When the path is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or
2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe bicycle, E-bike, or E-scooter operation on the path.

(Ord 28-18, amended. 8/21/18: Ord 35-4-17, Amended 12/19/17; 4406, 05/29/1979)

Section 10-14-08 FOOTHILLS TRAILS

No person shall operate, drive, lead, or ride an E-bike or E-scooter on any foothills trail unless written authorization is obtained from the City's Department of Parks and Recreation in accordance with the provisions of the American with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

Section 10-14-09 RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS

- A. A bicycle, 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 renders riding on the sidewalk unsafe because of the risk of colliding with a pedestrians, in which case the operator of a bicycle, E-bike, or E-scooter must dismount and walk the bicycle, E-bike, or E-scooter to an area where safe riding may resume.

- B. Any operator of a bicycle, E-bike, or E-scooter riding upon a sidewalk, or across a road way upon and within a 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 a bicycle, E-bike or E-scooter riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- D. Any operator of a bicycle, E-bike, or E-scooter riding 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.

(Ord 35-17, Amended 12/19/17; 6763, Amended, 01/12/2010; 4406-A, 06/11/1979)

Section 10-14-10 PASSING OTHER VEHICLES

The operator of a bicycle, E-bikes, or E-scooter may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions permitting such movement in safety. The operator of a bicycle, E-bike, or E-scooter shall not pass between two (2) lanes of motor vehicles proceeding in the same direction.

Section 10-14-11 DISMOUNT NOT REQUIRED WHEN STOPPING

Whenever a bicycle, E-bike, or E-scooter operator is required to bring the bicycle, E-bike, or E-scooter to a stop in conformance with the official traffic control devices, the operator shall halt forward motion but shall not be required to dismount or remove his feet from the pedals or the floorboard.

Section 10-14-12 TURN SIGNALS

The operator of a bicycle, E-bike, or E-scooter intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous.

Section 10-14-13 RIDING IN GROUPS

Persons riding bicycles, E-bikes or E-scooters shall not ride more than two (2) abreast except upon bike paths of twelve feet (12') or more. The operator of a bicycle, E-bike, or E-scooter operating two (2) abreast upon a roadway, or bike path, shall return to a single file configuration when a vehicle approaches from behind in the same lane.

Section 10-14-14 BICYCLE OR E-BIKE PARKING

Bicycles, E-bikes or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles or other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs or other living plants.

Section 10-14-15 USE OF BIKE PATHS AND BIKE LANES BY OTHER NON-MOTORIZED MODES OF TRANSPORTATION

- A. No person shall drive, lead or ride a horse or other animal upon a bike lane or bike path.

- B. No person shall roller skate, ride or operate a skateboard or gravity-operated or human powered vehicle not classified as a bicycle, E-bike, or E-scooter upon a bike lane or bike path except in public parks.
- C. Pedestrians shall not travel upon a bike path where a separate foot path has been provided or upon a bike lane where a sidewalk is provided.
- D. When a pedestrian is traveling upon a bike path or bike lane:
 - 1. The operator of a bicycle, E-bike, or E-scooter approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian; and
 - 2. The operator of a bicycle, E-bike, or E-scooter and a pedestrian approaching each other shall each be required to move to and remain upon their right-hand half of the surface.
- E. The operator of a bicycle, E-bike, or E-scooter shall always yield the right-of-way to a pedestrian who has a disability.

Section 10-14-16 GROUP EVENTS

A race, parade or other group event for bicycles, E-bikes, or E-scooter may be conducted upon public rights-of-way in the City if a permit is obtained. Permit applications shall be made through the office of the City Clerk.

Section 10-14-17 UNLAWFUL USE OF BIKE LANES AND BIKE PATHS

It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any bike path or bike lane in the City.

Section 10-14-18 RECKLESS OR INATTENTIVE OPERATION

A person who uses or rides a bicycle, E-bike, or E-scooter on any public or private property open to public use inattentively, or carelessly and heedlessly, in light of the circumstances then existing, or without due caution and circumspection, or at such speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless or inattentive operation, a misdemeanor and, upon conviction may be sentenced to jail for not more than six (6) months or may be fined not more than one thousand dollars (\$1,000.00) or may be punished by both fine and imprisonment. (6763, Amended, 01/12/2010)

Section 10-14-19 BASIC RULE AND MAXIMUM POSTED SPEED LIMITS

A person who uses, operates, or rides a bicycle, E-bike or E-scooter on any public or private property open to public use shall obey all posted maximum speed limits. Maximum speed limits may vary depending on location and pedestrian traffic levels. It is the responsibility of the operator of a bicycle, E-bike or E-scooter to know and obey all applicable maximum speed limits in the area of operation. Notwithstanding any posted maximum speed limit, no person shall use, operate, or ride a bicycle, E-bike or E-scooter at a speed greater than is reasonable and prudent under the conditions or circumstances then existing and having regard to the actual and potential hazards then existing.

Section 10-14-20 BICYCLE E-BIKE, E-SCOOTER LICENSES:

- A. The City, as a matter of public policy, recommends that all residents of the City who own a bicycle, E-bike or E-scooter have such bicycle, E-bike or E-scooter registered with and tagged by the Boise Police Department or its designated agents. The purpose of license is to assist the owner, the Boise Police Department, or other public safety agencies in recovering said bicycle, E-bike, or E-scooter should the bicycle, E-bike or E-scooter be stolen or otherwise misplaced.
- B. A bicycle, E-bike or E-scooter may be registered by filing with the Boise Police Department the name and address of the owner together with a complete description of the bicycle, E-bike or E-scooter on forms provided by or made available through the Boise Police Department. The fee for said registration may be established by resolution of the Boise City Council. The registration fee applies for the entire period the license registrant owns the licensed bicycle. Registration shall be serially numbered and kept on file by the Boise Police Department. Upon such registration, the Boise Police Department or its designee shall cause an identification tag to be affixed to the registered bicycle, E-bike, or E-scooter which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed to the bicycle, E-bike, or E-scooter unless removed by the said Department for cause or for re-tagging upon re-registration.
- C. Any person who willfully removes, defaces, or destroys any bicycle, E-bike or E-scooter identification tag issued by the City on a bicycle, E-bike, or E-scooter not owned by the person shall be guilty of a misdemeanor and upon conviction may be sentenced to jail for not more than six (6) months or may be fined not more than one thousand dollars (\$1,000.00) or may be punished by both fine and imprisonment.
- D. Within ten (10) days after any bicycle, E-bike, or E-scooter registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person whose name the bicycle, E-bike, or E-scooter has been registered is encouraged to report such information to the Boise Police Department. In case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or reregistered with a new number and cancellation of the former.
- E. Revenue from sale of such registration and licenses shall be used to benefit the bicycle, E-bike, or E-scooter community through safety education and infrastructure improvements.
(6763, Added, 01/12/2010)

Section 10-14-21 NOTICE OF VIOLATIONS AND PROCEDURES

- A. Upon observing any violation of the provisions of this Chapter, the Boise Police Department is authorized to serve a notice of violation, "citation", by personally serving the person violating the provisions of this Chapter with a citation.
- B. Every citation shall include the following, if applicable to the observed violation:
 - 1. The date and time when the violation was observed;
 - 2. The location where the violation occurred;
 - 3. The code section violated and a brief description of the violation;
 - 4. The fine amount;
 - 5. Instructions explaining how the violation may be paid and the fine amount associated with the violation; and
 - 6. A statement describing the process by which the citation may be contested.

- C. One copy or an automated record of each citation shall be filed with the City Clerk's Office.
- D. Each person served with a citation shall within ten (10) business days from the date on the citation:
 - 1. Pay the corresponding fine amount on the City Clerk's Fee Schedule;
 - 2. Pay the corresponding fine amount, plus any applicable fees, using an online payment system authorized by the City Clerk's Office; or
 - 3. Appear at the City Clerk's Office to contest the violation through the Clerk's administrative process in order to avoid an administrative fee being assessed to the citation in addition to the original fine amount.
- E. Failure to either pay the fine or appear to contest the violation within ten (10) business days from the date on the citation shall result in an additional fifteen-dollar (\$15.00) administrative fee being assessed for each violation to defray the administrative and personnel costs and mailing expenses arising from such overdue fines.

Section 10-14-22 PENALTIES

Unless otherwise provided, any person who violates any provision of this Chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by civil infraction penalty as established by the Boise City Council and listed on the most current City Clerk Fee Schedule.

Section 10-14-23 PROCEDURES TO CONTEST VIOLATIONS IN COURT; DELINQUENCY AND COLLECTION

- A. In order to contest a citation in the Fourth District Magistrate Court, the cited individual must within thirty (30) days:
 - 1. Contest the violation through the City Clerk's administrative process; and
 - 2. Accept service of complaint and summons in person at the City Clerk's Office.
 Failure to strictly comply with these requirements will prevent the cited individual from contesting their citation in court. Although a citation that is contested within thirty (30) days at the Clerk's Office may be contested in court, failure to contest the citation at the Clerk's Office within ten (10) days of the violation will result in the application of the fifteen-dollar administrative fee pursuant to Section 10-14-19(E).
- B. Delinquent Citations. A citation shall be deemed delinquent if:
 - 1. The citation is not paid or contested within thirty (30) days from the date of its original date of issuance; or
 - 2. The cited individual fails to accept service of the summons within thirty (30) days of written notice to contest the citation.

If a citation becomes delinquent, all applicable late fees shall be assessed in addition to the original citation fine amount. The City may utilize all available collection methods to recoup fines and late fees owed on all delinquent citations. Nothing herein alters the assessment of fees associated with failure to pay the citation within the time frames dictated within this Chapter.

Section 10-14-24 LABELING REQUIREMENT

On and after July 1, 2019, manufactures 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. The label shall contain the top assisted speed and motor wattage of the E-bike or E-scooter.

Section 10-14-25 TAMPERING RESTRICTION

No person shall knowingly modify an E-bike or E-scooter so as to change its speed capability.

Section 10-14-26 CPSC COMPLIANCE

An E-bike shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

Section 10-14-27 REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES

A. Nuisance Declared. The accumulation of abandoned and obstructive bicycles, 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, thereby constituting a public nuisance. Abandoned and obstructive bicycles, E-bikes, E-scooters, or any part thereof may be abated in accordance with this Chapter.

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

C. Enforcement. In accordance with this Chapter, the Boise Police Department, the Boise City Code Compliance Office, or authorized designees are authorized to mark abandoned or obstructive bicycles, E-bikes, E-scooters, or any part thereof, for abatement and to order the removal and impoundment of such abandoned or obstructive bicycles, E-bikes, E-scooters, or any part thereof from public places. The provision of this Section shall not apply to stationless bicycle share program devices.

D. Notice of Intention to Abate Abandoned Bicycle, E-bike, E-scooter, or Any Part Thereof. All notices of intention to abate shall be firmly and conspicuously affixed to the bicycle, E-bike, E-scooter, or any part thereof. The notice of intention to abate shall contain: the date and time the notice was posted, the date and time after which the bicycle, E-Bike, or any part thereof shall be removed, the contact information and address for the location where the bicycle, 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 Abatement of Obstructive Bicycle, E-bike, E-scooter, or Any Part Thereof. All notices of abatement of an obstructive bicycle, 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 bicycle, E-bike, E-scooter, or part was removed. The notice of abatement shall contain: the date and time the bicycle, E-Bike, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive bicycle, E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement of Abandoned Bicycle, E-Bike, E-scooter, or Any Part Thereof. No less than seventy-two (72) hours after the posting of a notice of intention to abate, the City may remove and impound an abandoned bicycle, E-bike, E-scooter, or any part thereof.

G. Immediate Abatement of Obstructive Bicycle, E-bike, E-scooter, or Any Part Thereof. The City may immediately remove and impound any obstructive bicycle, E-bike, E-scooter, or

part thereof.

H. Storage. All abated abandoned and obstructive bicycles, E-bikes, E-scooters, or part shall be stored and disposed of by the Boise Police Department in accordance with Idaho Code § 55-403. Reasonable storage fees, in an amount established by the Boise City Council and listed on the most current fee schedule, may be charged to the owner of the abated bicycle, E-bike, E-scooters, 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 abated bicycles, E-bikes, E-scooters, or part.

I. Post-Storage Administrative Review. Whenever an abandoned or obstructive bicycle, 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 must request the review in writing from the City within thirty (30) business days of the posting of the notice of intention to abate or notice of immediate abatement. 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 satisfy the post-storage administrative review for that owner. If it is determined at the review that there was not reasonable cause to deem the abated bicycle, E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

J. Disposal. Any bicycle, 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 § 55-403 shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated bicycles, E-bikes, E-scooters, or part thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property. The balance of such proceeds, if any, shall be kept by the Boise Police Department in a separate fund for a period of one (1) year from the date of sale in accordance with Idaho Code § 55-404.

(Ord-38-18, Amended, 9/25/18)

Section 10-14-28 SEVERABILITY

If any clause, sentence, paragraph, section, or any part of this Chapter is declared or adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this Chapter.

(Ord 35-17, Amended, 12/19/18: 6763Added, 01/12/2010; 4406, 05/29/1979)