

ORDINANCE NO. 26-06

AN ORDINANCE OF ELK RIDGE CITY, UTAH, AMENDING THE ELK RIDGE CITY CODE BY ADOPTING STATE LAW GOVERNING ELECTRIC ASSISTED BICYCLES BY REFERENCE; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Elk Ridge City Council has authority to enact ordinances regulating traffic and the use of public streets and other public areas within Elk Ridge City; and

WHEREAS, Utah Code Section 10-3-710 authorizes municipalities to adopt provisions of state law by reference; and

WHEREAS, Utah Code Section 41-6a-1115.5 establishes requirements, restrictions, and penalties applicable to the operation of electric assisted bicycles within the State of Utah; and

WHEREAS, the City Council desires to expressly incorporate the provisions governing electric assisted bicycles into Title 6 of the Elk Ridge City Code to provide clarity regarding the rules applicable to electric assisted bicycles within Elk Ridge City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:

SECTION 1. ENACTMENT OF SECTION 6-3-1

Title 6, of the Elk Ridge City Code is hereby amended by adding a new Chapter 6-3-1, Electric Assisted Bicycles, to read as follows:

- A. State Law Adopted by Reference: Utah Code Section 41-6a-1115.5, Electric Assisted Bicycles – Restrictions – Penalties, as amended, is hereby expressly adopted by reference and incorporated into the Elk Ridge City Code.
- B. Definition: Terms relating to electric assisted bicycles and classification of electric assisted bicycles shall have the meanings established by Utah Code Section 41-6a-102, as amended.
- C. Operation: The operation of an electric assisted bicycle within Elk Ridge City shall comply with Utah Code Section 41-6a-1115.5 and all other applicable provisions of the Utah Traffic Code, Title 41, Chapter 6a, Utah Code Ann., as amended.
- D. Penalties: A violation of this section shall be subject to the penalties established by Utah Code Section 41-6a-1115.5 and other applicable provisions of State law.

SECTION 2. CODIFICATION

The provisions of Section 1 of this Ordinance shall be codified as Section 6-3-1 of the Elk Ridge City Code. The City Recorder and the City's codifier are authorized to make nonsubstantive formatting, numbering, capitalization, and cross-reference corrections necessary to incorporate this Ordinance into the City Code.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS

All ordinances, resolutions, and provisions of the Elk Ridge City Code, or portions thereof, that conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon passage and posting or publication as required by law.

PASSED AND ADOPTED by the City Council of Elk Ridge City, Utah, this ____ day of _____, 20 ____.

Approved by the Mayor:

Mayor – Robert Haddock

Councilmember Jared Peterson	Voted _____
Councilmember Tanya Willis	Voted _____
Councilmember Cory Thompson	Voted _____
Councilmember Melanie Paxton	Voted _____
Councilmember Charles Wixom	Voted _____

ATTEST

Spencer Foster - City Recorder