

CHAPTER 6

PATHWAYS LIMITED TO PEDESTRIANS AND BICYCLES

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6-6-1: **DEFINITIONS:** The following words and terms in this ordinance are defined as follows:

Bicycle means a device propelled exclusively by human power upon which a person may ride, having two, three, or four wheels arranged in a tandem or tricycle fashion.

Motor vehicle means a vehicle which is propelled or assisted by any means other than human power including, but not limited to motorized scooters, motorcycles, all-terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts.

Non-motorized pathway shall mean any public way or easement operated, maintained, labeled, signed, or held by the City for bicycle and pedestrian use.

Person shall mean any person, or any firm, corporation (profit or nonprofit), or any association (incorporated or unincorporated), or any other type of business entity.

Designated Easement is a two (2') foot area that runs on either side of a non-motorized pathway.

6-6-2: **PROHIBITION OF MOTOR VEHICLE USE.** No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle, four wheeler or any other type of motor vehicle upon any non-motorized pathway within the City, except directly to enter or depart from adjacent property. Provided, however, this section shall not prohibit the use of pedestrian pathways by persons using power driven mobility devices as defined by the Americans with Disabilities Act. City employees or others authorized by the City to perform inspection, repair, or maintenance work, and persons providing emergency medical or veterinary services, in the performance of their official or professional duties shall be exempted as well.

6-6-3: **SAFE BICYCLE OPERATION.** All persons will travel in a consistent and predictable manner. No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-motorized pathway, and also shall yield the right-of-way to pedestrians who are using the non-motorized pathway.

6-6-4: **PROHIBITION OF OTHER USES.** The City may prohibit certain other uses upon any non-motorized pathway within the City. The prohibition of such other uses will be noticed to the public by the use of signage on or around such non-motorized pathways and/or through the use of a City pathway map. A City pathway map may be made available on the City's website and it may designate permitted and/or

prohibited uses. In the event the City adopts such a map it will be conclusive as to such uses. In the event a non-motorized pathway prohibits horseback riding, no person shall ride or walk or lead a horse or any other animal on such non-motorized pathway or within the designated easement for the non-motorized pathway.

6-6-5: **CITY POLICIES REGULATING PATHWAY USE.**

The City may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance.

6-6-6: **DAMAGE.**

- A. No person shall willfully or maliciously, or wantonly destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, or any part thereof, or any sign, pillar, fence, bench, trash container or part thereof, relating thereto.
- B. At the City's option, the City may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the City for such repair work, or alternatively, the City may require the person who caused the damage to repair the non-motorized pathway to its prior state within ten (10) days of the date of the damage. All such repair work shall be performed to the City's satisfaction.

6-6-7: **NON-MOTORIZED PATHWAY OBSTRUCTION.**

- A. Parking; No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle or any other object upon a non-motorized pathway or the designated easement so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.
- B. Debris; No person shall deposit or burn, or cause to be deposited or burned, any litter, or leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or

debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.

- C. Deposit Of Ice Or Snow; No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Victor City official.

6-6-8: **ANIMALS.**

- A. Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited by the City.
- B. In addition to the requirements of Title 4, Chapters 2 and 3 of the City of Victor Municipal Code, Pets must be under the control of the owner at all times so as not to interfere with other pathway users.

6-6-9: **VEGETATION.** No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway without the prior written approval of the City. The City reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

6-6-10: **IRRIGATION.** No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway. No water from such device shall encroach upon the surface of a non-motorized pathway.

6-6-11: **CONSTRUCTION PROJECTS.**

- A. If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within ten (10) days after the damage occurs, unless otherwise authorized by the City; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such ten (10) day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skaters, pedestrians, and any other permitted users and full repair and restoration shall then be completed as soon as weather permits.

- B. An occupancy permit shall not be granted under the City zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit safe and reasonable use by bicycles and pedestrians, and (ii) the City is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.

- C. Repair of all damage, as required by this Section, shall be performed in compliance with all applicable laws, rules, resolution, and ordinances.

6-6-12: **CUTS OR OPENINGS IN SIDEWALK OR
PEDESTRIAN PATHWAY.**

- A. No cut or opening shall be made in a non motorized pathway until a permit has been authorized in writing by the City.

- B. If an emergency requires an immediate utility cut or opening to be made, the City shall be notified, the permit completed and the applicable fee paid on the next business day during which the City office is open.

- C. When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the City Engineer.

6-6-13: **SIGNS.**

- A. No person shall install, attach, suspend or in any other manner display any sign, banner, printed leaflet or similar object or above a non-motorized pathway, or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the City Zoning Administrator or other City official authorized by ordinance or City policy to grant such approval.
- B. The provisions of this Section shall not prohibit the City from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

6-6-14: **EXEMPTION.** This ordinance shall not apply to work being done by an authorized City official or employee on a non-motorized pathway and this ordinance shall not be construed to prohibit the City, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

6-6-15: **SANCTIONS FOR VIOLATIONS.** Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Victor and Idaho law and subject to a civil fine as set forth in the Victor fee and fine schedule, plus costs, which may include all direct or indirect expenses, to which the City has spent in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Victor and Idaho law.

6-6-16: **SEVERABILITY.** This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

6-6-17: **SUPERSEDED.** All ordinances or parts of ordinances in conflict with this ordinance are superseded to the extent of such conflict.