

ORDINANCE NO. 2279

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO TRAFFIC, PARKING, AND VEHICLES; TO AMEND SECTIONS 5-601 THROUGH 5-609 , REPEALING SECTIONS 5-604, 5-610, 5-611, 5-612, AND 5-613 AND TO CREATE SECTIONS 5-622 AND 5-623 OF THE CRETE MUNICIPAL CODE; TO REGULATE BICYCLES, E-BIKES, MINIBIKES AND OTHER MOTORIZED RECREATIONAL TRANSPORTATION AND CREATE PENALTIES FOR VIOLATION OF THESE SECTIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That Chapter 5, Article 6, Section 5-601 of the Crete Municipal Code be amended as follows:

5-601 ~~Bicycles; Bicycles Defined~~ Definitions

For the purpose of this Article, ~~the term “bicycle” shall mean every device propelled solely by human power, upon which any person may ride, and having two tandem wheels either of which is more than fourteen inches in diameter~~ the following words and phrases shall have the following meanings respectively ascribed to them except where the context clearly indicates a different meaning.

Bicycle means every device propelled solely by human power, upon which any person may ride, and having two, three, or four wheels any one or more of which being more than fourteen inches in diameter

E-bike means a bicycle with fully operative pedals for human propulsion which also includes an electric or gas motor for propulsion which is capable of exceeding 15 miles per hour. E-bikes are classified as class I, II, or III.

Class I E-bike means a bicycle with the following components:

- (1) Two, three or four wheels;
- (2) A saddle or seat for the rider;
- (3) Fully operative pedals for propulsion by human power; and
- (4) An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. That produces no more than one brake horsepower;
 - c. Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
 - d. That only provides power when the rider is pedaling; and
 - e. That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour

Class II E-bike means a bicycle with the following components:

- (1) Two, three, or four wheels;
- (2) A saddle or seat for the rider;
- (3) Fully operative pedals for propulsion by human power; and
- (4) An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. That produces no more than one brake horsepower;
 - c. Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
 - d. Capable of providing power whether or not the rider is pedaling; and
 - e. That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Class III E-bike means a bicycle with the following components:

- (1) Two, three, or four wheels;
- (2) A saddle or seat for the rider;
- (3) Fully operative pedals for propulsion by human power; and
- (4) An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. Capable of propelling a bicycle at a maximum design speed of no more than twenty-eight miles per hour on level ground;
 - c. That only provides power when the rider is pedaling; and
 - d. That does not provide power if the electric bicycle is traveling at a speed of more than twenty-eight miles per hour.

Minibike means a two-wheel motor vehicle that:

- (1) Has a total wheel and tire diameter of less than fourteen inches;
- (2) Has an engine-rated capacity of less than forty-five cubic centimeters displacement;
- (3) Has an engine power output of less than three horsepower;
- (4) Has an engine-rated capacity of less than two thousand two hundred thirty-eight watts; or
- (5) Was primarily designed by the manufacturer for off-road use only.
- (6) Minibike shall not include an electric personal assistive mobility device.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding tractors and electric personal assistive mobility devices. Motorcycle includes an autocycle.

Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with a motor attached except for an electric bicycle. Motor-driven cycle shall not include an electric personal assistive mobility device.

Lightweight e-scooter means a device propelled by an electronic or gas motor, having a stand-on deck, with handlebars, and two to three wheels that are 12 inches or smaller.

Section 2. That Chapter 5, Article 6, Section 5-602 of the Crete Municipal Code be amended as follows:

5-602 Bicycles, E-bikes, E-Scooters; Traffic Laws applied to Persons Operating Bicycles, E-bikes, and E-Scooters.

- (1) Any person who rides a bicycle, e-bike, or e-scooter upon any roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this Chapter, except for special regulations and except for those provisions of this Chapter which by very nature can have no application.
- (2) Regulations applicable to bicycles, e-bikes, and e-scooters shall apply whenever ~~a bicycle they~~ are operated upon a highway or upon any path set aside by the City of Crete with the exclusive use of bicycles, e-bikes and e-scooters.

Section 3. That Chapter 5, Article 6, Section 5-603 of the Crete Municipal Code be amended as follows:

5-603 Bicycles, E-bikes, E-Scooters; Operation; Prohibited Acts

- (1) Any person who rides a bicycle, e-bike, or e-scooter shall not ride other than upon or astride a permanent and regular seat or platform attached thereto.
- (2) Any person who rides a bicycle, e-bike, or e-scooter shall not remove ~~his or her~~ their feet from the pedal or platform and shall have at least one hand on the handlebars at all times.
- (3) Any person who rides a bicycle, e-bike, or e-scooter shall not carry any package, bundle, or article that prevents such operator from keeping at least one hand upon the handle bars.
- (4) No bicycle, e-bike, or e-scooter shall be used to carry more persons at one time than the number

for which it is designed and equipped.

Section 4. That Chapter 5, Article 6, Section 5-605 of the Crete Municipal Code shall be amended as follows:

5-605 Bicycles, E-bikes, and E-scooters; Operating on Roadways; General Rules

- (1) Any person who operates a bicycle, e-bike, or e-scooter upon a roadway at less than the normal speed of traffic at the time and places and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practical except when:
 - a. Overtaking and passing another bicycle, e-bike, or e-scooter proceeding in the same direction;
 - b. Preparing for a left turn onto a private road or driveway or at an intersection;
 - c. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, e-bikes, e-scooters, pedestrians, animals, or service hazards;
 - d. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
 - e. Lawfully operating a bicycle, e-bike, or e-scooter on the paved shoulders of a highway included in the state highway system.
- (2) Any person who operates a bicycle, e-bike, or e-scooter upon a roadway with a posted speed limit of thirty-five miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride it as near to the left hand curb or left-hand edge of the roadway ~~has~~ as practicable. Whenever a person operating a bicycle, e-bike, or e-scooter leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person ~~show~~ shall clearly signal ~~his or her~~ their intention and yield the right-of-way to all other vehicles.
- (3) Any person who operates a bicycle, e-bike, or e-scooter upon a highway shall not ride more than single file except on paths or parts of highways set aside for the exclusive use of the bicycles, e-bikes, or e-scooters.

Section 5. That Chapter 5, Article 6, Section 5-606 of the Crete Municipal Code be amended as follows:

5-606 Bicycles, E-bikes, and E-scooters; Equipment required; Lights; Brakes

- (1) When in use at nighttime, a bicycle, e-bike, or e-scooter shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear which is visible on a clear night for all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.
- (2) Any bicycle, e-bike, or e-scooter used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle, e-bike, or e-scooter within twenty-five feet of the point of breaking when moving at a speed of ten miles per hour on dry, level, clean pavement.

Section 6. That Chapter 5, Article 6, Section 5-607 of the Crete Municipal Code be amended as follows:

5-607 Bicycles, E-bikes, and E-scooters; Signal Prior to Turning

Every person riding or propelling a bicycle, e-bike, or e-scooter upon any street or public highway shall properly signal prior to turning at intersections.

Section 7. That Chapter 5, Article 6, Section 5-608 of the Crete Municipal Code be amended as follows:

5-608 Bicycles, E-bikes, and E-scooters; Riding On Sidewalks; Restrictions

No person shall ride a bicycle, e-bike, or e-scooter upon a sidewalk within the business district. No person ten or more years of age shall ride a bicycle, e-bike, or e-scooter on any sidewalk within the municipality. No person shall ride a class III e-bike on any sidewalk within the municipality. Whenever any person is riding a bicycle, e-bike, or e-scooter on a sidewalk, such person shall yield the right of way to pedestrians.

Section 8. That Chapter 5, Article 6, Section 5-609 of the Crete Municipal Code be amended as follows:

5-609 Bicycles, E-bikes, and E-scooters; Parking; Obstructing Traffic Prohibited

No person shall park any bicycle, e-bike, or e-scooter upon any road or highway, sidewalk or against any building in such a manner that obstructs vehicular or pedestrian traffic.

Section 9. That Chapter 5, Article 6, Section 5-614 of the Crete Municipal Code be amended as follows:

5-614 Bicycles, E-bikes, E-scooters, and other wheeled devices; Clinging to Vehicles Prohibited

No person riding upon any bicycle, e-bike, e-scooter, coaster, roller skates, sled skis, skateboard, hoverboard, or toy vehicle shall attach himself or the bicycle, e-bike, e-scooter, coaster, roller skates, sled skis, skateboard, hoverboard, or toy vehicle to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, e-bike, e-scooter, coaster, roller skates, sled skis, skateboard, hoverboard, or toy vehicle to cling or attach himself or the bicycle, e-bike, e-scooter, coaster, roller skates, sled skis, skateboard, hoverboard, or toy vehicle to such vehicle driven and operated by him.

Section 10. That Chapter 5, Article 6, Sections 6-604, 5-610, 5-611, 5-612, and 5-613 of the Crete Municipal Code be repealed.

~~5-604 Bicycles; Clinging To Vehicles; Prohibited~~

~~Any person who rides any bicycle shall not attach himself, herself, or the bicycle to any vehicle upon a roadway.~~

~~5-610 Bicycles; License; Required; Removal Unlawful~~

~~It shall be unlawful for any person to operate a bicycle within the municipality unless said bicycle has been properly licensed by the municipal police. Upon receipt of proper application, the municipal police shall affix a license tag to the frame of the bicycle in a substantial manner. The removal of such tag, except by the municipal police, shall be unlawful.~~

~~5-611 Bicycles; License; Transfer Of Ownership~~

~~Upon the sale or other transfer of a licensed bicycle, the licensee shall make application to the municipal police for a new bicycle license. The new license tag will be affixed over the previous license tag.~~

~~5-612 Bicycles; Bicycles For Rent; License; Equipment~~

~~A rental agency shall not rent, or offer any bicycle for rent unless the bicycle is licensed and a license tag has been affixed thereto as provided herein and such bicycle is equipped with the lights, reflectors, and other equipment required by this Code.~~

~~5-613 Bicycles; Violations; Safety Program Required~~

~~Every person who violates any provision of this article shall be required to attend and successfully complete a bicycle safety program presented by the municipal police at the time and place designated by the Chief of Police.~~

Section 11. That Chapter 5, Article 6, Section 5-622 of the Crete Municipal Code be created as follows:

5-622 Minibikes; Prohibited From Use on Public Streets and Property

It shall be unlawful for any person to operate a minibike on the public streets, sidewalks, and alleys, or on any property owned, operated, or controlled by the City.

Section 12. That Chapter 5, Article 6, Section 5-623 of the Crete Municipal Code be created as follows:

5-623 Penalties.

- (a) A person convicted of violation of any provision of this article shall be guilty of a violation of a municipal ordinance. Unless otherwise specified in the particular Article for which the person stand convicted of violating, the penalty for such violation shall be in any amount not to exceed five hundred dollars (\$500.00) for any one offense.
- (b) Parents or guardians of minors in violation these provisions shall be culpable for violation of a municipal ordinance.
- (c) A police officer citing a person for violating this article may impound the bicycle, minibike, or other form of transportation, and a court may order it to be sold by the city or destroyed. Proceeds from the sale of the bicycle, minibike, or other form of motorized recreational transportation may be deposited in an appropriate fund held by the city.

Section 13. That the above section shall be codified as part of the Crete City Code as stated herein.

Section 14. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 15. This ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED AND ENACTED the ____ day of July, 2026.

Mayor

ATTEST:

City Clerk

Seal