

ORDINANCE NO. 5994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING TITLE 6, CHAPTER 10 OF THE MESA CITY CODE ENTITLED "PUBLIC PARK REGULATIONS," TO, IN PART, ALLOW THE USE OF CERTAIN ELECTRIC BICYCLES, ELECTRIC SCOOTERS AND OTHER MOTORIZED AND NON-MOTORIZED VEHICLES IN CITY PARKS AND SHARED-USE PATHS, SUBJECT TO CERTAIN LIMITATIONS.

Whereas, the use of electric bicycles and electric scooters is currently not allowed in City parks.

Whereas, the use of electric bicycles and electric scooters has grown in popularity across the United States as a means of recreation and transportation.

Whereas, the Parks, Recreation and Community Facilities Department ("PRCF"), after considering community input requesting the use of electric bicycles and electric scooters in City parks and shared-use paths, recommends the City Council amend the Public Park Regulations (Mesa City Code Title 6, Chapter 10) to allow the use of certain electric bicycles and electric scooters in City parks and/or shared-use paths, subject to certain limitations.

Whereas, additional amendments to the Public Parks Regulations are needed to provide clarity for the benefit of City Departments and the public, including to change the term "Multi-use Path" to the more commonly used term "Shared-use Path," (Enforcement and Penalty) to clarify language and correct a typographical error in Ordinance No. 5891.

Now therefore, be it ordained by the City Council of the City of Mesa, Maricopa County, Arizona, as follows:

Section 1: Mesa City Code Section 6-10-2 (Definitions) is amended by adding or modifying the definitions below. All definitions in Section 6-10-2 not explicitly amended below remain unchanged.

6-10-2: DEFINITIONS

ELECTRIC BICYCLE: A VEHICLE HAVING TWO OR THREE WHEELS, WITH FULLY OPERABLE PEDALS, AND AN ELECTRIC MOTOR NOT EXCEEDING SEVEN HUNDRED FIFTY (750) WATTS OF POWER. ELECTRIC BICYCLES ARE FURTHER DEFINED BY ONE OF THREE CLASSES AS FOLLOWS:

(A) CLASS 1 ELECTRIC BICYCLE: AN ELECTRIC BICYCLE EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE

ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF TWENTY MILES PER HOUR (20 MPH).

- (B) CLASS 2 ELECTRIC BICYCLE: AN ELECTRIC BICYCLE EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE REGARDLESS OF WHETHER THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF TWENTY MILES PER HOUR (20 MPH).**
- (C) CLASS 3 ELECTRIC BICYCLE: AN ELECTRIC BICYCLE EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF TWENTY-EIGHT MILES PER HOUR (28 MPH).**

MOTORIZED VEHICLE: MEANS A SELF-PROPELLED VEHICLE OR, FOR THE PURPOSES OF THE LAWS RELATING TO THE IMPOSITION OF A TAX ON MOTOR VEHICLE FUEL, A VEHICLE THAT IS OPERATED ON THE HIGHWAYS OF THIS STATE AND THAT IS PROPELLED BY THE USE OF MOTOR VEHICLE FUEL. MOTOR VEHICLE INCLUDES ANY OFF-HIGHWAY VEHICLE AS DEFINED IN A.R.S. § 28-1171(6)(A-C) AND FURTHER INCLUDES, BUT IS NOT LIMITED TO, A FUEL POWERED AUTOMOBILE OR TRUCK, GAS POWERED MOPED, MOTORCYCLE, AND MOTOR DRIVEN CYCLE AS DEFINED IN A.R.S. § 28-101. ~~Any motorized vehicle or motor-assisted device, including any automobile, truck, motorcycle, motorbike, motor scooter or all-terrain vehicle. The term motorized vehicle shall not include a mobility device.~~

MOTORIZED ELECTRIC VEHICLE: A VEHICLE INCLUDING, BUT NOT LIMITED TO, AUTO CYCLE, CLASS 1 ELECTRIC BICYCLE, CLASS 2 ELECTRIC BICYCLE, CLASS 3 ELECTRIC BICYCLE, ELECTRIC STANDUP SCOOTER, ELECTRIC MINIATURE SCOOTER, ELECTRIC MOBILITY DEVICE, ELECTRIC POWERED AUTOMOBILE OR TRUCK, ELECTRIC GOLF CART, ELECTRIC POWERED MOPED, MOTORIZED WHEELCHAIR, MOTORIZED QUADRICYCLE, MOTORIZED SKATEBOARD, NEIGHBORHOOD ELECTRIC SHUTTLE, NEIGHBORHOOD ELECTRIC VEHICLE, PERSONAL MOBILE CARGO CARRYING DEVICE, OR UTILITY CART.

PARK: A City-owned, leased, or licensed park, MARICOPA COUNTY FLOOD CONTROL TRAIL CORRIDOR, playground, retention basin, cemetery, golf course, ~~multi-use~~ SHARED-USE path, recreation or community center, land designated for future park development, swimming pool, splashpad, athletic stadium or venue, or any other area that is owned, leased, or licensed by the City that accommodates active or passive recreation and entertainment, including the parking lots, roadways, sidewalks, and pathways of a park.

~~MULTI-USE PATH~~ SHARED-USE PATH: A surfaced path which may be separated from motorized vehicle traffic by an open space or barrier and has been designated or designed by

the City for public use for human powered travel or movement, such as by walking, jogging, running, skating, bicycling, or by use of a mobility device.

Section 2: Mesa City Code Section 6-10-4(H) (Motorized Vehicles, Power-driven Mobility Devices) and Mesa City Code Section 6-10-4 (I) (Non-Motorized Vehicles, Manual Mobility Devices) are amended as set forth below. All portions of Section 6-10-4 not explicitly amended below remain unchanged.

6-10-4: PROHIBITED ACTIVITIES AND RESTRICTIONS

- (H) ~~Motorized~~ **PROHIBITED** Vehicles, **EXCEPTIONS.** ~~Power-driven Mobility Devices.~~ No person shall drive, ride, or operate a motorized vehicle in a park except upon public roadways **RUNNING THROUGH THE PARK OR TO PARK IN** designated parking areas **WITHIN THE PARK**, or within areas designated for such purposes by the Director.
- (1) The prohibition in this Subsection shall not apply to City-owned **OR OTHER GOVERNMENTAL** vehicles, ~~or~~ **CONSTRUCTION OR MAINTENANCE** vehicles authorized by the City to operate in a park, ~~such as utility and maintenance vehicles and~~ emergency and public safety vehicles, **CLASS 1 ELECTRIC BICYCLES, CLASS 2 ELECTRIC BICYCLES, ELECTRIC STANDUP SCOOTERS, ELECTRIC MINIATURE SCOOTERS, MOBILITY DEVICES, AND MOTORIZED VEHICLES OPERATING UNDER A SPECIAL EVENT LICENSE AT A PARK OR GRANTED EXPRESS WRITTEN PERMISSION BY THE DIRECTOR TO OPERATE AT A PARK.**
- (2) **CLASS 3 ELECTRIC BICYCLES AND ANY OTHER MOTOR VEHICLE OR MOTORIZED ELECTRIC VEHICLE NOT SET FORTH IN SUBSECTION (H)(1) ABOVE ARE NOT ALLOWED TO BE DRIVEN, RIDDEN, OR OPERATED IN A PARK EXCEPT ON PUBLIC ROADWAYS RUNNING THROUGH THE PARK OR TO PARK IN DESIGNATED PARKING AREAS WITHIN THE PARK.** ~~The Director shall have the authority to limit the use of power-driven mobility devices in parks when deemed necessary and in compliance with the ADA and AzDA.~~
- (I) **SAFE OPERATION OF** ~~Non-motorized~~ Vehicles, ~~Manual~~ Mobility Devices. No person shall **DRIVE, RIDE, OR** operate ~~or ride~~ a **MOBILITY DEVICE, AN AUTHORIZED MOTOR VEHICLE OR MOTORIZED ELECTRIC VEHICLE AS SET FORTH IN (H)(1) ABOVE, OR A HUMAN POWERED** skateboard, roller skates, inline skates, bicycle, scooter, or any other type of rolling ~~non-motorized~~ vehicle, in a park: (1) where such activity is specifically prohibited by posted notice; (2) on any brickwork, paver work, ornamental surface, picnic table, bench, playground, equipment, surface or area specifically designed for ADA access, fountain area, planter, or sculpture; ~~or~~ (3) in an unsafe manner **OR SPEED**

so as to infringe upon or endanger the safety of themselves or the general public; **OR (4) IN OR ON ANY PORTION OF PARK WHEN IT IS FLOODED OR CONTAINS STANDING WATER.** A person operating a ~~non-motorized~~ vehicle in a park shall **YIELD THE RIGHT-OF-WAY TO ANY PEDESTRIAN WALKING, JOGGING, RUNNING, OR USING A MOBILITY DEVICE AND SHALL** obey all posted traffic control signs and notices. ~~The prohibitions in this Subsection shall not apply to a manual mobility device except where the Director limits the use of manual mobility devices in parks when deemed necessary by the Director and in compliance with the ADA and AzDA.~~

Section 3: Mesa City Code Section 6-10-7 (Multi-Use Paths) is amended as follows:

6-10-7: ~~MULTI-USE PATHS~~ **SHARED-USE PATHS**

- (A) ~~Multi-use~~ **SHARED-USE** paths are for the exclusive use of pedestrians, except that, unless otherwise prohibited, dogs are permitted on ~~multi-use~~ **SHARED-USE** paths subject to the restrictions of Subsection 6-10-4(L).
- (B) ~~A pedestrian~~ **PERSON IS ALLOWED TO DRIVE, RIDE, OR OPERATE** ~~operating~~ a human-powered device or vehicle such as a bicycle, skateboard, roller skates, ~~or~~ inline skates, **MOBILITY DEVICE, CLASS 1 ELECTRIC BICYCLE, CLASS 2 ELECTRIC BICYCLE, ELECTRIC STANDUP SCOOTER, MOTORIZED SKATEBOARD, OR SHARED ACTIVE TRANSPORTATION VEHICLE** upon a ~~multi-use~~ **SHARED-use** path **BUT** shall yield the right-of-way to any pedestrian walking, jogging, running, or using a mobility device.
- (C) **CITY-OWNED OR OTHER GOVERNMENTAL VEHICLES, CONSTRUCTION OR MAINTENANCE VEHICLES AUTHORIZED BY THE CITY TO OPERATE IN A SHARED-USE PATH, EMERGENCY OR PUBLIC SAFETY VEHICLES, AND MOTOR VEHICLES AND MOTORIZED ELECTRIC VEHICLES OPERATING UNDER A SPECIAL EVENT LICENSE OR GRANTED EXPRESS WRITTEN PERMISSION BY THE DIRECTOR ARE ALLOWED UPON A SHARED-USE PATH BUT SHALL YIELD THE RIGHT OF WAY TO ANY PEDESTRIAN WALKING, JOGGING, RUNNING, OR USING A MOBILITY DEVICE.**
- (D) **ALL OTHER MOTOR VEHICLES AND MOTORIZED ELECTRIC VEHICLES ARE PROHIBITED ON A SHARED-USE PATH.**
- (~~E~~) A pedestrian on a ~~multi~~-**SHARED**-use path shall travel at a rate of speed which is reasonable and prudent under the prevailing conditions, in a consistent and predictable manner, shall obey all instructions of any applicable traffic control device, warning sign, or pavement marking, and shall refrain from entering any portion of a ~~multi~~ **SHARED**-use path when it is flooded or contains standing water.

Section 4: Mesa City Code Section 6-10-8 (Enforcement and Penalty) is amended as follows:

6-10-8: Enforcement and Penalty

- (A) The Director, Administrator, park rangers, and police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter. Each day **THE** violation **CONTINUES** ~~continued~~ shall be a separate offense, punishable as described, whether or not the provision states that the violation is unlawful.
- (B) Civil Offenses.
 - (1) A violation of Sections 6-10-4 (B), (F), (G), (**H**), (I), (O), **OR** (T) is a civil offense. A violation of Section 6-10-4(L) is a civil offense if the violation is for the failure to immediately dispose of dog waste in an appropriate receptacle.
 - (2) Civil offenses are punishable by a fine of two hundred and fifty dollars (\$250) for each violation.
- (C) Class 3 misdemeanors. A violation of Sections 6-10-4 (C), (E), (J), (K), (M), (U), or (V) is a class 3 misdemeanor.
- (D) Class 2 misdemeanors. A violation of Section 6-10-4 (W) is a Class 2 misdemeanor.
- (E) Class 1 misdemeanors.
 - (1) Any violation of this Chapter that is not classified as a civil violation, class 3 misdemeanor, or class 2 misdemeanor is a class 1 misdemeanor.
 - (2) A violation of Section 6-10-4(L) is a class 1 misdemeanor if not of the type specifically classified as a civil violation in Subsection (B)(1) above.
- (F) The Director, park rangers, and police officers shall have the authority to direct to leave from a park a person who, while in a park, violates any provision of this Chapter or any other law or regulation, or who engages in any disorderly or disruptive behavior. It is unlawful for a person to remain in a park or return to the same park within twenty-four (24) hours after being directed to leave. A person directed to leave shall be informed at the time of the request to leave ~~or ejection~~ that re-entry into the park is prohibited for at least twenty-four (24) hours.
- (G) Park rangers and police officers shall have the authority to issue citations and warnings for violations of this Chapter, except that park rangers shall not make an arrest. Pursuant to A.R.S. § 9-500.03, park rangers are empowered to issue citations for violations of this Chapter.

Section 5: AMENDED LANGUAGE. In this Ordinance, language added to the Mesa City Code is shown in **BOLD ALL CAPS** and language deleted from the Mesa City Code is shown in ~~strikethrough~~.

Section 6: POLICE POWERS AND DUTIES. Nothing in this Ordinance shall be interpreted to limit any police officer powers and duties established by law, including the ability of a police officer to effectuate an arrest for a criminal violation of Title 6, Chapter 10.

Section 7: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

Section 8: EFFECTIVE DATE. The effective date of this Ordinance will be thirty (30) days following adoption by the Mesa City Council.

Section 9: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties incurred, or proceedings begun before the effective date of this Ordinance.

Section 10: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of any material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona, this 12th day of January, 2026.

APPROVED:

Mayor

ATTEST:

City Clerk