

**ORDINANCE NO. 20002**

AN ORDINANCE introduced by City Manager Jim Colson, concerning bicycles, roller skates, skateboards, repealing § 10.20.020 and §10.60.410, amending City of Topeka Code § 10.35.010 and repealing original section, and creating new § 10.35.020 and § 10.35.030.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 10.20.020, Bicycle Trail, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Bicycle trail.~~**

~~(a) The areas described in this section shall be reserved for exclusive use by bicycles and/or pedestrians:~~

~~(1) The top of the levee system known as the Oakland Unit of the Topeka flood protection project, in such areas specifically designated and marked by appropriate signs, such signs to be installed by the city.~~

~~(2) The Shunga Bicycle/Pedestrian Trail, in such areas specifically designated and marked by appropriate signs at the trail entrances, such signs to be installed by the city.~~

~~(b) No motor vehicles shall be driven in the area designated by this section except authorized maintenance vehicles of the city. Bicycles shall be ridden only upon the top of the levee system and on designated areas of the Shunga Bicycle/Pedestrian Trail. Bicycles shall not be ridden on the face of the levee.~~

Section 2. That section 10.35.010, Riding on sidewalks regulated, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**~~Riding on sidewalks regulated~~Definitions.**

29 ~~(a) No person shall ride a bicycle upon a sidewalk within the central business~~  
30 ~~district.~~

31 ~~(b) The traffic engineer is authorized to erect signs on any sidewalk or roadway~~  
32 ~~prohibiting the riding of bicycles thereon by any person, and when such signs are in~~  
33 ~~place, it shall be unlawful for any person to disobey such sign.~~

34 ~~(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall~~  
35 ~~yield the right-of-way to any pedestrian, and shall give audible signal before overtaking~~  
36 ~~and passing such pedestrian.~~

37 ~~(d) No person riding a bicycle on a sidewalk shall travel at a speed greater than~~  
38 ~~is reasonable and prudent under existing conditions.~~

39 ~~(e) This section shall not apply to a law enforcement officer engaged in the~~  
40 ~~performance of his official duties.~~

41 As used in this chapter, the following definitions shall apply:

42 (a) "Bicycle" means every device propelled by human power upon which a  
43 person may ride, having two or three tandem wheels.

44 (b) "Electric personal assistive mobility device" means a self-balancing two  
45 non-tandem wheeled device, designed to transport only one person, with an electric  
46 propulsion system that limits the maximum speed of the device to 15 miles per hour.

47 (c) "Pedestrian" means:

48 (1) any person afoot;

49 (2) any person in a wheelchair, either manually or mechanically  
50 propelled, or other low powered, mechanically propelled vehicle designed  
51 specifically for use by a physically disabled person; or

(3) any person using an electric personal assistive mobility device.

(d) “Pocket park” means an area for public leisure that may include green space, educational displays, public art, medallions, sculptures, benches, fountains, miniature trains, pavilions and statues.

(e) “Public parking facilities” means parking lots and garages owned or operated by the city.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.35.020, which said section reads as follows:

**Areas reserved for bicycles and pedestrians.**

(a) The areas described in this section shall be reserved for exclusive use by pedestrians and any person who rides a bicycle, skates or uses roller skates, skateboards, roller blades or other similar devices :

(1) The top of the levee system known as the Oakland Unit of the Topeka flood protection project and in such areas specifically designated and marked by appropriate signage.

(2) Regional multi-use trail segments located within the city and identified in the Topeka Bikeways Master Plan and amendments thereto.

(b) No motor vehicles shall be operated in the area designated by this section except vehicles used for governmental purposes.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.35.030, which said section reads as follows:

**Bicycles, roller skates and skateboards; prohibited areas.**

74           (a) It shall be unlawful for any person to ride a bicycle, skate or use roller  
75 skates, skateboards, roller blades, or other similar devices in the following areas:

76           (1) public sidewalks and pocket parks in an area bounded by 4<sup>th</sup> Street,  
77 11<sup>th</sup> Street, Southwest Jackson Avenue and Southeast Quincy Avenue; and

78           (2) public parking facilities.

79           (b) Any person who rides a bicycle or uses roller skates, skateboards, roller  
80 blades, or other similar devices on a public sidewalk shall:

81           (1) yield the right-of-way to pedestrians and give an audible signal  
82 before overtaking and passing pedestrians; and

83           (2) travel at a speed that is reasonable and prudent under existing  
84 conditions.

85           (c) This section shall not apply to a law enforcement officer engaged in the  
86 performance of official duties.

87           Section 5. That section 10.60.410, Use of skateboards, roller skates, or  
88 bicycles prohibited, of The Code of the City of Topeka, Kansas, is hereby repealed.

89           **~~Use of skateboards, roller skates or bicycles prohibited.~~**

90           ~~It shall be unlawful for any person other than a law enforcement officer in the~~  
91 ~~performance of his official duties to use or operate any skateboard, roller skates or~~  
92 ~~bicycle at any time within any municipal parking stations owned and/or operated by the~~  
93 ~~city. A person convicted of violating this section shall be deemed guilty of a~~  
94 ~~misdemeanor and punished in accordance with city ordinances.~~

95           Section 6. That original § 10.35.010 of The Code of the City of Topeka,  
96 Kansas, is hereby specifically repealed.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on June 7, 2016.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk