

# ORIGINAL

## ORDINANCE NO. 392

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, CREATING A NEW CHAPTER IN TITLE 10 OF THE SHORELINE MUNICIPAL CODE RELATING TO MOTORIZED FOOT SCOOTERS AND SIMILAR DEVICES.

WHEREAS, Section 46.61.710 of the Revised Code of Washington (RCW) has authorized use of motorized foot scooters upon the highways of the state but allowed for local jurisdictions to limit or otherwise regulate the use of such vehicles; and;

WHEREAS, citizens of Shoreline have expressed concerns over where, when, and in what manner motorized foot scooters may lawfully be operated; and

WHEREAS, the Shoreline City Council finds that the unregulated operation of motorized foot scooters upon the City's streets and sidewalks increases the risk of accidental injury to motor scooter operators and other vehicular or pedestrian traffic, damage to property, and public disturbance noise; and

WHEREAS, RCW 46.61.710 does not establish minimum age, operator, or equipment requirements for operation of motorized foot scooters, which creates great risk of injury and/or property damage caused by unprotected/unregulated and/or youthful operators who lack sufficient judgment or skills to safely operate a motorized vehicle upon public streets; and

WHEREAS, it would be appropriate for the City Code to address such issues in its regulation of motorized foot scooters; NOW THEREFORE

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. New Chapter.** A new chapter in Title 10, *Motorized Foot Scooter and Similar Devices*, is adopted as set forth below:

#### **MOTORIZED FOOT SCOOTERS AND SIMILAR DEVICES**

Sections:

Definitions.  
Requirements for operating motorized foot scooters and similar devices.  
Certain uses prohibited.  
Prohibited areas.  
Violations – Penalty.

#### **Definitions.**

A. "Gas powered motorized foot scooter" means a device with two or more ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by

the operator, and is powered by an internal combustion engine that is capable of propelling the device with or without human propulsion.

- B. "Electric powered motorized foot scooter" means a device with two or more ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion.
- C. "Similar device" means any motorized transportation device not specifically defined in the RCW. By illustration, this includes but is not limited to power boards, motorized skate boards, and it does not include motorcycles, electric-assisted bicycles, electric personal assistive mobility devices (EPAMDs), or mopeds.
- D. "Rules of the road" means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
- E. "Helmet" means a protective covering for the head with a hard outer shell and a neck or chinstrap retention system that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI).
- F. The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

**Requirements for operating motorized foot scooters and similar devices.**

- A. A person must be at least 15 years old to operate a gas powered motorized foot scooter or similar device.
- B. A person must be at least 13 years old to operate an electric powered motorized foot scooter.
- C. Equipment. The following equipment shall be required whenever a gas or electric powered motorized foot scooter or similar device is operated on public streets, rights-of-way or other public property within the city:
  - 1. A properly fitted and fastened helmet, that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI);
  - 2. A working muffler that properly regulates the noise being emitted from the gas powered motorized foot scooter or similar device;
  - 3. A working brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement;
  - 4. During hours of limited visibility, operators are required to have a lamp attached to the front of the device which shall emit a white light and to the rear a lamp emitting a red light where both are visible from a distance of at least five hundred feet.
  - 5. Any other equipment required by state law.
- D. Any person operating a gas or electric powered motorized foot scooter or similar device shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

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- E. Any person operating a gas or electric motorized foot scooter or similar device shall ride in bicycle lanes if available or as close as practicable to the right-hand curb or right edge of the roadway when not.
- F. When preparing for a left turn, the operator of a gas or electric powered motorized foot scooter or similar device shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in Chapter 46.61 RCW.

## **Certain uses prohibited.**

- A. No gas powered motorized foot scooter or similar device shall be operated in a manner that constitutes a public disturbance noise under Shoreline Municipal Code 9.05.
- B. No gas or electric powered motorized foot scooter or similar device shall be operated from sunset to sunrise during the summer Daylight Savings period and from 8:00 pm to sunrise during the winter non-Daylight Savings period.
- C. No gas or electric powered motorized foot scooter or similar device shall be operated with any passenger(s) or passenger(s) in tow in addition to the operator.

## **Prohibited areas.**

- A. It is unlawful for any person to operate or ride a gas or electric powered motorized foot scooter or similar device in any of the following areas:
  - 1. Interurban trail and City parks, including park sidewalks, streets, paths, trails and similar travel ways, unless otherwise posted.
  - 2. Streets with a maximum speed limit above 25 miles per hour; and
  - 3. Sidewalks, with the exception of electric powered motorized foot scooters.
- B. Electric powered motorized foot scooters may be operated or ridden upon sidewalks, subject to the following:
  - 1. The electric foot scooters may not be operated on sidewalks in a business district or as otherwise prohibited by traffic control devices;
  - 2. Operators have all the rights and are subject to all of the duties applicable to a pedestrian; and
  - 2. Operators must yield the right of way to any pedestrian.

## **Violation – Penalty**

- A. Any person violating the provisions of this Chapter shall be deemed to have committed a traffic infraction.
- B. In lieu of the penalty described above, a Shoreline Police Officer may use the following for a person under 16 years of age found operating a gas or electric motorized foot scooter or similar device in violation of the provisions of this chapter:
  - 1. For the first violation in a 365 day period, the officer may issue a written warning and notification to the child's parent or guardian of the violation;
  - 2. For the second violation in a 365 day period, the officer may take custody of the gas or electric motorized foot scooter or similar device.
    - a. If the officer impounds the scooter or device, it shall be released only to an adult.

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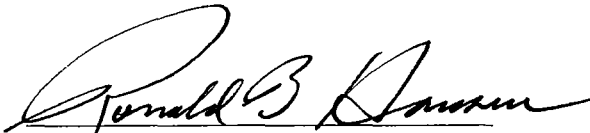
- b. If the vehicle is impounded, a \$50.00 fee for impound and administrative fees shall be paid to the City Clerk upon release. Only a parent or guardian can reclaim the scooter or device impounded under this section.
- C. The parent or guardian shall not authorize or knowingly permit a child to violate any provision of this chapter.

**Section 2. Implementation.** The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.


**Section 4. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force 5 days from publication.

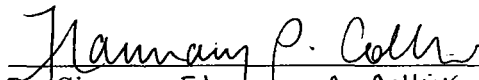
**PASSED BY THE CITY COUNCIL ON JUNE 20, 2005.**

  
Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:

  
Sharon Mattioli  
City Clerk

  
Flannery P. Collins  
Assistant City Attorney

Date of Publication: June 23, 2005

Effective Date: June 28, 2005