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9/22/04

ORDINANCE NO. 3521

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ENACTING A NEW CHAPTER 8.36 MOTORIZED FOOT SCOOTERS, DIRECTING A THIRTY-DAY IMPLEMENTATION PERIOD, PROVIDING FOR SEVERABILITY, REQUESTING ACTION BY THE STATE LEGISLATURE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council makes the following findings regarding the current unregulated use of motorized foot scooters within the City limits; and

WHEREAS, use of motorized foot scooters has become an increasingly popular mode of transportation and recreation; and

WHEREAS, unregulated operation of motorized foot scooters upon the City's streets, trails, and sidewalks increases the risk of accidental injury to motor scooter operators and other vehicular or pedestrian traffic and/or damage to property; and

WHEREAS, shared use of sidewalks by pedestrian and motorized vehicular traffic increases risk of injury to sidewalk users and reduces the desirability of foot traffic as an alternative to motor vehicle use with the City; and

WHEREAS, the City has received numerous complaints about noise caused by the engines of motorized foot scooters; and

WHEREAS, the City has also received a numerous number of complaints about the manner of operation of motorized foot scooters; and

WHEREAS, the vast majority of such complaints relate to the operation of motorized foot scooters by those perceived to be under the age of sixteen; and

WHEREAS, RCW 46.61.710 permits motorized foot scooters to operate on multipurpose trails, or in bicycle lanes; and

WHEREAS, the State Legislature also authorized local jurisdictions to restrict or limit access of motorized foot scooters; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new Chapter 8.36 entitled “Motorized Foot Scooters” is hereby added to the Edmonds City Code to read as follows:

**Chapter 8.36
Motorized Foot Scooters**

8.36.010	Motorized foot scooters.
8.36.020	Seizure and forfeiture
8.36.030	Penalty.

8.36.010 Motorized foot scooters.

A. Definition. “Motorized foot scooter” means a device with no more than two 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. Duty to obey traffic control devices and rules of the road. Any person operating a motorized foot scooter 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.

C. Unsafe use prohibited. No motorized foot scooter shall be ridden in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons.

D. Prohibited areas. Motorized foot scooters are prohibited from being operated:

1. On sidewalks within the City limits;
2. In City parks; and
3. On multiple use trails including bicycle paths, bikeways, equestrian trails, hiking trails and recreation trails, except where such trails are specifically marked stating that such use is permitted.

E. Minimum age requirements. No motorized foot scooter shall be operated on streets, sidewalks or other public areas not otherwise prohibited by this Section to motorized foot scooters unless the operator is at least sixteen years of age.

F. Helmets required. Any person operating a motorized foot scooter or riding as a passenger on a motorized foot scooter upon any public area in the City shall wear an approved helmet designed for safety that meets or exceeds the requirements of standard Z-90.4 set by the American National Standard Institute (ANSI) or the Snell Foundation, or a subsequent nationally recognized standard for helmet performance as the City may adopt. The helmet shall be worn over the head and equipped with either a neck or chin strap that shall be fastened securely while the motorized foot scooter is in motion. Nothing herein shall be interpreted to permit a passenger other than the operator. [See paragraph M. below.]

G. Lights required. No motorized foot scooter shall be operated in use during the hours of darkness as defined in RCW 46.37.020.

H. Noise restriction. Operation of motorized foot scooters is subject to the provisions ECC 5.30.130 entitled “Public disturbance noises – Restriction.”.

I. Peace disturbance. No person shall operate a motorized foot scooter in or around school property while school is in session so as to disturb the peace

J. Public access. No person shall operate a motorized foot scooter in places of public access, such as malls, parking lots or other places where the public has a right of access as an invitee.

K. Parental negligence. No parent or guardian of a child or ward under the age of sixteen (16) shall through negligence or

inattention permit such child to operate a motorized foot scooter in violation of the provisions of this section.

L. Parental responsibility. No parent or guardian of any child or ward under the age of sixteen (16) shall knowingly permit such child to operate a motorized foot scooter in violation of the provisions of this section.

M. One rider. No person shall operate a motorized foot scooter with any passenger other than the operator.

N. Muffler. Every motorized foot scooter operator shall ensure that the motorized foot scooter is at all times equipped with a muffler in good working order so as to prevent excessive or unusual noise. Use of any cutout, bypass or similar muffler elimination device is prohibited.

O. Cruising prohibited. Cruising is the repeated passage of a motorized foot scooter on or across a portion of a street or way open to the public. No person shall operate a motorized foot scooter nor permit a motorized foot scooter under his control to be operated on any block or one hundred yard segment of a City street or right of way more than one (1) time in the same direction in any one hour period..

8.36.020 Seizure and forfeiture.

Whenever a law enforcement officer has probable cause to believe that a motorized foot scooter was used or is intended to be used in violation of this chapter, such conveyance shall be subject to seizure and forfeiture. In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure and shall be conducted as outlined in Chapter 69.50 RCW.

8.36.030 Penalty.

A violation of this chapter is a traffic infraction and shall be processed and administered according to the procedures set forth in Chapter 46.63 RCW. The penalty for any infraction established under this chapter shall be as follows:

First offense:	\$ 30.00
Second offense:	\$ 60.00
Third and subsequent offenses:	\$100.00

The court may confiscate and order forfeiture of the offender's motorized foot scooter.

The court may defer for one year a finding that the infraction has been committed on condition that the defendant attend a class regarding the applicable laws, rules of the road and safety issues for motorized foot scooters. The class will be provided and scheduled by the Edmonds Police Department. If the defendant successfully completes the class and has no further violations of this ordinance for one year, no fine will be imposed.

Section 2. The Mayor and Chief of Police are requested, for a period of thirty days following the effective date of this ordinance, to provide information and counseling to first time offenders in lieu of charging. Nothing herein shall be interpreted to prevent the charging of repeat offenders on those whose actions, in the sole discretion of the charging officer, pose a significant risk of harm to themselves or others.

Section 3. The City Council hereby directs and requests the Mayor and its Council President to contact the Association of Washington Cities (AWC) and the members of the Washington State Legislature to express the concern of the City Council regarding the legislature's failure to regulate motorized foot scooters in the same manner in which it has regulated every other form of motorized vehicle which routinely utilizes city streets and public highways. The proliferation of motorized foot scooters, particularly among those under the age of sixteen, creates a hazard to both the operators and the pedestrians, creates a noise which degrades the residential environment and has created a public nuisance for the citizens of Edmonds. The Council requests AWC and the state legislature to bring the administrative structure of the state, and particularly the state's expertise in the registration and regulation, to bear on this increasingly dangerous situation.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	10/22/2004
PASSED BY THE CITY COUNCIL:	10/26/2004
PUBLISHED:	10/31/2004
EFFECTIVE DATE:	11/05/2004
ORDINANCE NO. <u>3521</u>	

SUMMARY OF ORDINANCE NO. 3521

of the City of Edmonds, Washington

On the 26th day of October, 2004, the City Council of the City of Edmonds, passed Ordinance No.3521. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ENACTING A NEW CHAPTER 8.36 MOTORIZED FOOT SCOOTERS, DIRECTING A THIRTY-DAY IMPLEMENTATION PERIOD, PROVIDING FOR SEVERABILITY, REQUESTING ACTION BY THE STATE LEGISLATURE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 27th day of October, 2004.

CITY CLERK, SANDRA S. CHASE