

CITY OF SNOHOMISH
Snohomish, Washington

ORDINANCE 2059

AN ORDINANCE OF THE CITY OF SNOHOMISH ADDING A NEW CHAPTER 11.06 TO THE SNOHOMISH MUNICIPAL CODE CHAPTER TITLED “MOTORIZED SCOOTERS” TO REGULATE MOTORIZED FOOT SCOOTERS WITHIN THE CITY BY ESTABLISHING MINIMUM AGE REQUIREMENTS FOR OPERATORS, LIMITING AND/OR PROHIBITING MOTORIZED FOOT SCOOTER USE ON SIDEWALKS, STREETS, AND IN PARKS, TRAILS AND WALKWAYS, AND LIMITING SUCH USE TO DAYLIGHT HOURS ONLY AND ESTABLISHING SEVERALTY.

WHEREAS, the Revised Code of Washington (RCW) 46.61.710 has authorized the use of motorized foot scooters upon the highways of the state and provided that local jurisdictions may limit or otherwise regulate the use and restrict or limit access of motorized foot scooters; and

WHEREAS, the City of Snohomish is concerned about traffic and pedestrian safety, as well as the safety of all citizens; and

WHEREAS, the City Council desires to regulate the use of motorized foot scooters to enhance the health, safety, and welfare of the citizens of Snohomish; and

WHEREAS, the City Council finds that providing rules and regulations relating to the operation of motorized foot scooters within the city limits would promote the health, safety, and welfare of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. **DEFINITIONS**

- A. “Motorized foot scooter” means a device with no more than two 10-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 or electric motor that is capable of propelling the device with or without human propulsion.

- B. “Child” means any person under 18 years of age.

- C. “Parent” means a person who is a natural parent, adoptive parent, step-parent, or foster parent of a juvenile.
- D. “Guardian” means (1) a person who, under court order, is the guardian of the person of a juvenile; or (2) a public or private agency with whom a juvenile has been placed by a court; or (3) a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a juvenile.

Section 2. RULES, REGULATIONS AND REQUIREMENTS FOR OPERATION OF MOTORIZED FOOT SCOOTERS.

- A. It is unlawful to operate a motorized foot scooter upon any sidewalk, walkway or public trail, or any other place where motorized vehicles are prohibited within the City of Snohomish. No person shall operate a motorized foot scooter on any city-owned property. No person shall operate a motorized foot scooter in any city park.
- B. Motorized foot scooters may only be operated on streets that are a posted speed limit of 25 miles per hour or less. However, it is unlawful to operate motorized foot scooters on Avenue D.
- C. Motorized foot scooters may not exceed the posted speed limit on a street and shall in all circumstances be operated at a speed limit of 25 miles per hour or less.
- D. Motorized foot scooters shall operate within a bicycle lane if a bicycle lane exists.
- E. Any person operating a motorized foot scooter shall obey all rules of the road applicable to vehicle and pedestrian traffic, as well as the instructions to official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer or construction flagger.
- F. All Left Turns by the operator of a motorized scooter shall be made as a pedestrian, on foot, crossing the roadway in the crosswalk if one is available. To make a left turn, the operator of a motorized foot scooter shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and shall cross the roadway on foot, and shall be subject to the restrictions applicable to pedestrians.
- G. Crossing an arterial street or street designated with a maximum speed limit greater than 25 miles per hour shall be as a pedestrian, on foot, crossing the roadway in the crosswalk if one is available. To cross an arterial or a street designated with a maximum speed limit greater than 25 miles per hour, the operator of a motorized foot scooter shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and shall cross the roadway on foot, subject to the restrictions applicable to pedestrians.

- H. Motorized foot scooters may only be operated during daylight hours. It is unlawful to operate a motorized scooter after dark or during the hours of darkness as defined in RCW 46.37.020.
- I. It is unlawful to operate a motorized foot scooter with any passenger other than the operator.
- J. Age Requirements and Restrictions.
 - 1. All persons age 16 and above shall be subject to rules and regulations of this chapter/ordinance.
 - 2. All persons ages 12 – 15 may use a motorized foot scooter only under the direct visual supervision of a parent or guardian and subject to the rules and regulations of this chapter/ordinance.
 - 3. All persons ages 11 – 0 are prohibited from using motorized foot scooters on any public way.
- K. Parental Responsibility.

It is unlawful for any parent, guardian or other person having control or custody of a minor child to allow said child to operate a motorized foot scooter in violation of this chapter. A parent or guardian is responsible for requiring that a child under the age of 16 years old wears an approved motorcycle helmet and has the neck or chin strap of the helmet securely fastened while operating a motorized foot scooter.
- L. Motorized foot scooters shall at all times be 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 and is unlawful.
- M. The operator of a motorized foot scooter shall wear an approved motorcycle helmet. For purposes of this section, “motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

Section 3. Unsafe Use Prohibited – Penalties – Enforcement

- A. It is unlawful to operate a motorized foot scooter on a public roadway, sidewalk or on public property in a manner that could cause harm to the user, other persons or property, or in such manner that violates any civil traffic laws, criminal laws, or the provisions of this ordinance.
- B. Penalties:

1. For violations of this chapter for all age groups:
 - a. The officer may in the officer's discretion choose to issue a warning.
 - b. Any person violating any provision of this chapter shall be guilty of a traffic infraction and shall be punished by the imposition of a monetary penalty of not more than \$250, exclusive of statutory assessments. The following monetary penalties shall apply.
 1. First offense \$50
 2. Second offense \$80
 3. Third and future offenses: \$250
 - c. In addition, violation of any Criminal Laws and additional Civil Traffic Laws may be cited as such upon officer discretion.
2. Alternate Penalty for minor Children

In lieu of the penalties described above, a Police Officer may, in his/her discretion, utilize the following penalty for violations by minor children. For the purposes of this section the City Council finds that there is a compelling governmental interest in imposing the following discretionary penalty section for minor children, in order to encourage parental and guardian intervention and responsibility for the violation of this ordinance by minor children. The City further finds that impoundment is more likely to prevent repeat offenses by minors than the imposition of monetary penalties.

1st offense: On the minor Child's first offense in a 365-day period, the City shall issue a written warning and written notification to the child's parents or guardians of the violation. Further, the officer may in the officer's discretion cite the child's parent or guardian for violation of the Parental Responsibility section of this chapter and shall include a civil fine, not to exceed \$50 issued to the parent or guardian.

2nd offense: On the minor Child's second offense in a 365-day period, the City shall issue a written notice of the offense to the child's parents or guardians and the investigating officer may take custody of the motorized foot scooter and hold for safekeeping until the child's parent or guardian claims the motorized foot scooter. Further, the officer may in the officer's discretion cite child's parent or guardian for violation of the Parental Responsibility section of this chapter and shall include a civil fine, not to exceed \$80 issued to the parent or guardian.

3rd offense: On the minor Child's third offense in a 365-day period, the

arresting officer may take into custody the motorized scooter and hold for safekeeping for (30) days. Further, the officer may in the officer's discretion cite child's parent or guardian for violation of the Parental Responsibility section of this chapter and shall include a civil fine, not to exceed \$250 issued to the parent or guardian.

Motorized foot scooters unclaimed after sixty (60) days will be treated as provided in RCW 63.32 as UNCLAIMED PROPERTY IN HANDS OF CITY POLICE.

Section 4. Severability

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

Section 5. Effective date.

This ordinance shall go into effect 5 days following adoption and publication.

PASSED by the City Council and APPROVED by the Mayor this 7th day of September 2004.

CITY OF SNOHOMISH

By _____
Liz Loomis, mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney