

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 688

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AN ORDINANCE AMENDING ORDINANCE NO. 623 AND PORTIONS OF TITLE 7,  
VEHICLES AND TRAFFIC, RELATING TO THE INCLUSION OF MOTORIZED FOOT  
SCOOTERS

WHEREAS, effective August 01, 2003, Senate Bill 5450 authorized the operation of motorized foot scooters on public roadways; and

WHEREAS, Senate Bill 5450 allows local jurisdictions to further regulate, restrict, and limit the operation of motorized foot scooters through resolution or ordinance: and

WHEREAS, the City of Lake Stevens is concerned about traffic and pedestrian safety, as well as the safety of all its citizens.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO  
ORDAIN AS FOLLOWS:

Section. 1. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.04.010, Definitions, are hereby amended to read as follows:

7.04.010 Definitions:

- A. Abandoned Vehicle. An “Abandoned Vehicle” is:
1. Any vehicle which remains unmoved on a public roadway or publicly owned property in excess of seventy-two (72) consecutive hours; or
  2. Any vehicle having the appearance of an abandoned or inoperable vehicle, by having characteristics that include but are not limited to flat tire(s), broken windshield, extensive body damage, rusted, partially dismantled, wrecked, inoperative, expired tabs or accumulation of natural debris on or around the vehicle.
- B. Bicycle. Any non-motorized, pedal powered vehicle or any primarily pedal powered vehicle with an engine of no more than two gross brake horsepower.
- C. Collector Street. A collector street is a street which carries traffic from minor streets to the major system of arterial streets and highways.
- D. Major Street. A major street is an arterial street or road which has continuity and which serves as a collector and a distributor of traffic. Its major use is for fast, through traffic.
- E. Minor Street. A minor street is supplementary to a major street, such as a wide street, loop street or cul-de-sac.
- F. Motorized Foot Scooter. 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 or electric motor that is capable of propelling the device with or without human propulsion.
- G. Park, Parked, or Parking. “Park, Parked or Parking” means the standing, storing or leaving of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

- H. Pedestrian Way. A right-of-way dedicated to public use, ten feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent street and properties.
- I. Registered Owner. The “Owner” of a vehicle is the current registered owner. The owner is presumed liable for any violations and expenses unless:
  - 1. There is a report of sale on the vehicle;
  - 2. The vehicle is reported stolen or taken without permission; or
  - 3. The current actual owner can be identified and located, and ownership verified.
- J. Road Closure. “Road Closure” means any public street, roadway, bridge or area to be traveled by vehicles that is restricted as to all vehicles or any class of vehicles for any period of time.
- K. Sidewalk. “Sidewalk” or “Walkway” means that property between the curb lines or the lateral lines of a roadway and the adjacent property set aside, or identified as such, and intended for the use of pedestrians or a means of conveyance propelled by human power.
- L. Street road. A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.
- M. Skate. Any wheeled, recreational object designed to propel the person using that object, which includes but is not limited to; skateboards, roller skates, in-line skates or scooters.
- N. User. Any person riding a “bicycle” or “skate”.
- O. Vehicle. The term “vehicle” as used shall mean all instrumentalities capable of movement by means of circular wheels, skids or runners of any kind, along roadways or paths or other ways of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars, motorcycles, motorized go-carts, motorized scooters, and vans, all forms of trailers or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers, and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.
- P. Wheeled Recreational Device. Any wheeled recreational object designed to propel the person using that object, which includes but is not limited to bikes, skates, skateboards, scooters, motorized foot scooters, whether powered by hand, foot, pedal power, gas or electric engine.

Section 2. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.010, Purpose, are hereby amended to read as follows:

7.36.010 Purpose. The City of Lake Stevens has created this Chapter to assist in protecting the public from harm, and to establish a uniform policy for the proper use of public rights-of-way by any wheeled recreational device and for the enforcement of violations.

Section 3. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.030, Rules of the Road are hereby amended to read as follows:

7.36.030 Rules of the Road. Any “user” that enters or travels on a public right-of-way must comply with all rules of the road set forth in WAC 308.330.

Every bicycle and motorized foot scooter when in use during the hours of darkness as defined in RCW [46.37.020](#) shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

distance of five hundred feet to the rear may also be used in addition to the red reflector.

Section 4. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.060, Unsafe or Reckless Operation of a Bicycle Prohibited, are hereby amended to read as follows:

7.36.060 Unsafe or Reckless Operation of a Wheeled Recreational Device Prohibited. It is unlawful to operate a wheeled recreational device on a public roadway, sidewalk, or on public property in a careless or reckless manner which could cause harm to the user, other persons or to property.

Section 5. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.070, Voluntary Bicycle and Skate Registration, is hereby amended to read as follows:

7.36.070 Voluntary Bicycle, Skate and Motorized Foot Scooters Registration. The Lake Stevens Police Department shall offer voluntary bicycle, skate and motorized foot scooters registration for the purpose of locating found property, inspecting equipment for safety, and promoting safe use.

- A. The registration shall include issuance of sequentially numbered decals to be located on the main frame of the bicycle or in an appropriate location on the skate or motorized foot scooter and the Police Department will maintain a file of all pertinent information about the bike, skate or motorized foot scooter. A registration fee may be set by resolution.
- B. It is unlawful to give false statements of ownership of a bicycle, skate or motorized foot scooter on a registration, or to alter or mutilate a registration decal.
- C. The registration fee shall be used for bicycle, skate or motorized foot scooter safety programs.

Section 6. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.080, Removal of Factory Installed Braking Equipment, are hereby amended to read as follows:

7.36.080 Removal of Factory Installed Braking Equipment. It is unlawful to operate on a public roadway or on public property a bicycle, skate or motorized foot scooter, which has had factory installed brakes removed or altered to the extent that the braking device is ineffective.

Section 7. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.090, Helmets Required, are hereby amended to read as follows:

7.36.090 Helmets Required. A minor child riding a wheeled recreational device on publicly owned property or right-of-way shall wear a protective helmet that meets or exceeds the requirements of standard Z-90.4 set by the American National Standards 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 chinstrap that shall be fastened securely while the wheeled recreational device is in motion.

Section 8. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.110, Alternative Penalty for Minor Children, are hereby amended to read as follows:

7.36.110 Alternative Penalty for Minor Children. In lieu of the penalty described above, any Lake Stevens Police Officer may, in their discretion, utilize the following penalty provision for violations by minor children. For purposes of this section, the City Council of the City of Lake Stevens hereby finds that there is a compelling governmental interest in imposing the following discretionary penalty section for minor children, in order to encourage parental intervention and responsibility for the violations of the

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 child's first offense in a 365-day period, the City shall issue a written warning and notification of the child's parent or guardian of the violation.

2nd offense: On the child's second offense in a 365-day period, the City shall issue a written notice of violation and the investigating officer may take custody of the bicycle or skate(s) and hold for safekeeping until the child's parent or guardian claims the bicycle or skate(s).

3rd and subsequent offense(s): On the child's third offense in a 365-day period, the City shall include a civil fine, not to exceed \$47.00. The arresting officer may take custody of the bicycle, skate(s) or motorized foot scooter and hold for safekeeping for thirty (30) days. An officer or their superior may waive the imposed civil fine and/or impoundment if the parent and child agree to attendance and completion of a bicycle/skating safety course by the child offered by the Lake Stevens Police Department.

Section 9. Ordinance No. 623 and Lake Stevens Municipal Code Section 7.36.120, Forfeiture of a Bicycle or Skate(s), are hereby amended to read as follows:

7.36.120 Forfeiture of a Bicycle, Skate(s), or Motorized Foot Scooter. As authorized by 308.330.565 WAC and RCW 63.32, impounded bicycles, skates or motorized foot scooter may be forfeited to the Lake Stevens Police Department if unclaimed within sixty (60) days of the impound.

Section 10. Effective Date and Publication. 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 force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 22nd day of December, 2003.

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Lynn E. Walty, Mayor

ATTEST/AUTHENTICATION:

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Norma J. Scott, City Clerk

APPROVED AS TO FORM:

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Jeffrey Goodwin, City Attorney

First and Final Reading: December 22, 2003  
Published: December 31, 2003

Effective Date: January 5, 2004