

CITY OF MUKILTEO
MUKILTEO, WASHINGTON

ORDINANCE NO. 1109

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON ADDING SECTION 9.59 TO THE MUKILTEO MUNICIPAL CODE TO REGULATE THE USE OF MOTORIZED FOOT SCOOTERS WITHIN THE CITY LIMITS BY ESTABLISHING A MINIMUM AGE AND/OR PROHIBITING MOTORIZED FOOT SCOOTER USE ON SIDEWALKS, STREETS AND IN PARKS; RESTRICTING MODIFICATION OF MOTORIZED FOOT SCOOTERS, AND REQUIRING OPERATORS TO WEAR HELMENTS AND OPERATE SUCH VEHICLES SAFELY.

WHEREAS, the City Council of the City of Mukilteo makes the following findings regarding the current unregulated use of motorized foot scooters within the city limits:

WHEREAS, Revised Code of Washington (RCW) 46.61.710 authorizes use of motorized foot scooters upon the highways of the State but provides authority for local jurisdictions to limit or otherwise regulate the use of such vehicles; and

WHEREAS, 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 and pedestrian traffic as well as damage to property; and

WHEREAS, shared use of sidewalks by pedestrians and motorized vehicular traffic increases the risk of injury to sidewalk users, therefore mixed use by motorized and non-motorized traffic on sidewalks should be limited as much as practical; and

WHEREAS, the operation of motorized vehicles (other than wheelchair conveyances), within parks and other similarly designated areas is undesirable and impairs the intended use of such areas as retreats from urban stress; and

WHEREAS, RCW 46.61.710 does not establish a minimum age for the operation of motorized foot scooters, creating a risk of injury and/or property damage caused by youthful operators lacking sufficient judgement to safely operate motorized vehicle upon public streets; and

WHEREAS, RCW 46.61.710 does not make the use of protective helmets mandatory for motorized foot scooter operators, although the risk of serious injury to operators of motorized transportation devices who do not wear a protective helmet is clear.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Motorized Foot Scooters. Title 9 of the City of Mukilteo Municipal Code is hereby amended to add new section 9.59, to read as follows:

9.59
Motorized Foot Scooters

Sections

- 9.59.010** **Definitions.**
- 9.59.020** **Duty to obey traffic control devices and rules of the road.**
- 9.59.030** **Unsafe use prohibited.**
- 9.59.040** **Prohibited areas.**
- 9.59.050** **Requirements for operating motorized foot scooters.**
- 9.59.060** **Violations – penalties.**

9.59.010 **DEFINITIONS** the following words and phrases, when used in this chapter, shall have the assigned meanings:

“Helmet” means a head covering that meets or exceeds safety standards adopted by standard Z-90.4 (or its successive standard) set by the American National Standards Institute (ANSI), or the Snell Foundation and meets the Code of Federal Regulations 16CFR1203, or such subsequent nationally recognized standard for bicycle helmet performance as the City Council may adopt.

“Modified or enhanced” means to alter the settings, displacement/horsepower or muffler from that provided when the device was delivered from the factory for sale.

“Motorized foot scooter” means a device with two ten-inch or smaller diameter wheels; 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.

“Operate in a negligent manner” means the operation of the device described under "motorized foot scooter" in such a manner as to endanger or likely endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

9.59.020 **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 signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. A person operating a motorized foot scooter upon a public way shall be granted all

the rights and shall be subject to all the duties applicable to the driver of a vehicle pursuant to RCW 46.61, except as to those provisions thereof which by their nature can have no application.

9.59.030 UNSAFE USE PROHIBITED. No person shall operate a motorized foot scooter in a negligent or unsafe manner but shall operate a motorized foot scooter with reasonable regard for the safety of the operator and other persons.

9.59.040 PROHIBITED AREAS. No person shall operate a motorized foot scooter upon any sidewalk, path, pedestrian trail, city park, or recreational trail unless posted for such use; upon any public street with a posted speed limit greater than 25 miles per hour; or upon any portion of Mukilteo Speedway, Paine Field Boulevard, SR 526, or Harbour Pointe Boulevard.

9.59.050 REQUIREMENTS FOR OPERATING MOTORIZED FOOT SCOOTERS

1. No person shall operate a motorized foot scooter on streets or other public areas not otherwise prohibited to motorized foot scooters by this chapter unless the operator is at least fourteen years of age.
2. Any person operating a motorized foot scooter upon any public area in the city shall wear an approved helmet designed for safety and meeting safety standard set by the Code of Federal regulations 16CFR1203.
3. Every motorized foot scooter shall be equipped with a brake which, when applied, will enable the operator to make the braked wheel(s) skid on dry, level, clean pavement.
4. No motorized foot scooter shall be operated upon any public area during the hours of one-half hour after sunset to one-half hour before sunrise without an operating headlight, a taillight, and a rear reflector.
5. Every motorized foot scooter powered by an internal combustion engine shall have a properly functioning engine muffler attached and constantly operational during the use of the motorized foot scooter, which prevents excessive or unusual noise.
6. Motorized foot scooters operated within the City of Mukilteo shall not be modified or enhanced in design or construction from the specifications provided by the manufacturer.

9.59.060 VIOLATION – PENALTIES Any person violating any provision of chapter 9.59 shall be guilty of a traffic infraction. The first violation shall constitute a Class III civil infraction, the second violation shall constitute a Class II civil infraction, and the third and every violation thereafter within a one-year period shall be classified as a Class I civil infraction, exclusive of statutory assessments, provided that, conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties for such offenses. When a person under eighteen years of age receives an infraction for violation of this ordinance, the police department may notify the parent or legal guardian in writing that an infraction has been issued.

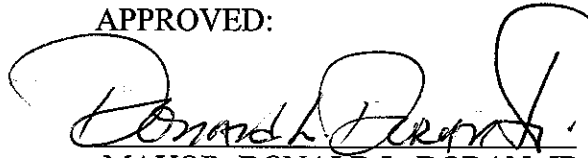
Section 2. Severability If any section, sentence, clause or phrase of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

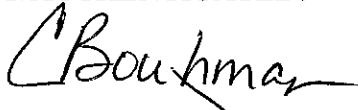
Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and APPROVED by the Mayor this 4th day of October 2004.

APPROVED:


MAYOR, DONALD L. DORAN, JR.

ATTEST/AUTHENTICATED:



CITY CLERK, CHRISTINA J. BOUGHMAN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 09-28-04
PASSED BY THE CITY COUNCIL: 10-04-04
PUBLISHED: 10-08-04
EFFECTIVE DATE: 11-07-04
ORDINANCE NO. 1109

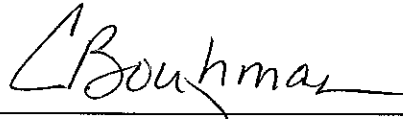
SUMMARY OF ORDINANCE NO. 1109
of the City of Mukilteo, Washington

On October 4, 2004, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1109, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON ADDING SECTION 9.59 TO THE MUKILTEO MUNICIPAL CODE TO REGULATE THE USE OF MOTORIZED FOOT SCOOTERS WITHIN THE CITY LIMITS BY ESTABLISHING A MINIMUM AGE AND/OR PROHIBITING MOTORIZED FOOT SCOOTER USE ON SIDEWALKS, STREETS AND IN PARKS; RESTRICTING MODIFICATION OF MOTORIZED FOOT SCOOTERS, AND REQUIRING OPERATORS TO WEAR HELMETS AND OPERATE SUCH VEHICLES SAFELY.

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

APPROVED by the City Council at their meeting of October 4, 2004.



CITY CLERK, CHRISTINA J. BOUGHMAN