

ORDINANCE NO. 5844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING A NEW CHAPTER 10.54 OF THE AUBURN CITY 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 Auburn have expressed confusion over where and in what manner motorized foot scooters may lawfully be operated; and

WHEREAS, unregulated operation of motorized foot scooters upon the City's streets and sidewalks increases 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 within the City, which is contrary to the City's stated policy goals, and therefore mixed use by motorized and nonmotorized traffic on sidewalks should be limited as much as is practical; and

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

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WHEREAS, it would be appropriate for the City Code to address such issue in its regulation of motorized foot scooters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. NEW CHAPTER OF CITY CODE CREATED. That a new Chapter 10.54 of the Auburn City Code is hereby created to read as follows:

Chapter 10.54
MOTORIZED FOOT SCOOTERS
AND SIMILAR DEVICES

Sections:

- 10.54.010 Motorized foot scooter defined.
- 10.54.020 Duty to obey traffic-control devices and rules of the road.
- 10.54.030 Certain uses prohibited.
- 10.54.040 Prohibited areas.
- 10.54.050 Requirements for operating motorized foot scooters.
- 10.54.060 Violations – Penalty.

10.54.010 Motorized foot scooter defined.

“Motorized foot scooter” is defined as 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 or electric motor that is capable of propelling the device with or without human propulsion. It is provided, however, that the regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

10.54.020 Duty to obey traffic-control devices and rules of the road.

A. Any person operating a 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.

B. Additionally, it shall be unlawful to operate a motorized foot scooter or similar device other than as close as practicable to the right-hand curb or right edge of the roadway.

C. When preparing for a left turn, the operator 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.

10.54.030 Certain uses prohibited.

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A. No motorized foot scooter, or similar device shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For the purposes hereof, to operate in a negligent manner" means the operation of a motorized foot scooter, or similar device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic-control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

B. No motorized foot scooter, or similar device shall be operated in a manner that violates the City's noise ordinances (including but not limited to: (1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law; (2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property; and (3) The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger are exempt, as prohibited by § 8.28.010 ACC - Noise control) or any other state or local law.

C. No motorized foot scooter, or similar device shall be operated between the time of sunset to sunrise.

D. No motorized foot scooter, or similar device shall be operated with any passengers in addition to the operator.

E. No motorized foot scooter, or similar device shall be operated without the operator wearing 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).

10.54.040 Prohibited areas.

It is unlawful for any person to operate or ride upon a motorized foot scooter or similar device in any of the following areas:

A. Central Business District - including upon any street, alley, sidewalk, park or publicly owned parking lot in the central business district of the city of Auburn as described in Section 18.06.010(A)(11) of the Auburn City Code and as delineated in the map attached to the ordinance codified in this chapter, marked as Exhibit "A" and incorporated herein by reference.

B. Parks, including sidewalks, streets, paths, trails and similar travel ways.

C. Sidewalks.

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D. Streets with a maximum speed limit above 25 miles per hour.

10.54.050 Requirements for operating motorized foot scooters.

A. Operator's License or Instruction Permit. No motorized foot scooter shall be operated on streets or other public areas not otherwise prohibited by this chapter to motorized foot scooters unless the operator has a valid operator's license or instruction permit issued by the Washington State Department of Licensing.

B. Required equipment. The following equipment shall be required whenever a motorized foot scooter is operated on public streets, rights-of-way or other public property within the city:

(1) Reflectors required. Pursuant to RCW 46.04(9), a motorized foot scooter must be affixed with visible reflectors of a type approved by the Washington State Patrol.

(2) No motorized foot scooter, or similar device shall be operated without a muffler, as required by RCW 46.61.710.

(3) Handlebars must not exceed shoulders of the rider.

(4) Scooter must have a working brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(5) Any other equipment required by state or local law.

10.54.060 Violation – Penalty.

Violation of the provisions of this chapter is an infraction, subject to penalties in accordance with ACC 1.25.050.

Section 2. IMPLEMENTATION. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. CONSTITUTIONALITY OR INVALIDITY. If any section, subsection, clause, phrase, or sentence of this Ordinance, is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality of the remaining portions of this ordinance, as it is being hereby expressly declared that this ordinance and each section, subsection, clause, phrase, or sentence, hereof would have been prepared, proposed, adopted, and approved and ratified irrespective of the fact that any one or more section, subsection, clause, phrase, or sentence, be declared invalid or unconstitutional.

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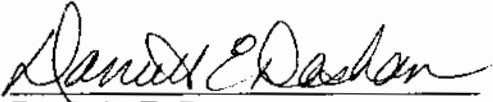
Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as provided by law.

INTRODUCED: JUN - 7 2004
PASSED: JUN - 7 2004
APPROVED: JUN - 7 2004



PETER B. LEWIS
MAYOR

Attest:



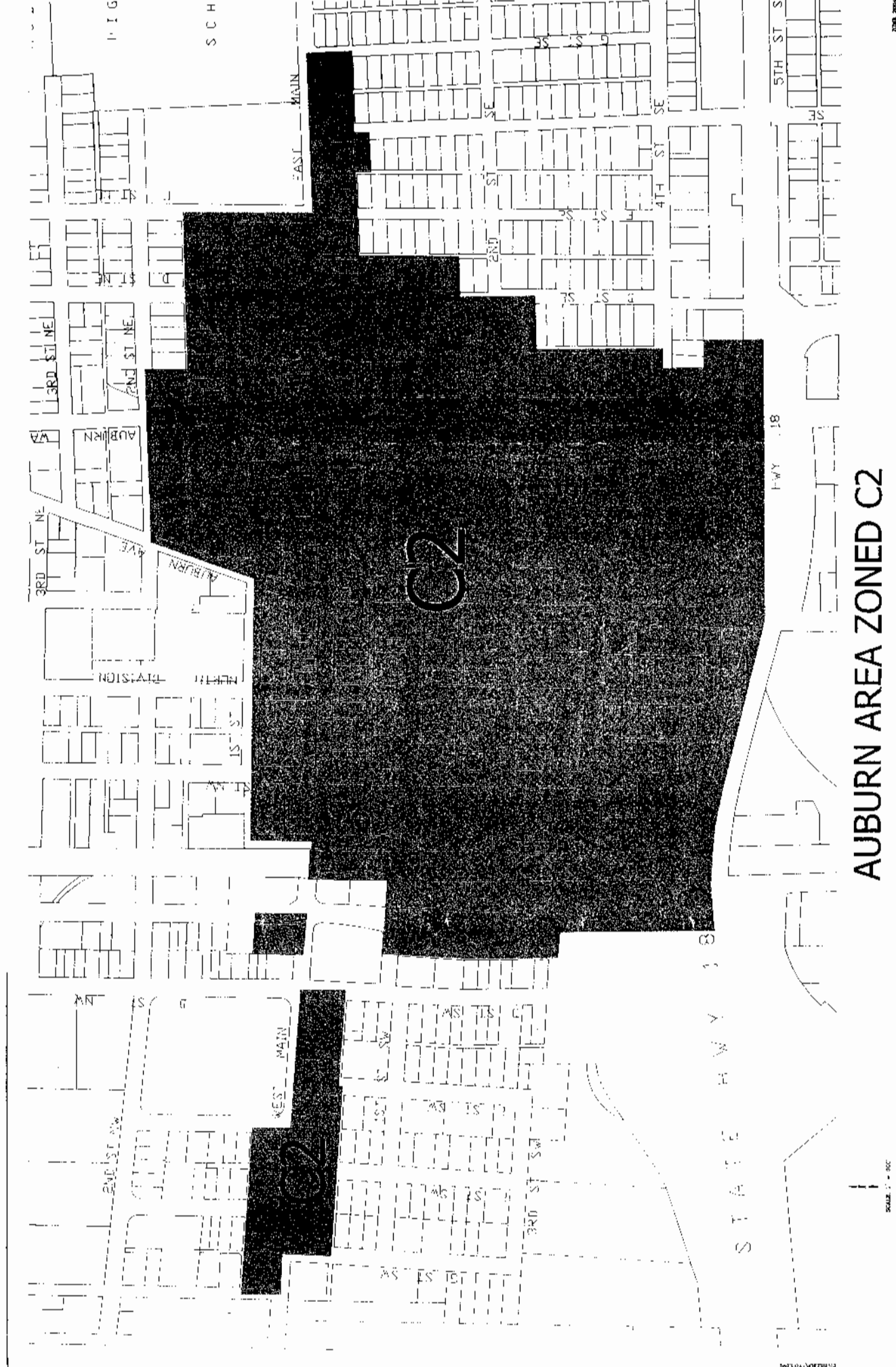
Dantelle E. Daskam,
City Clerk

Approved As To Form:



Daniel B. Heid,
City Attorney

PUBLISHED: _____



AUBURN AREA ZONED C2

SCALE: 1" = 50'

2008 0001