

ORDINANCE NO. 2004 –017

AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON, ADDING A NEW CHAPTER 10.23 TO THE SEQUIM MUNICIPAL CODE TO INCLUDE REGULATIONS FOR THE OPERATION OF MOTORIZED FOOT SCOOTERS WITHIN THE CITY LIMITS, REQUIRING BICYCLE HELMETS ON SCOOTERS AND PROVIDING FOR ENFORCEMENT AUTHORITY AND PENALTIES.

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 Sequim 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 SEQUIM DO ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 10.23 added. A new chapter of SMC Title 10 is hereby added as follows:

**Chapter 10.23
MOTORIZED FOOT SCOOTERS**

Sections:

10.23.010 Definitions

10.23.020 Operation of motorized foot scooters – Bicycle Helmets etc.

10.23.030 Parent Responsibility

10.23.040 Violation – Enforcement authority and Penalties

10.23.050 Seizure and forfeiture

10.23.010 Definitions.

“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 or electric motor that is capable of propelling the device with or without human propulsion.

This chapter shall not apply to any disabled person using a wheelchair conveyance as defined in RCW 46.04.710, or to power wheelchairs as defined by RCW 46.04.415, or to strollers used to transport small children, or city equipment.

10.23.020 Operation of motorized foot scooters.

(1) Motorized foot scooters shall not be operated on public roadways with a speed limit of greater than 25 miles per hour.

(2) Operators of motorized foot scooters shall adhere to all rules of the road applicable to motorized vehicles.

(3) Motorized foot scooters shall not be operated on city owned property, city parks, upon designated walkways, pathways, sidewalks, the Olympic Discovery Trail, the Pedestrian Friendly Zone as described in SMC 10.21.010 or any other place where motorized vehicles are expressly prohibited and/or prohibited by posted signs.

(4) Motorized foot scooters shall not be operated anytime during one half-hour after sunset to one half-hour before sunrise. (6) At no times shall a passenger be allowed to ride on a motorized foot scooter.

(5) Motorized foot scooters shall not be operated in a negligent manner upon any roadway or city right of way within the City of Sequim. For the purpose of this section, "to operate in a negligent manner" means to operate a motorized foot scooter in such a manner as to endanger or be likely to endanger any person or property or to obstruct, hinder or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alley, parking areas, trails or public parks within the City of Sequim.

(6) Motorized foot scooters shall be equipped so that the drive motor is engaged through a switch, lever, or other mechanism that, when released, will cause the drive motor to disengage or cease to function.

(7) Operation of a motorized foot scooter without a muffling device in good working order and in constant operation to prevent excessive or unusual noise, or operation with a modified muffling device is unlawful and a violation of this chapter.

(8) Helmet required – Passengers and Towing Prohibited. Any person operating a motorized foot scooter upon any public area in the city of Sequim shall wear an approved helmet designed for safety that meets or exceeds the following standards, and shall have either the neck or chin strap of the helmet fastened securely while the motorized foot scooter is in motion. No person shall transport another person on or in tow of a motorized foot scooter upon any public area in the jurisdiction of the city of Sequim. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved helmet while operating a motorized foot scooter in any public area in the city of Sequim, and has the neck or chin strap of the helmet fastened securely.

Standards for Helmets:

“Helmet” means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the city council may adopt.

10.23.030 Parent responsibility.

It is unlawful for any parent, guardian or other person having control or custody of a minor child to allow said minor to operate a motorized foot scooter in violation of this chapter.

10.23.040 Violation – Enforcement authority and Penalties.

The City of Sequim Police Department personnel shall be responsible for enforcing the provisions of this chapter. Upon determining a violation of this chapter has occurred, law enforcement officers may, at their discretion, issue a civil infraction in the following amounts to any adult person, minor sixteen years old or older, including a parent or guardian of a minor under sixteen who is violating or permitting the violation of any of the provisions of this chapter. In no case, shall the amount exceed \$250.00 for any one incident where more than one person is charged with a violation arising out of that incident. In addition to issuing an infraction, law enforcement officers may impound the motorized foot scooter in accordance with 10.23.050, and may sell or destroy seized property upon order of the court in accordance with SMC 10.23.050.

The following monetary penalty shall apply for each offense:

(1) \$50

Payment of civil fines at the Sequim Police Department within 24 hours of the issuance of the Notice of Violation (not including weekends and legal holidays) shall reduce the amount of the fine owing by fifty percent (50%).

10.23.050 Seizure and Forfeiture

All motorized foot scooters operated in violation of this chapter are subject to seizure and forfeiture in the following manner.

A. Any person found to be riding a device in violation of this chapter as specified in this chapter may be subject to the impoundment of the device as evidence at the time of violation, until such time as the case is concluded. If the violator is a minor, the device being held as evidence will only be released to a parent or legal guardian and only at the conclusion of the case.

B. A person charged with a violation of this chapter who has been issued a notice of civil infraction attached shall have the right to appeal the matter to the police department within 15 working days, requesting a hearing of the matter. Said matter shall be heard no later than 30 calendar days from the date of the appeal. A person requesting an appeal shall post bond in the amount indicated for the violation, which shall be refunded if the hearing officer finds in his/her favor. If the appellant is found to be in violation by the hearing officer, he/she may appeal the matter to the Clallam County District Court. If the district court rules in favor of the city, the appellant may be required to pay associated court costs in addition to the monetary fine. In the event the offender is a juvenile, the parents of the juvenile must file an appeal and be present at the hearing.

Section 2. 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.

PASSED by the City Council and APPROVED by the Mayor of the City of Sequim this ____ day of _____, 2004.

Walter E. Schubert, Mayor

ATTEST:

Karen Kuznek-Reese, CMC, City Clerk

APPROVED AS TO FORM:

Craig A. Ritchie, City Attorney

Publication Date: _____