

ORDINANCE NO. 1144

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ADDING A NEW CHAPTER 10.90 TO THE STANWOOD MUNICIPAL CODE TO INCLUDE REGULATIONS FOR THE OPERATION OF MOTORIZED FOOT SCOOTERS WITHIN THE CITY LIMITS, 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 Stanwood 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 STANWOOD DO ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 10.90 added. A new chapter of SMC Title 10 is hereby added as follows:

Chapter 10.90 MOTORIZED FOOT SCOOTERS

Sections:

10.90.010 Definitions

10.90.020 Operation of motorized foot scooters

10.90.030 Parent Responsibility

10.90.040 Violation – Enforcement authority and Penalties

10.90.050 Seizure and forfeiture

10.90.010 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.

10.90.020 Operation of motorized foot scooters.

(1) Motorized foot scooters shall not be operated upon a public roadway by any person under 16 years of age.

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

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

(4) Motorized foot scooters shall not be operated on city owned property, city parks, upon designated walkways, pathways, sidewalks, or any other place where motorized vehicles are expressly prohibited.

(5) Motorized foot scooters shall not be operated anytime during one half-hour after sunset to one half-hour before sunrise without reflectors of a type approved by the state patrol.

(6) At no times shall a passenger be allowed to ride on a motorized foot scooter.

(7) Motorized foot scooters shall not be operated in a negligent manner upon any roadway or city right of way within the City of Stanwood. 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 Stanwood.

(8) 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.

10.90.030 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.

10.90.040 Violation – Enforcement authority and Penalties.

The City of Stanwood 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 person, including a parent or guardian, violating any of the provisions of this chapter. In any case, the amount shall not exceed \$250.00. In addition to issuing an infraction, law enforcement officers may impound the motorized foot scooter in accordance with 10.90.050, and may sell or destroy seized property upon order of the court in accordance with SMC 10.90.050.

The following monetary penalties shall apply:

- (1) First offense. \$40.00
- (2) Second offense. \$80.00
- (3) Third and future offenses. \$250.00.

Payment of civil fines 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%).

10.90.050 Seizure and Forfeiture

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

(1) First seizure. Any person who has property seized for the first time pursuant to this chapter may prevent forfeiture of said property by contacting the Police Department within 10 days of receipt of Notice of Violation and requesting the property be returned. All monetary penalties imposed must be paid prior to release of seized property.

(2) Second seizure. Any person who has property seized a second time pursuant to this chapter may cause the property to be impounded for a period of no less than ten (10) days from the receipt of Notice of Violation. All monetary penalties imposed must be paid prior to release of property.

(3) Third and future seizures. Any person who has property seized a third or more times pursuant to this chapter shall cause the property to be subject to forfeiture. The Chief of Police, or designee, may apply to the court for an order of forfeiture in accordance with RCW35.20.250.

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 Stanwood this ____ day of _____, 2003.

CITY OF STANWOOD

H.W. Kuhnly, Mayor

ATTEST:

Lynda L. Jeffries, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney