

**ORDINANCE NO. 2080**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING TITLE 10 OF THE SUNNYSIDE MUNICIPAL CODE TO ADD NEW CHAPTER 10.10 REGULATING USE OF MOTORIZED FOOT SCOOTERS WITHIN THE CITY OF SUNNYSIDE, AND DECLARING EMERGENCY**

**WHEREAS**, the Revised Code of Washington 46.61.710 has authorized use of motorized foot scooters upon the highways of the state, subject to the ability and authority of local jurisdictions to limit or otherwise regulate the use of such vehicles; and

**WHEREAS**, the City of Sunnyside has previously adopted ordinances limiting and regulating the use of bicycles, roller blades/skates and skateboard traffic upon certain city sidewalks, parks and pathways; and

**WHEREAS**, unregulated operation of motorized foot scooters upon the City's streets, sidewalks, parks and pathways increases risk of accidental injury to motor scooter operators and other vehicular and pedestrian traffic and damage to property; and

**WHEREAS**, the City Council of the City of Sunnyside finds and determines that shared use of sidewalks, parks and pathways by pedestrians and motorized vehicles increases risk of injury to users of such public property and rights-of-way and reduces pedestrian use of such property; and

**WHEREAS**, the City Council has previously found that operation of any motorized vehicle, other than wheelchair conveyances, within pathways and other similar

properties is undesirable and impairs the intended use of such areas, and has adopted ordinances prohibiting such motor vehicle use; and

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

**WHEREAS**, RCW 46.61.710 does not require use of protective helmets for operators of motorized foot scooters, even though such is mandated for operators of motorcycles, although the risks associated with operation of both types of vehicles are the same or substantially similar; and

**WHEREAS**, the City Council finds and determines that amendment of Title 10 of the Sunnyside Municipal Code to regulate use and operation of motorized foot scooters is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare; and

**WHEREAS**, the City Council finds that unregulated operation of such motorized foot scooters constitutes a public emergency pursuant to the provisions of RCW 35A.13.190, and that this Ordinance should become effective immediately for the protection of public health, safety, property and the public peace.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Title 10 of the Sunnyside Municipal Code is hereby amended to add new Chapter 10.10, entitled “Motorized Foot Scooters,” to read as follows:

**Chapter 10.10**

**MOTORIZED FOOT SCOOTERS**

**Sections:**

- 10.10.010**      **Definitions**
- 10.10.020**      **Duty to obey traffic control devices and rules of the road**
- 10.10.030**      **Unsafe use prohibited**
- 10.10.040**      **Prohibited areas**
- 10.10.050**      **Requirements for operating motorized foot scooters**
- 10.10.060**      **Dealer notice required**
- 10.10.070**      **Violation – Penalty – Impoundment**
- 10.10.080**      **Severability**

**10.10.010**      **Definitions.** The following words and phrases, when used in this chapter, shall have the following meanings:

A.      “Motorized foot scooter” means a device with no more than twelve-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.

B.      “Operate in a negligent manner” means the operation of a motorized foot scooter 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, and failure to yield right-of-way to pedestrians and/or vehicular traffic.

C.      “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 may adopt.

D.      “Modified or enhanced” means to alter the settings, displacement/horsepower or muffler effect to achieve greater power and/or performance than provided when the unit was delivered from the factory for sale.

E.      “City” means the City of Sunnyside.

F. “Code” means the Sunnyside Municipal Code.

**10.10.020 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 vehicular and 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 law enforcement officer or other officer duly authorized to perform traffic control. Every person operating a motorized foot scooter upon a public way shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle pursuant to Chapter 46.61 RCW except as to those provisions thereof which by their nature can have no application.

**10.10.030 Unsafe use prohibited.** No motorized foot scooter 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. Carrying of any passenger in addition to the operator of any motorized foot scooter shall be presumed to be operation in a negligent or unsafe manner.

**10.10.040 Prohibited areas.**

A. Central Business District. It is unlawful for any person to operate or ride upon a motorized foot scooter or similar device upon any street, alley, sidewalk, park or publicly owned parking lot in the central business district of the City. The central business district is defined as the section of the city designated as follows:

That portion of the city bounded on the south by Franklin Avenue, bounded on the north by Decatur Avenue, bounded on the west by 5<sup>th</sup> Street, and bounded on the east by 9<sup>th</sup> Street. Also included are the following:

Yakima Valley Highway, and sidewalks and street right-of-way along such highway

Central Park, and streets and sidewalks abutting Central Park

B. Parks, sidewalks and streets and pathways. Motorized foot scooters are prohibited from any City-installed or City-maintained grass or landscaped surface, and from City parks and pathways, as further defined at section 12.44.010 of this Code, and violations of the restrictions of section 12.44.010 are subject to the specific penalties set forth therein. Motorized foot scooters are also prohibited from being operated on sidewalks within the City limits or on any street with a posted speed limit greater than 25 miles per hour.

**10.10.050 Requirements for operating motorized foot scooters.**

A. Minimum age. No motorized foot scooter shall be operated on streets or other public areas not otherwise prohibited to motorized foot scooters by this chapter unless the operator is at least sixteen (16) years of age.

B. No passengers. Only one person may occupy a motorized foot scooter at one time. No motorized foot scooter operator may transport passengers or tow other devices or persons behind a motorized foot scooter.

C. Helmet, light and reflectors. The following equipment shall be required whenever a motorized foot scooter is operated on streets or other public property within the City:

1. Helmet required. Any person operating a motorized foot scooter upon any public area in the City shall wear an approved helmet designed for safety and meeting or exceeding the standards established for bicycle helmets. The operator shall have the helmet's neck or chin strap fastened securely while the motorized foot scooter is in motion. A parent or guardian is responsible for requiring that a child under the age of eighteen (18) years of age wears an approved helmet while said child is operating a motorized foot scooter in the City, and that the child's helmet neck or chin strap is securely fastened.

2. Light and reflectors required. Pursuant to RCW 46.61.780, a motorized foot scooter operated during the hours of darkness as defined in RCW 46.37.020 shall, as a minimum requirement, 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 Washington 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.

3. Brake required. Every motorized foot scooter shall be equipped with a brake which, when applied, will enable the operator to make the rear wheel skid on dry, level, clean pavement.

4. Muffler required. Every motorized foot scooter powered by an internal combustion engine shall have a properly functioning engine muffler attached and constantly operational during use of the motorized foot scooter to prevent excessive and/or unreasonable noise as defined and prohibited in section 9.34.060 of this Code.

5. No modifications. Motorized foot scooters operated within the City shall not be modified or enhanced in design or construction from the specifications provided by the manufacturer.

**10.10.060 Dealer notice required.** All persons and/or establishments within the City that are involved in the retail sales of motorized foot scooters shall provide each

purchaser of said motorized foot scooter with a written advisement of the regulations, restrictions and requirements of this chapter prior to completing the sale of said motorized foot scooter.

**10.10.070      Violation – Penalty – Impoundment.**

A.      Violation – Penalty.      Any person violating any provision of this chapter, except for the specific provisions of section 12.44.010 of this Code, shall be guilty of a traffic infraction and shall be punished by the imposition of a monetary penalty of not more than \$250.00, exclusive of statutory assessments, for each separate violation; Provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

B.      Impoundment.      In addition to any penalty imposed above, any law enforcement officer observing any violation of this chapter, or the court upon a finding of guilt on any infraction or criminal traffic offense arising out of this chapter, may impound, or order the impound of, the subject motorized foot scooter. In the case of any impound by a law enforcement officer, the law enforcement officer may return the motorized foot scooter to the parent or guardian of the juvenile offender within five (5) days, or may hold in impound the motorized foot scooter until release to the owner or parent or guardian is authorized by the court having jurisdiction over any violation of this chapter. The court may condition the release or return of the motorized foot scooter subject to any condition deemed appropriate by the court, including but not limited to, requiring satisfactory completion of an appropriate traffic safety course, supervision by a parent or guardian, or other restriction on the future use of such motorized foot scooter.

**10.10.080      Severability.**      Each separate provision of this chapter shall be deemed independent of all other provisions. If any provision of this chapter, or any part thereof, be declared invalid by a court of competent jurisdiction, all other provisions, or parts thereof, shall remain valid and enforceable.

**Section 2.**      Except as amended herein, Title 10 of the Sunnyside Municipal Code shall remain unchanged.

**Section 3.**      The City Council finds and declares that an emergency exists, as recited above, and that this Ordinance, being approved by at least a majority plus one of the whole City Council, shall be effective immediately upon passage, approval and

signatures hereon, in order to protect the public health, safety, property and peace. This Ordinance, or an appropriate summary thereof, shall be published as required by law.

PASSED this 9<sup>th</sup> day of August, 2004.

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**ED PRILUCIK, MAYOR**

ATTEST:

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**JUDITH F. ESSARY**  
Deputy City Clerk

APPROVED AS TO FORM:

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**MARK A. KUNKLER**  
City Attorney