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Title: AN ORDINANCE relating to motorized foot scooters; regulating the use and operation of such vehicles; adding a new chapter to K.C.C. Title 46 and prescribing penalties.

Sponsors: Dow Constantine, Pete von Reichbauer

Indexes:

Code sections: 46 -

Attachments: 1. Ordinance 15050.pdf, 2. 2004-0369 Hearing Notice.doc, 3. 2004-0369 Revised Staff Report Motorized foot scooter ordinance 9-22-04.doc, 4. 2004-0369 Staff Report Motorized foot scooter ordinance 8-25-04.doc, 5. 2004-0369 Staff Report Motorized foot scooter ordinance 9-08-04.doc, 6. 2004-0369 Staff Report Motorized foot scooter ordinance 9-22-04.doc

Date	Ver.	Action By	Action	Result
10/25/2004	2	Metropolitan King County Council	Passed as Amended	Pass
10/11/2004	2	Metropolitan King County Council	Hearing Held	
10/11/2004	2	Metropolitan King County Council	Deferred	
9/22/2004	2	Transportation Committee	Recommended Do Pass Substitute	Pass
9/8/2004	1	Transportation Committee	Deferred	
8/25/2004	1	Transportation Committee	Deferred	
7/26/2004	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/26/2004

AN ORDINANCE relating to motorized foot scooters; regulating the use and operation of such vehicles; adding a new chapter to K.C.C. Title 46 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. King County makes the following findings regarding the current unregulated use of motorized foot scooters within the county's jurisdiction:

A. RCW 46.61.710 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 devices;

B. Article 11, Section 11, of the Washington State Constitution outlines the county's general authority to enact local police regulations;

C. Citizens of unincorporated King County have expressed confusion as to where and in what manner motorized foot scooters may be lawfully operated;

D. Unregulated operation of motorized foot scooters upon the roadways, trails and sidewalks of unincorporated King County increases either or both:

1. The risk of accidental injury to motorized foot scooter operators and other vehicular or pedestrian traffic; and

2. Damage to property; and

E. Shared use of sidewalks by pedestrian and motorized vehicular traffic increases risk of injury to sidewalk users and could reduce the desirability of foot traffic as an alternative to motor vehicle use within the unincorporated King County area;

F. Complaints of excessive and unusual noise can be associated with the operation of gas motorized foot scooters;

G. RCW 46.61.710 does not establish minimum age or training requirements for the operation of a motorized foot scooter, which increases the risk of injury caused by either or both untrained operators and youthful operators who lack sufficient judgment to safely operate a motorized vehicle upon public roadways; and

H. RCW 46.61.710 does not make use of helmets mandatory for motorized foot scooter operators, although there is a risk of serious injury for operators who do not wear helmets.

SECTION 2. Sections 3 through 10 of this ordinance should constitute a new chapter in K.C.C. Title 46.

NEW SECTION. SECTION 3. Authority and purpose.

A. The county is authorized to restrict or otherwise limit the access of motorized foot scooters on

facilities and properties under its jurisdiction under RCW 46.61.710.

B. The county is also authorized under Article 11, Section 11 of the Washington State Constitution to enact local police regulations.

C. The purpose of this chapter is to regulate the use and operation of motorized foot scooters on county roads, alleys and sidewalks and also on recreational trails and county park property in accordance with K.C.C. chapter 7.12.

NEW SECTION. SECTION 4. Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

B. "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

C. "Director" means the director of the department of transportation.

D. "Electric motorized foot scooter" means a motorized foot scooter powered solely by an electric motor.

E. "Gas motorized foot scooter" means a motorized foot scooter powered in whole or in part by an internal combustion engine.

F. "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. A motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle is not a motorized foot scooter.

G. "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting there from.

H. "Operator or driver" means every person who drives or is in actual physical control of a vehicle.

I. "Pedestrian" means a person who is afoot or who is using a wheelchair, a power wheelchair or a means of conveyance propelled by human power other than a bicycle.

J. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. If a highway includes two or more separated roadways, "roadway" refers to any such a roadway separately but does not refer to all such roadways collectively.

K. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such a portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

L. "Vehicle" includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. "Vehicle" does not include a power wheelchair or device other than a bicycle moved by human or animal power or used exclusively upon stationary rails or tracks.

NEW SECTION. SECTION 5. Rules for motorized foot scooters. The following rules of operation apply to both gas and electric motorized foot scooters:

A. A motorized foot scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement;

B. A motorized foot scooter may not be in use at any time from a half hour after sunset to a half hour before sunrise.

C. A gas motorized foot scooter may not be operated on county roads, alleys and sidewalks and county recreational trails and park property unless the operator is at least thirteen years of age. There is no minimum age requirement to operate an electric motorized foot scooter. No operator's license is required from the state Department of Licensing to operate a motorized foot scooter.

D. Any person operating a motorized foot scooter or riding as a passenger on a motorized foot scooter upon any county road, alley, sidewalk, recreational trail or park property shall wear a protective helmet designed for bicycle safety that meets or exceeds the safety standards adopted by the United States Consumer Product Safety Commission or set by the American National Standards Institute, or such subsequent nationally recognized standard for bicycle helmet performance as the county may adopt by ordinance. The helmet must be equipped with either a neck strap or chinstrap that shall be fastened securely while the motorized foot scooter is in motion.

E. Any persons 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 signals, signs and other control devices applicable to vehicles and pedestrians, unless otherwise directed by a law enforcement officer.

NEW SECTION. SECTION 6. Areas of operation for motorized foot scooters.

A. Gas motorized foot scooters are prohibited from being operated on sidewalks.

B. All motorized foot scooters are prohibited from being operated in the following areas:

1. On any county road with a posted maximum speed limit greater than twenty-five miles per hour;

and

2. With regard to use of these devices on King County parks facilities, including parks, recreational trails, open space or other property under the jurisdiction of the parks and recreation division of the department of natural resources and parks, the operation of motorized foot scooters is prohibited unless the facility has been specifically designated and posted for that use in accordance with K.C.C. chapter 7.12.

NEW SECTION. SECTION 7. Noise.

A. Every gas motorized foot scooter shall at all times be equipped with a muffler in a good working order and in constant operation to prevent excessive or unusual noise.

B. The use of a cutout, bypass or similar muffler elimination device, is prohibited on any gas motorized foot scooter.

NEW SECTION. SECTION 8. Application to other devices. The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and electric motorized foot scooters apply to any device that:

A. Matches the definition of a motorized foot scooter, gas motorized foot scooter or electric motorized foot scooter except for the size of the device's wheels; and

B. Cannot be defined as a motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle.

NEW SECTION. SECTION 9. Violation - penalty. A person violating this chapter commits a traffic infraction and is subject to a penalty not to exceed one hundred twenty five dollars.

NEW SECTION. SECTION 10. Responsibility. A person shall not violate this chapter. The parent of a child or the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter.

SECTION 11. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.