

ORDINANCE NO. 05-002

AN ORDINANCE by the City Council of the City of Battle Ground adding a chapter to Title 10 of the Municipal Code of Battle Ground regulating motorized foot scooters.

WHEREAS, the Revised Code of Washington (RCW) 46.61.710 has authorized use of motorized foot scooters upon the highways of the state without restrictions as to age, equipment, or abiding by rules of the road, but has also allowed for local jurisdictions to limit or otherwise regulate the use of such vehicles; and

WHEREAS, the City Council of the City of Battle Ground desires to regulate the use of motorized foot scooters to enhance the health, safety and welfare of its citizens and visitors; and

WHEREAS, the City of the City of Battle Ground finds that providing rules to the proper operation of motorized foot scooters would increase the health, safety and welfare of its citizens and visitors; and

WHEREAS, the City Council of the City of Battle Ground finds that providing minimum requirements as to motorized foot scooter lighting, other safety equipment, and rules of operation, would increase the health, safety and welfare of its citizens and visitors;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, DOES HEREBY ORDAIN AS FOLLOWS:

There is added to Title 10 of the Municipal Code of the City of Battle Ground the following Chapter 10.06, Regulation of Motorized Foot Scooters.

Section 1 – 10.06.010 “Definitions”

- a. “Motorized foot scooter” means a device with no more than ten-inch or smaller diameter wheels that has handlebars, is designed to be stood upon but may have a seat, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.
- b. “To 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

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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 when required by law, and failure to obey all rules to the road applicable to vehicle and pedestrian traffic.

- c. “Helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a label as required by the Federal Consumer Products Safety Commission and as adopted by the Code of Federal Regulations (C. F. R.) at 16 C. F. R. 1203.

Section 2 – 10.06.020 – Requirements for Operating Motorized Foot Scooter

1. Minimum age. No motorized foot scooter shall be operated on any street or other public area not otherwise prohibited by this chapter unless the operator is at least sixteen (16) years of age.
2. Helmet required. Any person operating a motorized foot scooter upon any public area in the City of Battle Ground shall wear an approved helmet and shall have either the neck or chin strap of the helmet fastened securely while the motorized foot scooter is in motion.
3. Passengers. No person shall transport or tow another person on, in, or with a motorized scooter upon any public area within the City of Battle Ground.
4. Lighting required. Every motorized foot scooter when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which unit shall emit a white light visible from a distance of at least five hundred feet to the front, the light shall be aimed so as not to interfere with other traffic either in front of or approaching the motorized foot scooter.
5. Reflector required. Every motorized foot scooter when used during the hours of darkness as defined in RCW 46.37.020 shall be equipped 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 (600) feet from the rear.
6. Brake required. Every motorized foot scooter operated upon any public area in the City of Battle Ground shall be equipped with a brake that will enable the operator to make the braked wheel(s) skid on dry, level clean pavement.

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7. Muffler required. Every motorized foot scooter shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. The use of a cutout, bypass, or similar muffler elimination device is prohibited on any gas motorized foot scooter.
8. Disengage provision. No motorized foot scooter shall be operated in any public area within the city limits of Battle Ground unless it is equipped with a switch, lever, or other mechanism that engages the drive motor and when released will cause the drive motor to disengage or cease to function.
9. Negligent operation prohibited. It shall be unlawful for any person to operate a motorized foot scooter in a negligent manner.
10. Prohibited Areas. It shall be unlawful to operate a motorized foot scooter on any public sidewalk, walkway or pathway, any city owned or controlled parking lot, in any city park, or on any public street where the speed limit is greater than 25 MPH.

Section 3 – 10.06.030 – Violation-Penalty

Any violation of this chapter shall be a Class 1 Civil Infraction punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), not including any statutory assessments.

Done in an open meeting of the City Council of the City of Battle Ground this 4th day of April, 2005.

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