

ORDINANCE NO. 26-1731

**AN ORDINANCE OF THE CITY OF LYNDEN REPEALING ORDINANCE NO. 26-1727
AND AMENDING LYNDEN MUNICIPAL CODE CHAPTER 10.18 TO REGULATE
WHEELED RECREATIONAL DEVICES AND MOTORIZED FOOT SCOOTERS AND
OTHER SIMILAR DEVICES ON CITY SIDEWALKS AND WITHIN ALL CITY
BOUNDARIES**

WHEREAS, the City Council had previously adopted Ordinance 26-1727 regulating wheeled recreational devices and that ordinance contained a clerical error in numbering; and

WHEREAS, upon sending the new ordinance to the Admirative Office of the Courts additional information was needed for clarification on citations and fines that may be issued related to this ordinance; and

WHEREAS, the City of Lynden ("City") has noted an increase in the operation of Electric powered devices such as E-Bicycles, powered scooters and similar devices within City; and

WHEREAS, e-bikes, e-scooters, and other powered devices are becoming increasingly popular modes of transportation particularly for underage drivers; and

WHEREAS, the City has received a significant increase in the number of reports of these devices being operated dangerously, including striking pedestrians on the sidewalks, thus necessitating regulatory action on the state and local level; and

WHEREAS, the City desires to amend the Lynden Municipal Code to establish rules regulating the use of e-bikes, e-scooters and other similar devices in the City and all properties owned by the City in order to provide clear guidelines for the use of such devices in the City and to promote responsible use thereon; and

WHEREAS, the City desires to amend the Lynden Municipal Code to establish rules regulating the use of e-bikes, e-scooters and all other powered devices in the City; and

WHEREAS, this ordinance is declared to be an exercise of the police power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the public peace, safety and welfare of its citizens; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Lynden, as follows:

Section 1: Ordinance No. 26-1727 is hereby repealed in its entirety.

Section 2: Lynden Municipal Code (LMC) chapter 10.18 is hereby revised as follows:

Chapter 10.18

WHEELED RECREATIONAL DEVICES AND MOTORIZED FOOT SCOOTERS

Sections:

10.18.010 Definitions.

10.18.020 Exemptions.

10.18.030 Operation of motorized scooters and wheeled recreational devices.

10.18.040 Helmet required.

10.18.050 Responsibility of parent or guardian.

10.18.060 Violation – Penalties.

10.18.010 Definitions.

A. "Motorized foot scooter" means a device with no more than two 10-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. The definition includes both gasoline-powered motorized foot scooters and electric-powered motorized foot scooters, and the regulations contained within this chapter apply equally to both, unless one or the other is specifically referenced.

B. "Wheeled recreational device" means any wheeled recreational object that is (1) designed to propel the person using that object (which includes, but is not limited to, bicycles, skates, and skateboards), whether powered by gravity, hand, foot, pedal power, internal combustion or electric motor, whether it be stood on, sat upon, or ridden in, and (2) that is not required to obtain and display a Washington State vehicle license pursuant to Chapter 46.16 RCW. For purposes of this chapter, "wheeled recreational device" does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), electric personal assistive mobility devices (RCW 46.04.1695), or wheelchair conveyances (RCW 46.04.710).

C. "City street" means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the city limits.

D. "City property" means any park, parking lot, municipal facility or other real property owned by the city.

E. "Helmet" means a head covering that (1) meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI) or Snell Foundation (or such subsequent nationally recognized standard for bicycle helmet performance as the city may approve), and (2) bearing a label evidencing that the helmet meets such standard with a label required by the Federal Consumer Product Safety Commission pursuant to Code of Federal Regulations 16 CFR 1203, or (3) meets Department of Transportation (DOT) Federal Motor Vehicle Safety Standard (FMVSS) No. 218

F. For the purposes of this section "trail" means any path, lane or walkway that is publicly owned in fee or by easement or maintained by the city or other public entity and which is primarily designed for use by nonmotorized users (including without limitation pedestrians, bicyclists and equestrians).

10.18.020 Exemptions.

The regulations of this chapter shall not apply to motor-driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), any class of electric-assisted bicycles (RCW 46.04.169), electric personal assistive mobility devices (RCW 46.04.1695), or wheelchair conveyance (RCW 46.04.710), nor apply to any vehicle or device used by a person with a disability that meets one or more of the criteria in RCW 46.19.010(1).

10.18.030 Operation of motorized scooters and wheeled recreational devices.

A. Operators of motorized foot scooters and wheeled recreational devices shall adhere to all rules of the road set forth in Chapter 46.61 RCW and Chapter 10.04 LMC, except for those rules which by way of nature can have no application to motorized foot scooters or wheeled recreational devices.

B. Motorized foot scooter shall not be operated on sidewalks within the city. Gasoline-powered motorized foot scooters shall not be operated on multiuse trails within the city. Electric-powered motorized foot scooters shall not be operated on hard surface multiuse trails, except for those sections of multiuse trails where such use is specifically authorized and indicated by appropriate signage.

C. No motorized wheeled recreational device that is capable of exceeding 20 miles per hour shall be operated on any sidewalk within the city.

D. Every motorized foot scooter and bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with (1) a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front, and (2) with a red reflector of a type approved by the Washington State Patrol on the rear which shall be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

E. At no time shall a passenger be allowed to ride on a motorized foot scooter or wheeled recreational device; except, this prohibition shall not apply to an adult bicycle rider carrying a child in a child carrier having adequate provision for retaining the child in place and protecting the child from the moving parts of the bicycle.

F. At no time shall a motorized foot scooter or wheeled recreational device tow another motorized foot scooter or wheeled recreational device; except, this prohibition shall not apply to an adult bicycle rider towing a child in a trailer for one or two children intended to be pulled behind a bicycle.

G. Without limitation of the generality of the requirement that motorized foot scooters and wheeled recreational devices adhere to all applicable set forth in Chapter 46.61, motorized foot scooters or wheeled recreational devices shall not be operated in a negligent manner upon any city street or upon city property. For the purposes of this section, "to operate in a negligent manner" means to operate a motorized scooter or wheeled recreational device 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, alleys, parking areas, trails or public parks within the city.

H. 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.

I. Every 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.

J. Motorized foot scooters and wheeled recreational devices shall not be operated in such a way the violated the requirements of Chapter 9.24.120 LMC, Public Disturbance Noises.

10.18.040 Helmet required.

Any person operating a motorized foot scooter or wheeled recreational device on a city street, or on any city property, shall wear a helmet with either the neck or the chin strap of the helmet fastened securely while the motorized scooter or wheeled recreational device is in motion as described in LMC 10.18.010

10.18.050 Responsibility of parent or guardian.

A. No parent, guardian, or other person having control or custody of a minor child shall authorize or knowingly permit said minor to operate a motorized foot scooter or wheeled recreational devices in violation of this chapter.

B. A second or subsequent violation of the provisions of this chapter by a minor child after written notice by any police officer to the parent, guardian, or other person having control or custody of the minor child of a first or prior violation by the minor child shall be prima facie evidence that the parent, guardian, or other person having control or custody authorized or knowingly permitted the minor child's operation of the motorized foot scooter or wheeled recreational device in violation of this chapter.

C. A violation of subsection (A) by a parent, guardian, or other person having control or custody of a minor child is a civil infraction and shall subject the violator to the following penalty (see LMC 1.24.040):

First Violation Within a Twelve-Month Period: Written Warning

Second Violation Within a Twelve-Month Period: C-4 Penalty

Third Violation and All Subsequent Violations Within a Twelve-Month Period: C-5 Penalty

10.18.060 Violation – Penalties.

A. Any Lynden police officer may, at their discretion, issue a civil infraction to any person violating any provision of this chapter. A violation of any provision of this chapter other than LMC 10.18.050 shall be considered a traffic infraction. A violation of LMC 10.18.050 shall be considered a non-traffic infraction. A violation of any provision of this chapter (other than LMC 10.18.050 – addressed above) shall subject the violator to a C-3 penalty (see LMC 1.24.040). Furthermore, the Lynden police officer issuing the civil infraction may, at their discretion, impound the device ridden at the time of the violation for a period of not less than ten days.

B. When a person less than 18 years of age is operating a motorized foot scooter or wheeled recreational device within the City of Lynden in violation of this chapter, any

Lynden police officer may, at their discretion, issue a civil infraction and impound the device pursuant to subsection (A) above, or instead either (1) impound the motorized foot scooter or wheeled recreational device for a period of not less than 10 days without issuing a civil infraction, or (2) release the motorized foot scooter or wheeled recreational device to a responsible adult.

C. The procedure for reclaiming a device impounded pursuant to Section (A) or (B) shall be promulgated by the Chief of Police. When impounding a motorized foot scooter or wheeled recreational device, the Lynden police officer shall provide the operator with a written notice setting forth the procedure for reclaiming the device.

D. A motorized foot scooter or wheeled recreational device impounded pursuant to this section may only be reclaimed by (1) the adult owner of said motorized scooter or wheeled recreational vehicle, or the (2) parent or legal guardian of the minor child who operated the motorized foot scooter or wheeled recreational device in violation of this chapter.

E. When a motorized foot scooter or wheeled recreational device is impounded, a \$50.00 fee for administrative costs of impoundment and processing shall be assessed in addition to any monetary penalty assessed. Both the administrative fee and any monetary penalty imposed must be paid to the city prior to the release of the impounded device.

F. Any motorized foot scooter or wheeled recreational device that remains unclaimed for a period exceeding thirty (30) days may be disposed of in accordance with state law.

Section 3: Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if, for any reason,

this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 5: This ordinance shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law.

AFFIRMATIVE VOTE 6 IN FAVOR, AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS 16th DAY OF March 2026.



Scott Korthuis, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney