

## **Chapter 10.18 - Revised WHEELED RECREATIONAL DEVICES AND MOTORIZED FOOT SCOOTERS**

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**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 these regulations apply equally to both, unless one or the other is specifically referenced.

B. “Wheeled recreational device” means any wheeled recreational object 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 that is not required to obtain and display a Washington State vehicle license (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 mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

C. “City street” means every public highway, road or street, as defined in Chapter 46.04 RCW, or part thereof, located within the city.

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

E. “Rules of the road” means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, city ordinance, rule or regulation.

F. "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 Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the city may approve, and bearing a label evidencing that the helmet meets such standard with a label required by the Federal Consumer Product Safety Commission adopted by the Code of Federal Regulations 16 CFR 1203.

G. "Multiuse trail" means any portion of the city's trail system, including sidewalks, used by pedestrians, bicycles or equestrians, or any two thereof.

#### **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), electric-assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415), nor apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

#### **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 applicable to motorized vehicles.

B. No motorized foot scooter may be operated on sidewalks. Gasoline-powered motorized foot scooters shall not be operated on multiuse trails within the city. Electric-powered motorized foot scooters may be operated on hard surface multiuse trails when specifically authorized and appropriately signed.

C. Motorized foot scooters shall not be used upon any bicycle path or hiking or recreational trail within the city unless specifically authorized and appropriately signed.

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 a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and 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, provided, this 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, provided, this 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 rules of the road, 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 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 of Lynden.

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. The operation of motorized foot scooters contrary to Chapter 9.24.120 LMC, Public Disturbance Noises, is prohibited.

#### **10.18.040 Helmet required.**

Any person operating a motorized foot scooter or wheeled recreational device on the public streets, rights-of-way or alleys of the city of Lynden, or on any city property as defined in LMC 10.18.010(D), shall wear an approved helmet designed for safety and shall have either the neck or the chin strap of the helmet fastened securely while the motorized scooter or wheeled recreational device is in motion.

#### **10.35.050 Application of traffic laws.**

Every person riding a motorized scooter or wheeled recreational device upon a public way shall be granted all of the rights and shall be subject to all of the responsibilities applicable to the driver of the vehicle pursuant to Chapter 46.61 RCW, except special regulations in RCW 46.61.710 and RCW 46.61.750 through 46.61.780 shall apply to persons operating motorized foot scooters or wheeled recreational devices, and except for those provisions of Chapter 46.61 RCW which by way of nature can have no application. (Ord. 1000 § 1, 2006).

#### **10.18.060 Responsibility of parent or guardian.**

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

#### **10.18.070 Violation – Penalties.**

A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction and any Lynden police officer may, at their discretion, issue a civil infraction. A violation of any provision of this chapter is a civil infraction and shall subject the violator to a C-3 penalty (see LMC 1.24.040). Furthermore, the device ridden at the time of the violation shall be subject to impound by the city for a period of ten days.

B. In lieu of the penalty described above, any Lynden police officer may utilize the following penalty provision for a person less than 16 years of age operating a motorized foot scooter or wheeled recreational device within the city of Lynden in violation of this chapter:

1. The officer may take custody of and impound the motorized foot scooter or wheeled recreational device. If the officer does not impound the motorized foot scooter or wheeled recreational device, he or she may release it only to an adult, provided, the officer shall provide the operator with a written notice setting forth the procedure for reclaiming the motorized foot scooter or wheeled recreational device.

2. The procedure for reclaiming the device shall be promulgated by the chief of police, and may include the requirement that the person under 16 years of age receive approved instruction on the safe operation of motorized foot scooters and wheeled recreational devices.

3. Only the parent or legal guardian of a violator or an adult owner may reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.

4. A \$50.00 fee for costs of impoundment and administrative processing shall be paid to the city prior to the release of any property impounded under this alternative penalty.

5. Any unclaimed devices may be disposed of in accordance with state law.

C. The second violation by any parent or guardian of LMC 10.35.060 shall be a misdemeanor.