

ORDINANCE NO. 947

AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON, ESTABLISHING REGULATIONS GOVERNING THE OPERATION OF ELECTRIC-ASSISTED BICYCLES, ELECTRIC MOTORCYCLES, MOTORIZED FOOT SCOOTERS, AND OTHER MOTORIZED PERSONAL TRANSPORTATION DEVICES UPON CITY PROPERTY; ADDING A NEW CHAPTER TO THE TENINO MUNICIPAL CODE; PROVIDING FOR ENFORCEMENT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the use of electric-assisted bicycles, electric motorcycles, motorized scooters, and similar devices has increased substantially in recent years; and

WHEREAS, the City has received complaints and documented instances involving excessive speed, unsafe operation, near collisions with pedestrians, and damage to public property caused by the operation of certain motorized personal transportation devices; and

WHEREAS, the City Council finds that regulations governing the operation of such devices are necessary to protect pedestrians, bicyclists, motorists, children, and other users of public streets, sidewalks, trails, parks, and other public property while preserving access for lawful transportation; and

WHEREAS, RCW 46.61.710(7) and RCW 46.61.715 authorize local jurisdictions to regulate, restrict, or otherwise limit the operation of electric-assisted bicycles and motorized foot scooters on facilities, properties, and rights-of-way under their jurisdiction and control; and

WHEREAS, the City Council further finds that these regulations constitute a reasonable exercise of the City's police power under RCW 35A.11.020 to protect the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TENINO ORDAINS AS FOLLOWS:

Chapter ____

Motorized Personal Transportation Devices

Section 1. Purpose.

The purpose of this chapter is to promote the safe operation of electric-assisted bicycles, electric motorcycles, motorized foot scooters, and similar motorized transportation devices upon public property within the City while protecting pedestrians, preserving public property, and reducing unsafe operation.

Section 2. Definitions.

Unless the context clearly requires otherwise:

"Electric-assisted bicycle," "Class 1 electric-assisted bicycle," "Class 2 electric-assisted bicycle," and "Class 3 electric-assisted bicycle" shall have the meanings provided in RCW 46.04.169, as now existing or hereafter amended.

"Motorized foot scooter" shall have the meaning provided in RCW 46.04.336, as now existing or hereafter amended.

"Operator" means any person who rides upon, propels, or is in actual physical control of a motorized personal transportation device.

"Commercial district" means those areas of the City zoned commercial under the City's zoning code, as now existing or hereafter amended.

"Motorized personal transportation device" means any electrically powered or motor-driven device designed primarily for transporting one or more persons, including electric-assisted bicycles, motorized foot scooters, electric skateboards, pocket motorcycles, electric mini-bikes, electric dirt bikes, and similar devices, but excluding:

- a) motorized wheelchairs and other mobility devices used by persons with disabilities, including electric personal assistive mobility devices (EPAMDs) as defined in RCW 46.04.1712 when used for that purpose;
- b) emergency vehicles; and
- c) City-owned maintenance equipment.

"City park" means any park, trail, open space, athletic field, playground, or recreational facility owned or maintained by the City.

Section 3. Areas of Operation.

Except as prohibited by this chapter or other law, motorized personal transportation devices may be operated upon:

- 1. public streets where otherwise permitted by state law;
- 2. designated bicycle lanes;
- 3. designated shared-use paths; and
- 4. locations specifically authorized by the City.

Nothing in this chapter authorizes operation of any vehicle required by state law to be licensed, registered, insured, or operated by a licensed driver.

Section 4. Prohibited Areas.

Except for authorized City personnel acting within the scope of their duties, no person shall operate a motorized personal transportation device in or upon any of the following:

- 1. any City park, as defined in Section 2 [including/excluding the Yelm-Tenino Trail — confirm];
- 2. any playground or athletic field;
- 3. any landscaped area;
- 4. any sidewalk located within a commercial district, as defined in Section 2; and
- 5. any location where posted signage prohibits such operation.

Section 5. Rules of Operation.

Every operator shall obey all applicable traffic laws, yield to pedestrians, operate at a speed reasonable for existing conditions, and maintain due care to avoid collisions.

No person shall:

1. race;
2. perform wheelies;
3. intentionally skid or drift;
4. jump curbs, stairs, benches, or structures;
5. operate recklessly;
6. operate while distracted; or
7. operate in a manner likely to damage City property.

No person shall operate a motorized personal transportation device in a manner that damages turf, landscaping, irrigation systems, trails, sidewalks, curbs, benches, signs, playground equipment, or any other public improvement.

Section 6. Safety Equipment.

Every motorized personal transportation device operated upon a public street shall have:

- a) working brakes;
- b) required lighting during darkness;
- c) required reflectors; and
- d) all manufacturer-installed safety equipment in operable condition.

Every operator shall wear a properly fastened bicycle helmet meeting CPSC standards.

Section 7. Age Restrictions.

Operators shall comply with all age requirements established under Washington law, including the minimum age for operation of a Class 3 electric-assisted bicycle under RCW 46.20.500.

No person under sixteen years of age may operate an electric motorcycle, pocket motorcycle, electric dirt bike, or substantially similar motorized vehicle upon public property unless otherwise authorized by state law.

Section 8. Passengers.

No device shall carry more persons than designed by its manufacturer.

Section 9. Parent Responsibility.

A parent or legal guardian shall not knowingly authorize, permit, or fail to make reasonable efforts to prevent a minor from violating this chapter. A violation of this section by a parent or legal guardian is subject to the same civil infraction and penalty provisions set forth in Section 11.

Section 10. Enforcement.

A law enforcement officer may:

1. issue warnings;
2. issue civil infractions;

3. temporarily impound a device for safekeeping when necessary, subject to the procedure set forth below; and
4. release an impounded device to its owner, or to a parent or legal guardian if the operator is a minor.

Impound procedure. Upon impoundment, the officer shall provide the operator (or, if a minor, the operator's parent or legal guardian) with written notice stating the reason for impoundment, the location where the device is held, and the process for redemption. A device may be redeemed within [] days of impoundment upon payment of a storage fee of \$[], as set by Council resolution. A device unclaimed after [] days shall be treated as unclaimed property subject to RCW 63.32, as now existing or hereafter amended.

DRAFTING NOTE: The bracketed numbers need Sherriff's Department and Public Works input on what's administratively workable.

For minors, officers are encouraged to use progressive enforcement whenever appropriate.

Section 11. Penalties.

Unless otherwise provided by state law, a violation of this chapter constitutes a Class [] civil infraction under RCW 7.80, punishable by a monetary penalty not to exceed \$[] for a first offense, as set by Council resolution.

DRAFTING NOTE: Check with Sherriff for help on filling in blanks

Section 12. Severability.

If any portion of this ordinance is held invalid, the remaining provisions shall remain in full force and effect.

Section 13. Codification.

The City Clerk shall codify this ordinance within the Tenino Municipal Code and may correct section numbering, formatting, and cross-references consistent with the intent of the City Council.

Section 14. Effective Date.

This ordinance shall take effect five (5) days after publication of an approved summary as provided by law.