

CITY OF MONROE
ORDINANCE NO. 025/2022

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 10.18 MMC
MOTORIZED FOOT SCOOTERS; UPDATING AND
REVISING THE CITY'S CODIFIED REGULATIONS
GOVERNING THE OPERATION OF MOTORIZED FOOT
SCOOTERS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Monroe regulates motorized foot scooters through the provisions codified at Chapter 10.18 MMC; and

WHEREAS, the City Council desires to amend Chapter 10.18 MMC to update and revise the operational requirements for motorized foot scooters, including without limitation clarifying the permissible areas and speed limits applicable for the operation of such devices;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment of Chapter 10.18 MMC. Chapter 10.18 of Monroe Municipal Code is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe,
at a regular meeting held this 11th day of October, 2022.

First Reading: September 27, 2022
Adoption: October 11, 2022
Published: October 14, 2022
Effective: October 19, 2022

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Oct 17, 2022 13:44 PDT)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:


Jodi Wycoff (Oct 17, 2022 14:30 PDT)

Jodi Wycoff, City Clerk


Zach Lell (Oct 17, 2022 13:44 PDT)

J. Zachary Lell, City Attorney

Exhibit A

Chapter 10.18 MOTORIZED FOOT SCOOTERS

Sections:

10.18.010 Purpose; applicability.

10.18.020 Definitions.

10.18.030 Operation of motorized foot scooters.

10.18.040 Parent responsibilityAge Limit; Parent or Guardian Responsibility.

10.18.050 Violation – Penalty.

10.18.060 Severability.

10.18.010 Purpose; applicability.

A. This chapter applies to motorized foot scooters. Unless otherwise expressly provided herein this chapter does not apply to 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 (EPMD) (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

B. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 004/2005)

10.18.020 Definitions.

- A. "Child" means any person under eighteen years of age.
- B. "City street" means every public highway, as defined in Chapter 46.04 RCW or part thereof, located within the city limits of the city of Monroe.
- C. "City property" means all property owned by the city of Monroe, including all city right-of-way.
- D. "Guardian" means (1) a person who, under court order, is the guardian of the person of a juvenile; or (2) a public or private agency with whom a juvenile has been placed by a court; or (3) a person who is at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a juvenile.
- E. "Motorized foot scooter" means a device with two or three wheels that has handlebars, a floorboard that can be stood upon while riding, and is powered by an internal combustion engine or electric motor that has a maximum speed of no greater than twenty miles per hour on level ground.
- ~~"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.~~
- F. "Parent" means a person who is a natural parent, adoptive parent, step-parent, or foster parent of a juvenile.
- G. "Wheeled recreational device" means any wheeled recreational object designed to propel the person using that object with an internal combustion or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain and display a Washington State vehicle license (Chapter 46.16A RCW). ~~For purposes of this chapter, "wheeled recreational devices" 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), (Ord. 009/2018 § 10; Ord. 004/2005)~~

10.18.030 Operation of motorized foot scooters.

A. It is unlawful for any person to do any of the following:

~~1. Operate a motorized foot scooter while under the age of sixteen years~~

~~12.~~ Operate a motorized foot scooter on a public roadway having a speed limit greater than twenty-five miles per hour;

~~2. Operate a motorized foot scooter on a city street at a speed greater than 15 miles per hour; bicycle path, or trail that is designated for bicycle use at a speed greater than 10 miles per hour;~~

~~3. Operate a motorized foot scooter on city-owned property, including a city park;~~

~~34.~~ Operate a motorized foot scooter on a sidewalk, except as may be necessary to enter or leave property adjacent to the sidewalk at a maximum speed of greater than 5 miles per hour;

~~45.~~ Operate a motorized foot scooter on any ~~public~~ bicycle path or trail that is not a marked-designated bicycle use lane, or on any public equestrian, hiking, or recreational trail;

~~56.~~ Operate a motorized foot scooter at any time from one-half hour after sunset to one-half hour before sunrise;

~~67.~~ Operate a motorized foot scooter with a passenger in addition to the operator;

~~78.~~ Operate a motorized foot scooter in such a manner as to endanger or be likely to endanger any person or property; operation of a motorized foot scooter in excess of fifteen miles per hour shall be prima facie evidence of operation in a manner likely to endanger any person or property;

~~89.~~ Operate a motorized foot scooter that is not 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;

~~940.~~ Operate a motorized foot scooter powered by an internal combustion engine that is not at all times equipped with a muffler in good working order; or

~~104.~~ Operate a motorized foot scooter without wearing a protective helmet that meets or exceeds the safety standards set by the American National Standards Institute's (ANSI)

Standard Z-90.4. The helmet must be worn over the head and equipped with either a neck or chinstrap that must be fastened securely while the motorized foot scooter is in motion.

~~112.~~ Operate in a manner that creates continuous sound associated with a gasoline-powered engine so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property. Nothing in this section shall limit enforcement of MMC 9.08.050 relating to disorderly conduct.

B. Any person operating a motorized foot scooter upon a public way shall obey all rules of the road as adopted by MMC Title 10. (Ord. 004/2005)

10.18.040 Age Limit; Parent or Guardian responsibility.

A. There shall be no minimum age limit when operating a motorized foot scooter on a bicycle path, or trail that is designated for bicycle use.

B. It is unlawful for a child under the age of 10 years to operate a motorized foot scooter on a City Street when not accompanied by a Parent, Guardian or other person having control or custody of such child.

C. It is unlawful for any parent, guardian or other person having control or custody of a child to authorize or permit a child to operate a motorized foot scooter in violation of this chapter. (Ord. 004/2005)

10.18.050 Violation – Penalty.

~~A.—Any person violating any provisions of this chapter shall be deemed to have committed a traffic infraction and shall be punished by the imposition of a monetary penalty not to exceed two hundred fifty dollars, exclusive of statutory assessments; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses.~~

~~B.—In lieu of the penalty described above, any Monroe police officer may utilize the following penalty provision for a person under sixteen years of age found operating a motorized foot scooter or other wheeled recreational device on city property:~~

~~1.—The officer may take custody of the device. If the officer does not impound the device, he or she may release it only to an adult.~~

~~2.—The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.~~

~~3.—The procedure for reclaiming the device shall be promulgated by the chief of police.~~

~~4.—Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.~~

~~5.—Any person reclaiming property under this chapter shall pay a fifty dollar fee to the city clerk for the costs of impound and administrative processing prior to the release of any property impounded under this alternative penalty.~~

~~6.—Any unclaimed devices may be disposed of in accordance with state law. (Ord. 004/2005)~~

10.18.060 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 004/2005)

Ordinance 025-2022 Motorized Foot Scooters MMC 10.18 - final

Final Audit Report

2022-10-17

Created:	2022-10-17
By:	Jodi Wycoff (jwycoff@monroewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAlmUbwxqgdL1zLJCPQ3s_PB66pjNxpV

"Ordinance 025-2022 Motorized Foot Scooters MMC 10.18 - fina l" History

-  Document created by Jodi Wycoff (jwycoff@monroewa.gov)
2022-10-17 - 7:01:07 PM GMT
-  Document emailed to Zach Lell (zlell@omwlaw.com) for signature
2022-10-17 - 7:01:43 PM GMT
-  Email viewed by Zach Lell (zlell@omwlaw.com)
2022-10-17 - 8:30:44 PM GMT
-  Document e-signed by Zach Lell (zlell@omwlaw.com)
Signature Date: 2022-10-17 - 8:44:03 PM GMT - Time Source: server
-  Document emailed to Geoffrey Thomas (gthomas@monroewa.gov) for signature
2022-10-17 - 8:44:05 PM GMT
-  Email viewed by Geoffrey Thomas (gthomas@monroewa.gov)
2022-10-17 - 8:44:31 PM GMT
-  Document e-signed by Geoffrey Thomas (gthomas@monroewa.gov)
Signature Date: 2022-10-17 - 8:44:57 PM GMT - Time Source: server
-  Document emailed to Jodi Wycoff (jwycoff@monroewa.gov) for signature
2022-10-17 - 8:44:58 PM GMT
-  Email viewed by Jodi Wycoff (jwycoff@monroewa.gov)
2022-10-17 - 9:30:50 PM GMT
-  Document e-signed by Jodi Wycoff (jwycoff@monroewa.gov)
Signature Date: 2022-10-17 - 9:30:58 PM GMT - Time Source: server

✔ Agreement completed.

2022-10-17 - 9:30:58 PM GMT