

**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE NO. O-05-288**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, ADDING A NEW CHAPTER 8.20 TO THE MAPLE VALLEY MUNICIPAL CODE, RELATING TO SAFETY: ENTITLED “MOTORIZED FOOT SCOOTERS AND OTHER WHEELED RECREATIONAL DEVICES”, REGULATING THE USE OF MOTORIZED FOOT SCOOTERS, AND OTHER WHEELED RECREATIONAL DEVICES WITHIN THE CITY LIMITS BY ESTABLISHING A MINIMUM AGE REQUIREMENT FOR OPERATORS, LIMITING AND/OR PROHIBITING MOTORIZED FOOT SCOOTER, AND OTHER WHEELED RECREATIONAL DEVICE USE ON SIDEWALKS, TRAILS, STREETS, AND IN PARKS, REQUIRING REFLECTORS, REQUIRING OPERATORS TO OPERATE SUCH VEHICLES SAFELY; AND PROVIDING A PENALTY FOR VIOLATION.**

WHEREAS, the City Council of the City of Maple Valley, Washington desires to protect the health, safety, and welfare of its citizens and visitors; and

WHEREAS, RCW 46.61.710 has authorized use of motorized foot scooters and other wheeled recreational devices upon the highways of the state to the same extent as bicycles but allows local jurisdictions to limit or otherwise regulate the use of such devices; and

WHEREAS, unregulated operation of motorized foot scooters and other wheeled recreational devices upon the City’s streets increases the risk of accidental injury to motor foot scooter and other wheeled recreational device operators and to other vehicular or pedestrian traffic, and/or damage to property; and

WHEREAS, shared use of sidewalks, parks, trails and other public rights-of-way by motorized foot scooters and other wheeled recreational devices increases the risk of injury to pedestrian users and reduces the desirability of foot traffic as an alternative to motor vehicle use within the City; and

WHEREAS, RCW 46.61.710 does not establish minimum age or training requirements for the operation of motorized foot scooters and other wheeled recreational devices, which further increases the risk of injury caused by untrained operators and/or youthful operators who lack sufficient judgment to safely operate a motorized vehicle upon public streets; and

WHEREAS, RCW 46.61.710 does not make use of helmets mandatory for motorized foot scooters or other wheeled recreational device operators, although there is a risk of serious injury for operators who do not wear helmets; and

WHEREAS, regulations are needed to clarify where and in what manner motorized foot scooters and other wheeled recreational devices may lawfully be operated within the City limits;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1      Adoption of regulations.      The City Council hereby amends the Maple Valley Municipal Code to add a new Chapter 8.20 entitled Motorized Foot Scooters and Other Wheeled Recreation Devices as follows:

**MOTORIZED FOOT SCOOTERS, POCKET BIKES AND OTHER WHEELED RECREATIONAL DEVICES**

Sections:

- 8.20.010      Motorized foot scooter, pocket bikes, and other wheeled recreational devices defined
- 8.20.020      Duty to obey traffic-control devices and rules of the road
- 8.20.030      Certain uses prohibited
- 8.20.040      Prohibited areas
- 8.20.050      Requirements for operating motorized foot scooters and other wheeled recreational devices
- 8.20.060      Violations – Penalty
- 8.20.070      Enforcement

**8.20.010      Motorized foot scooter, and other wheeled recreational device defined**

- A.      “Motorized foot scooter” is defined as a device with no more than two ten-inch or smaller diameter wheels that has handlebars or a steering wheel, 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.
  
- B.      “Pocket Bike” is defined as a device with no more than two ten-inch or smaller diameter wheels that has handlebars, has an appearance similar to a motorcycle, 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. Pocket bikes are not defined as scooters or as other wheeled recreational devices in this ordinance. Pocket bikes, pocket rockets, and other similar type of mini motorcycles are small (most measure only 12 to 18 inches in overall height), fast, and manufactured primarily as a racing bike and intended for off-road use only. Pocket bikes may not be legally operated on public roads. Additionally, they may not be operated on sidewalks, bike lanes, trails, or anyplace prohibiting the use of motorized vehicles.

Pocket bikes are similar in performance and application to that of a motor-driven cycle or a motorcycle. Pocket bikes meet the definition of a motorcycle as outlined in Revised Code of Washington (RCW) 46.04.330 which states in part,

“Motorcycle” means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, . . .” However, pocket bikes do not meet many of the equipment requirements for motorcycles that may be legally operated on roadways. These requirements are outlined in statutes and include: a minimum wheel base of three feet six inches (RCW 46.44.050); minimum headlamp height of 24 inches (RCW 46.37.523); minimum tail lamp height of 15 inches (RCW 46.37.525); two mirrors (RCW 46.37.400); pneumatic rubber tires (RCW 46.37.420); and others. Additionally, pocket bikes are not manufactured with a conforming 17-digit vehicle identification number (VIN), indicating the manufacturer did not meet Federal Motor Vehicle Safety Standards (FMVSS) that are required for motor vehicles of any class to be operated on public roads. Operators of motor-driven cycles or motorcycles must also have a valid driver’s license, a motorcycle endorsement, and must wear a helmet.

- C. “Other wheeled recreational device” is defined as a device with two or more wheels that has handlebars or a steering wheel, is designed to be stood or sat upon by the operator, is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that is not required to obtain and display a Washington State vehicle license. Homemade recreational vehicles, go-karts, and any type of altered recreational vehicle would fit into this category.
- D. For purposes of this Chapter, a motor-driven cycle, a moped, an electric-assisted bicycle, a Segway, an electric personal assistive mobility device (EPAMD) and a motorcycle, as defined in state law, are not motorized foot scooters or other wheeled recreational devices.
- E. The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

**8.20.020 Duty to obey traffic-control devices and rules of the road**

- A. Any person operating a motorized foot scooter or other wheeled recreational device shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- B. Additionally, it shall be unlawful to operate a motorized foot scooter or other wheeled recreational device other than as close as practicable to the right-hand curb or right edge of the roadway as is safe; except as may be appropriate while preparing to make or while making turning movements.

### **8.20.030 Certain uses prohibited**

- A. No motorized foot scooter or similar wheeled recreational device shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For the purposes of this section, to operate in a “negligent or unsafe manner” means the operation of a motorized foot scooter or other wheeled recreational devices in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent or unsafe manner include, but are not limited to, failure to obey all traffic-control devices, and/or failure to yield right-of-way to pedestrians and/or vehicular traffic.
- B. Operation of motorized foot scooters or other wheeled recreational vehicles is subject to the provisions of MVMC 9.05.480, which prohibits public disturbance noises.
- C. No motorized foot scooter or other wheeled recreational device shall be operated at any time from a half hour before sunset to a half hour after sunrise.
- D. No motorized foot scooter or other wheeled recreational device shall be operated with any passengers in addition to the operator.
- E. No motorized foot scooter or other wheeled recreational device shall be operated without the operator wearing a properly fitted helmet, that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI) or the Snell Foundation, or a subsequent nationally recognized standard for helmet performance as the City may adopt. The helmet shall be worn over the head and equipped with either a neck or chinstrap that shall be fastened securely while the motorized foot scooter or other wheeled recreational device is in motion.
- F. Not motorized scooter or other wheeled recreational device shall be driven in excess of 15 miles per hour.
- G. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this Chapter.

### **8.20.040 Prohibited areas**

It is unlawful for any person to operate or ride upon a motorized foot scooter or other wheeled recreational device in any of the following areas:

- A. On public sidewalks within the City limits;
- B. In City parks;
- C. On multiple use trails including bicycle paths, bikeways, equestrian trails and hiking and recreation trails;

- C. On any City street with a posted maximum speed limit greater than 25 miles per hour (does not apply if a bike lane is present); and
- E. In Public parking lots.

**8.20.050 Requirements for operating motorized foot scooters or other wheeled recreational devices**

- A. Minimum age. No motorized foot scooter or other wheeled recreational device shall be operated on streets or other public areas not otherwise prohibited by this chapter to motorized foot scooters or other wheeled recreational vehicle unless the operator is at least fourteen (14) years of age.
- B. Required equipment. The following equipment shall be required whenever a motorized foot scooter or other wheeled recreational device is operated within the City limits:
  - (1) Visible rear reflectors of a type approved by the Washington State Patrol.
  - (2) Operating headlight(s) when required as approved and directed by the Washington State Patrol.
  - (3) A muffler, as required by RCW 46.61.710. No alterations to the standard muffling equipment shall be made.
  - (4) Handlebars or steering wheels must not exceed the shoulder-height of the rider.
  - (5) A working brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.
  - (6) Any other equipment required by state or local law.

**8.20.060 Violations – Penalty**

Any violation of this chapter shall be considered an infraction subject to a penalty of \$100.00 per violation.

**8.20.070 Enforcement**

Officers of the police department, or such officers, agents or employees as are authorized to provide police services to the City, shall enforce the provisions of this chapter. The disposition of an infraction issued under this chapter shall follow the procedures adopted under WAC 308-330-700 and the applicable sections of Chapter 46.63 RCW.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3.     Effective Date.   This ordinance shall take effect five days after its publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24<sup>TH</sup> DAY OF JANUARY, 2005

CITY OF MAPLE VALLEY

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Laure A. Iddings, Mayor

ATTEST/AUTHENTICATED

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Irvalene M. Moni, CMC, RP, City Clerk

Approved as to form:

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Bruce Disend, City Attorney

Date Published:       March 1, 2005

Effective Date:       March 6, 2005