

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 05-784

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REGARDING THE REGULATION FOR USE OF MOTORIZED FOOT SCOOTERS AND SIMILAR DEVICES; TO ESTABLISH A PENALTY FOR VIOLATIONS WITHIN THE CITY OF BLACK DIAMOND, RENAMING CHAPTER 10.32, REPEALING SECTIONS 10.32.010, 10.32.020 AND 10.32.030 AND ADDING NEW SECTIONS 10.32.010 THROUGH 10.32.070**

WHEREAS, the City Council of the City of Black Diamond makes the following finding regarding the current unregulated use of motorized foot scooters within the city limits:

WHEREAS, Revised Code of Washington (RCW) 46.61.710 has authorized use of motorized foot scooters on the highways of the state but allowed for local jurisdictions to limit or otherwise regulate the use of such vehicles; and

WHEREAS, citizens of Black Diamond have expressed confusion over where and in what manner motorized foot scooters may lawfully be operated and,

WHEREAS, unregulated operation of motorized foot scooters upon the City's streets and sidewalks increases risk of accidental injury to motor scooter operators and other vehicular or pedestrian traffic, and/or damage to property, and

WHEREAS, RCW 46.61.710 does not establish minimum age or training requirements for operation of a motorized foot scooter, which creates great risk of injury and/or property damage caused by untrained operators and/or youthful operators who lack sufficient judgment to safely operate a motorized vehicle upon public streets; now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Chapter 10.32 of the Black Diamond Municipal Code is hereby renamed as follows: SKATEBOARDS, ROLLER SKATES, COASTERS, IN-LINE SKATES, MOTORIZED FOOT SCOOTERS AND SIMILAR DEVICES

Section 2. Black Diamond Municipal Code sections 10.32.010, 10.32.020 and 10.32.030 are hereby repealed.

Section 3. A new section 10.32.010 is hereby added to the Black Diamond Municipal Code which shall read as follows:

## Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

- A. "Skateboard" has its ordinary meaning and means a footboard mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels or lays upon the device while it is in motion.
- B. "Roller skates" has its ordinary meaning and means a pair of shoes, mounted upon two sets of wheels, and is most often propelled by the user in an upright, standing position or kneeling.
- C. "Coasters" has its ordinary meaning and means a pairs of shoes, mounted upon two sets of wheels, and controlled by an upright steering handle. This device is propelled by the user in usually an upright position.
- D. "Inline skates" has its ordinary meaning and means a pair of shoes or boots, mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled by the user in an upright, standing position.
- E. "Motorized foot scooter" or similar device is defined as a device with two or more 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. It is provided, however, that the regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

Section 4. A new section 10.32.020 is hereby added to the Black Diamond Municipal Code which shall read as follows:

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

- A. Any person operating a skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar 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. It shall be unlawful to operate a motorized foot scooter or similar device other than as close as practicable to the right-hand curb or right edge of the roadway.
- C. When preparing for a left turn, the operator shall stop and dismount as close as practical to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in Chapter 46.61 RCW.

Section 5. A new section 10.32.030 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Certain uses prohibited.

A. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar 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 hereof, to 'operate in a negligent manner' means the operation of a motorized foot scooter or similar device in such a manner as to endanger or be likely to endanger or any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right of way to pedestrians and/or vehicular traffic. Operation of a motorized foot scooter in excess of a posted speed limit shall be prima facie evidence of operation in a manner likely to endanger any person or property.

B. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated between the times of sunset to sunrise.

C. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated with any passengers in addition to the operator.

D. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated without the operator wearing a properly fitted helmet that meets or exceeds safety standards adopted by Standard Z-90, set by the American National Standards Institute. The helmet must be worn over the head and be equipped with either a neck or chin strap that must be fastened securely while the motorized scooter is in motion.

E. No motorized foot scooter with an internal combustion engine shall be operated without a muffler in good working order.

F. No motorized foot scooter shall be operated on a City bicycle path or trail, unless the path has been posted to allow use by a motorized foot scooter.

Section 6. A new section 10.32.040 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Prohibited areas.

It is unlawful for any person to operate or ride upon a skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device in any of the following areas:

- A. On Lawson Street, Railroad Ave, Morgan Street, Roberts Drive and Baker Street.
- B. In City parks, unless designated for such use.
- C. On sidewalks within the City limits.
- D. On any City street with a posted maximum speed limit greater than 25 miles per hour.

Section 7. A new section 10.32.050 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Additional Requirements-Motorized Foot Scooters

- A. No motorized foot scooter or similar device shall be operated on streets or other public areas not otherwise prohibited by this section to motorized foot scooters unless the operator is at least 16 years of age. No operator's license is required from the Department of Licensing to operate a motorized foot scooter.
- B. Every motorized foot scooter shall be equipped with mirrors on the left side and right side of the handlebars which shall be so located as to give the driver a complete view of the roadway for a distance of at least two hundred feet to the rear of the scooter.
- C. 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.

Section 8. A new section 10.32.060 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Parental Responsibilities

It is unlawful for a parent or guardian to allow a child to operate a motorized foot scooter in violation of this ordinance. For violations by people under 16 years of age, the parent or guardian will be held responsible.

Section 9. A new section 10.32.070 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Penalties

A. Any person violating any provision of this chapter shall be guilty of a traffic infraction and shall be punished by the imposition of a monetary penalty of not more than \$250.00, exclusive of statutory assessments, provided, conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. Community service hours may be imposed in lieu of a monetary penalty.

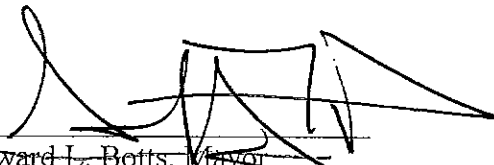
B. Police may seize the motorized foot scooter after any violation. After adjudication of the case the court shall determine the release conditions of the device.

Section 10. If any one or more sections, subsection, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

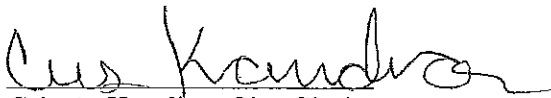
Section 11. This ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

Introduced the 19<sup>th</sup> day of May, 2005.

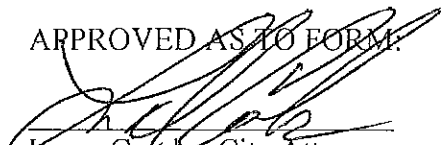
Passed by a majority of the City Council at a meeting held on the 19<sup>th</sup> day of May, 2005.

  
~~Howard L. Botts, Mayor~~  
Geoff Bowie, Mayor  
Pro-Tem

ATTEST:

  
Cris A. Kandior, City Clerk

APPROVED AS TO FORM:

  
Loren Combs, City Attorney

Published: 5/31/05  
Posted: 5/30/05  
Effective Date: 6-5-05