

BINGEN MUNICIPAL CODE

Chapter 10.30

MOTORIZED FOOT SCOOTERS AND OTHER WHEELED RECREATIONAL DEVICES

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10.30.010 – Definitions.

- A. “Motorized Foot Scooter” means a device with no more than two 10-inch or small 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.
- B. “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 (RCW 46.16). For purposes of this chapter, “wheeled recreational device” does not include motorcycles (RCW 46.04.330) motor driven cycles (RCW 46.4.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), Electric Personal Mobility Devices (RCW 46.04.1695), power wheelchairs (RCW 46.04.415) or neighborhood electric vehicle (RCW 46.61.688 (1)(c)).
- C. “City Street” means every highway, as such is defined in RCW 47.04.010, located within the city limits of the City of Bingen and includes the full right of way, whether or not paved or maintained for vehicular use.
- D. “City Property” includes but is not limited to all City rights-of-way and includes any proprietary or other real property which the city owns or in which it has a possessory interest.
- E. “Rules of the Road” means all rules applicable to vehicle or pedestrian traffic as set forth in RCW 46.61 and ordinances of the City of Bingen.
- F. “Helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system, with a label required by the Federal Consumer Products Safety Commission as adopted by the Code of Federal Regulations 16CFR1203.

- G. "Highway" means every way, lane, road, street, boulevard, and every way or place in the City of Bingen open as a matter of right to public vehicular traffic.
- H. The regulations of this chapter shall not apply to any vehicle used by a disabled individual satisfying the requirements of RCW 46.16.381 (1). (Ord. 511 § 1, 2005)

10.30.020 Operation of Motorized Foot Scooters

- A. It is unlawful for any person to operate a motorized foot scooter or other wheeled recreational device:
 - 1. On any City street unless such person is sixteen years of age or older;
 - 2. With a passenger in addition to the operator;
 - 3. On any City street with a maximum speed limit above 25 miles per hour, unless the device is operated within a designated bicycle lane;
 - 4. On any city property that is not a City street;
 - 5. In any park;
 - 6. Upon any bicycle path or trail that is not a designated bicycle lane, or upon any equestrian, hiking or recreational trail;
 - 7. Upon any sidewalk, except as may be necessary to enter or leave adjacent property; or
 - 8. On any private or public property posted with notice prohibiting use by motorized foot scooters or wheeled recreational devices.
- B. Any person operating a motorized foot scooter or other wheeled recreational device shall obey all the rules of the road, 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.
- C. No motorized foot scooter or other 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 purposes of this section:
 - 1. To operate in a negligent or unsafe manner means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

2. Operation of motorized foot scooter or other wheeled recreational device in excess of 15 miles per hour shall be prima facie evidence of operation in a negligent manner.
- D. 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. (Ord. 511 § 1, 2005)

10.30.040 Helmets required – nighttime operation prohibited.

- A. Any person operating a motorized foot scooter or other wheeled recreational device upon any city street shall wear a helmet and shall have the neck or chinstrap of the helmet fastened securely while the device is in motion.
- B. Motorized foot scooters and other wheeled recreational devices may not be operated at any time from sunset to sunrise. (Ord. 511 § 1, 2005)

10.30.050 Noise restrictions – mufflers.

- A. It is unlawful to sell or operate a motorized foot scooter or wheeled recreational device that is powered by an internal combustion engine that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. (Ord. 511 § 1, 2005)

10.30.060 Violation – penalty.

- A. Any person violating the provisions of this Chapter shall be deemed to have committed an infraction.
 1. The penalty for the first such infraction shall be \$50.00.
 2. The penalty for the second such infraction within a 60 day period shall be \$150.00.
 3. The penalty for the third such infraction within a 60 day period shall be \$350.00.
- B. In the event of a third violation within any 60 day period, the Bingen Municipal Court may order the motorized foot scooter or wheeled recreational device to be seized by the Bingen Police Department and held for a period not to exceed 60 days, to be released to the owner thereof only upon evidence of ownership, satisfactory to the court, of the motorized foot scooter or wheeled recreational device and upon payment of the fine and an additional \$50.00 administrative fee to the City of Bingen. Any unclaimed motorized foot scooters or wheeled recreation devices may be disposed of in accordance with state law. (Ord. 511 § 1, 2005)