

Ordinance No. 121518

Council Bill No. 114910

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

6/22/04 PASSED

CF No.

Date Introduced:	<u>JUN 01 2004</u>	
Date 1st Referred:	<u>JUN 01 2004</u>	To: (committee) TRANSPORTATION
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>7-6-04</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>7-2-04</u>	Date Approved: <u>7-16-04</u>
Date Returned to City Clerk:	<u>7-16-04</u>	Date Published: <u>6</u> T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Vetted by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

7-6-04 PASSED
(S...)

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin
Councilmember

Committee Action: (E)

6/22/04 PASSED UNANIMOUSLY 3-0 YES
AS AMENDED
CUNILLI, GOTTSON, PAKBANDSOM

(E)

7-6-04 Passed As Amended 8-0
(Excused: Drago)

This file is complete and ready for presentation to Full Council.

Committee: RC 6/22/04

(initial/date)

Department

Law Dept. Review

OMP Review

(U)
City Clerk Review

BNS
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Indexed

ORDINANCE 121518

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.184 EPAMD (Electric personal assistive mobility device).

“EPAMD” means an electric personal assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. (Statutory reference: RCW 46.04.1695.)

Section 2. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.333 Motorized foot scooter.

“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. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A “gas motorized foot scooter” is a motorized foot scooter powered in whole or in part by an internal combustion engine. An “electric motorized foot scooter” is a motorized foot scooter powered solely by an electric motor. (Statutory reference: RCW 46.04.336.)



1 Section 3. A new chapter 11.46 is hereby added to the Seattle Municipal Code, to read as
2 follows:

3 **Chapter 11.46**
4 **RULES FOR EPAMDs AND MOTORIZED FOOT SCOOTERS**

5 **11.46.010 Areas of operation.**

- 6 A. Except as otherwise provided in this chapter, gas motorized foot scooters may be operated on
7 roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.
8
- 9 B. Except as otherwise provided in this chapter, EPAMDs and electric motorized foot scooters may
10 be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or public
11 paths. Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the
12 sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the
13 roadway or shoulder of any highway where the speed limit is greater than 35 miles per hour.
14
- 15 C. EPAMDs and motorized foot scooters are subject to limitations imposed by SMC Title 18 on the
16 use of motorized vehicles in parks.
- 17 D. Neither EPAMDs nor motorized foot scooters may be operated on public school playfields or
18 public school playgrounds.
- 19 E. The provisions of this section limiting the use of EPAMDs and/or electric motorized foot
20 scooters in parks or on sidewalks, bicycle lanes, public paths, public school playfields, or public
21 school playgrounds do not apply to an EPAMD or electric motorized foot scooter when that
22 device is operated by a person with a mobility impairment caused by a physical disability who
23 uses that device to enhance that person's mobility.
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1 **11.46.020 Rules of operation.**

2 Subject to the limitations on areas of operation contained in Section 11.46.010, the following rules of
3 operation apply to EPAMDs and/or motorized foot scooters, as indicated:
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5 A. Every motorized foot scooter shall be equipped with a brake that will enable the operator to make
6 the braked wheels skid on dry, level, clean pavement.

7 B. Every motorized foot scooter when in use at anytime from a half hour after sunset to a half hour
8 before sunrise must be equipped with a lamp on the front that emits a white light visible at a
9 distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a
10 type approved by the State Patrol that shall be visible from all distances up to six hundred (600)
11 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
12

13 C. No person under sixteen years of age may operate a gas motorized foot scooter on a roadway,
14 shoulder or alley.

15 D. Except as otherwise provided in this chapter, operators of gas motorized foot scooters shall have
16 the same rights and duties as operators of bicycles.
17

18 E. Speed-limited zones for EPAMDs and electric motorized foot scooters.

19 (1) The Director of the Seattle Department of Transportation (Director) is authorized to
20 designate speed-limited zones for EPAMDs and electric motorized foot scooters.
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22 (2) Speed-limited zones shall be those areas where, in the professional judgement of the
23 Director:

24 (a) congested pedestrian or nonmotorized traffic is present;
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- (b) without a speed limit, a significant speed differential would exist between pedestrians or nonmotorized traffic and EPAMD or electric motorized foot scooter traffic, and
- (c) without a speed limit, the presence of EPAMD or electric motorized foot scooter traffic could endanger public safety.

(3) The Director is also authorized, in the professional judgement of the Director, to establish times during which certain areas will be deemed speed-limited zones.

(4) When within a designated speed-limited zone, EPAMDs and electric motorized foot scooters shall not be operated at a speed in excess of five miles per hour upon any sidewalk, crosswalk, or pedestrian zone.

F. Except as otherwise provided in this chapter, operators of EPAMDs and electric motorized foot scooters shall have the same rights and duties as:

- (1) operators of bicycles when upon any portion of a highway except a sidewalk, crosswalk, or pedestrian zone; and
- (2) pedestrians when upon any sidewalk, crosswalk, or pedestrian zone.

G. At all times, operators of motorized foot scooters and operators of EPAMDs shall yield the right-of-way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered device.

H. Any person operating a motorized foot scooter shall wear a protective helmet designed for bicycle safety.

I. No motorized foot scooter or EPAMD shall be operated with any passenger or other person in addition to the operator.



1 **11.46.030 Noise.**

2 A. Every gas motorized foot scooter shall at all times be equipped with a muffler in good working
3 order and in constant operation to prevent excessive or unusual noise.

4
5 B. The use of a cutout, bypass, or similar muffler elimination device, is prohibited on any gas
6 motorized foot scooter.

7
8 C. The provisions SMC Chapter 25.08 apply to motorized foot scooters and EPAMDs, neither of
9 which shall be deemed "motor vehicles" within the meaning of SMC Chapter 25.08.

10 **11.46.040 Application to other devices.**

11 The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and/or
12 electric motorized foot scooters apply to any device that: (1) matches the definition of a motorized foot
13 scooter, gas motorized foot scooter, and/or electric motorized foot scooter except for the size of the
14 device's wheels; and (2) cannot be defined as a motor-driven cycle, a moped, an electric-assisted bicycle,
15 or a motorcycle.

16
17 **11.46.050 Responsibility.**


18 No person shall do any act forbidden by this chapter or fail to perform any act required in this chapter.
19 The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such
20 child or ward to violate any of the provisions of this chapter.
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24 Section 4. The provisions of this ordinance are declared to be separate and severable. The
25 invalidity of any particular provision shall not affect the validity of any other provision.
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1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.


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6 Passed by the City Council the 6th day of July, 2004, and signed by me in open
7 session in authentication of its passage this 6th day of July, 2004.

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10 
President pro tem of the City Council

11 Approved by me this 16 day of July, 2004.

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13 
Gregory J. Nickels, Mayor

14 Filed by me this 16 day of July, 2004.

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16 
City Clerk

17 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Pete Lagerwey, 684-5108	Jennifer Devore, 615-1328

Legislation Title: AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

- **Summary of Legislation:** Legislation establishes areas of operation and rules of operation for “motorized foot scooters” (i.e., gas- and electric-powered scooters) and for “electric personal assistive mobility devices” or “EPAMDs” (the only brand of which currently available are commonly known as “Segways”) within the City of Seattle.

Areas of Operation. Under this legislation:

- EPAMDs may be operated on sidewalks, but motorized foot scooters may not be operated on sidewalks;
- both types of devices may be operated on roadways, shoulders and alleys except: (a) where an arterial street contains a sidewalk, EPAMDs must be operated on that sidewalk and not on the roadway or shoulder; and (b) an EPAMD may not be operated on any roadway or shoulder with a speed limit in excess of 35 mph; and
- neither type of vehicle may be operated in a bicycle lane or on a public path (such as the Burke Gilman Trail).

[Note: Use of any motorized vehicle in a City park is already banned except on roadways. SMC 18.12.200. This legislation specifically preserves that law.]

Rules of Operation. Under this legislation, when operated in the areas in which they are allowed:

- no person under sixteen years of age may operate a motorized foot scooter on a roadway, shoulder or alley;
- motorized foot scooter operators will have the same rights and responsibilities as bicyclists;
- EPAMD operators: (a) will have the same rights and responsibilities as bicyclists when operating on a roadway, shoulder, or alley; (b) will have the same rights and responsibilities as pedestrians when operating on a sidewalk, crosswalk, or pedestrian zone; and (c) will have to obey a 4 mph speed limit in certain congested pedestrian zones designated by the Director of the Seattle Department of Transportation.



- Motorized foot scooters must be equipped with a lamp on the front and reflector on the back when riding anytime from a half hour after sunset to a half hour before sunrise.

Please note the matrix, attached to this Fiscal Note, for a representation of the essence of this legislation.

Background: This legislation builds upon and is consistent with recent State legislation. First, 2002 Washington Laws Chapter 247 imposed certain restrictions on EPAMDs and allowed local governments the ability to impose additional regulations. The primary provisions of this statute are codified at RCW 35.75.020 and RCW 46.61.710. Second, 2003 Washington Laws Chapter 353 §§ 6-11 clarified state regulation of motorized foot scooters while allowing additional local restrictions. The essential section of this law is also codified in RCW 46.61.710.

- Please check one of the following:

This legislation does not have any financial implications.

Attachment to Fiscal Note

Summary of Proposed Legislation Regarding EPAMDs and Motorized Foot Scooters

Arterial	Non Arterial	Bike Lane	Public Path*	Sidewalk**
<u>Allowed:</u> - Scooters - EPAMDs (if no sidewalk & speed limit is 35 mph or less) - Bikes - Peds (on shoulder if no sidewalk)	<u>Allowed:</u> - Scooters - EPAMDs - Bike - Peds (on shoulder if no sidewalk)	<u>Allowed:</u> - Bikes	<u>Allowed:</u> - Bikes - Peds	<u>Allowed:</u> - EPAMDs (can be limited to 4 mph by Director of SDOT under certain circumstances) - Bikes - Peds
<u>Not Allowed:</u> - EPAMDs (if sidewalk exists or speed limit is greater than 35 mph) - Peds (if there is an adjacent sidewalk)	<u>Not Allowed:</u> - Peds (if there is an adjacent sidewalk)	<u>Not Allowed:</u> - Scooters - EPAMDs - Peds	<u>Not Allowed:</u> - Scooters - EPAMDs	<u>Not Allowed:</u> - Scooters

Notes:

*Under SMC 11.14.435, a "path" is "any constructed trail which has been designed for the use of pedestrians, equestrians or bicyclists." Public paths are commonly called "bike trails" or "multi-use paths."

**Under SMC 11.14.570, a "sidewalk" is "that area between the curb lines or the lateral edge lines of a roadway and the adjacent property, intended for the use of pedestrians or such portion of private property parallel and in proximity to a street or alley and dedicated to use by pedestrians..."



Examples Where the Status of "Sidewalk" Might Not Be Clear:

1) Burke Gilman Trail – two block-section, 9th Ave NW to 11th Ave NW. The public path is immediately adjacent to NW 45th Street. The public path therefore serves as a sidewalk along this two-block section. EPAMDs would be allowed for this two-block section.

The Director of Transportation may adopt administrative rules for this and similar situations—where, in limited locations, public paths serve as both a public path and sidewalk.

2) Alaskan Way, Waterfront Area – asphalt path on east side of street. This section of this path serves as the sidewalk on the east side of the street and so should be open to EPAMDs. As in the first example, the Director of Transportation may adopt administrative rules for this and similar situations.

3) Alki Trail – asphalt path on water side of street. This path is owned and operated by the Department of Parks and Recreation. Existing City law states it is unlawful to operate any motorized vehicle "over or through any park except along and upon the park drives, parkways and park boulevards." SMC 18.12.200. The Superintendent of Parks may adopt an administrative rule interpreting how this language applies to this and other situations where EPAMDs might be operated within, but near the perimeters of, parks.

Proposed Amendment to # 1

11.46.020 Rules of operation.

Lilac

Subject to the limitations on areas of operation contained in Section 11.46.010, the following rules of operation apply to EPAMDs and/or motorized foot scooters, as indicated:

- A. 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.
- B. Every motorized foot scooter when in use at anytime from a half hour after sunset to a half hour before sunrise must be equipped with a lamp on the front that emits a white light visible at a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the State Patrol that shall be visible from all distances up to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- C. No person under sixteen years of age may operate a gas motorized foot scooter on a roadway, shoulder or alley.
- D. Except as otherwise provided in this chapter, operators of gas motorized foot scooters shall have the same rights and duties as operators of bicycles.
- ~~E. When upon any sidewalk, crosswalk, or pedestrian zone, an electric motorized foot scooter shall not be operated at a speed in excess of 15 miles per hour.~~
- E. F. Speed-limited zones for EPAMDs and electric motorized foot scooters.

(1) The Director of the Seattle Department of Transportation (Director) is authorized to designate speed-limited zones for EPAMDs and electric motorized foot scooters.

(2) Speed-limited zones shall be those areas where, in the professional judgement of the Director:

- (a) congested pedestrian or nonmotorized traffic is present;



(b) without a speed limit, a significant speed differential would exist between pedestrians or nonmotorized traffic and EPAMD or electric motorized foot scooter traffic, and

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G. H. At all times, operators of motorized foot scooters and operators of EPAMDs shall yield the right-of-way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered device.

11.46.030 Noise.

A. Every gas motorized foot scooter shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.



121518

June 28, 2004

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Anne Vernez-Moudon, PhD

University of Washington

Bill Weis, PhD

Seattle University

Seattle City Council

600 Fourth Avenue

Seattle, WA 98104

Subject: Regulation of Motorized Scooters

Dear Councilmembers:

Feet First would like to take this opportunity to provide information on the regulation of motorized scooters. We have polled experts in pedestrian transportation and reviewed the status of restrictions across the country as well as in neighboring cities of Vancouver, BC and Portland, OR. We want the council to be educated about what has been done in other jurisdictions. Council Bill Number 114910 being considered is designed to regulate motorized scooters in Seattle, but it will not protect pedestrians and it will not be sufficiently enforceable. This issue is an opportunity to take a stand that matches the strength of statutes in Oregon, California and British Columbia.

The proliferation of motorized two-wheeled scooters has become visible and audible this year. This is a new breed of device was commercially unavailable prior to the year 2000, and it is essential that we enact new legislation to control their use. The gasoline-powered units are driven by incredibly noisy and polluting two-stroke engines (similar to a chainsaw or old outboard motors), capable of speeds of 25-30 mph (modifications for even higher speeds are posted in Internet forums). It is not uncommon to see two or more children, without helmets, riding a scooter down the middle of the street, at top speed. It's also not uncommon to see adults or children on scooters weaving in and out between parked cars, switching from sidewalk to street as the mood strikes them.

Note that Feet First's comments on scooters do not pertain to the so-called Electrical Personal Assistive Mobility Device (EPAMD). EPAMD regulation is restricted by state law. Feet First supports the authority granted in Council Bill 114910 enabling the Director of the Seattle Department of Transportation to regulate speeds of EPAMDs where appropriate.

Our comments on scooters also do not pertain to three- or four-wheeled electric wheelchairs used by people with disabilities. Feet First is a pedestrian advocacy organization that promotes the rights of all pedestrians, including people using wheelchairs. We believe our comments are also supportive of the interests of people in wheelchairs.

We are concerned that pedestrian injuries and fatalities will occur when pedestrians are struck by fast-moving scooters and strike their heads falling to the pavement.

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(206) 652-2310
info@feetfirst.info
www.feetfirst.info

In the midst of a nationwide struggle with overweight, physically inactive youth, it makes little sense to encourage in any way the use of motorized scooters by children. We should be encouraging these kids to walk, bicycle, use push-scooters or skateboards - anything that encourages physical activity.

The safety issues related to scooters are very real. The Consumer Product Safety Commission reports that nationwide, motorized scooters accounted for 5,900 emergency room visits in 2002, up by a third from 2001. 2003 data will be available in July and a further increase is expected due to the increase in sales of motorized scooters.

Our comments are provided on two levels, first if motorized scooter use is to be permitted, what are sensible restrictions on their use? Feet First wants to educate council about restrictions being placed in other municipalities, to ensure that the City of Seattle is protecting the safety of its citizens. Second, Feet First presents a stronger case that the use or sale of motorized scooters not be permitted in the City Right-of-Way without further work at the State level and the Department of Motor Vehicles.

If motorized scooters are to be permitted, they need to be regulated at a variety of levels, including:

1. Motorized scooters are NOT bicycles. Feet First does not oppose allowing bicyclists on the sidewalks as long as they yield to pedestrians. Due to the posture of the cyclist and the fact that cyclists are using their own energy, we find bicycles to be sensitive to appropriate speeds in mixed traffic.
2. Feet First agrees that motorized scooters do not belong on multi-use paths such as the Burke-Gilman trail.
3. *No use on sidewalks!* Council legislation distinguishes between gas-powered and electric-powered scooters. Feet First finds no basis for permitting electric-powered scooters on sidewalks. The differences between electric and gasoline scooters are not sufficient to allow electric scooters on sidewalks. San Francisco, Portland, OR, and Vancouver, BC, are among other cities have banned the use of all powered scooters from sidewalks.

If council decides to permit use on sidewalks, Feet First cautions strongly against 11.46.020 Section E that identifies a 15-mph speed limit for use on sidewalks. First, this is faster than the highly-tested and more agile Segway. The average pedestrian pace is 3 mph. Corners, vegetation, and hills can obscure sight-distance and increase the likelihood of dangerous collisions. Second, there is no ability to enforce a 15-mph speed limit. Only a 5-mph speed limit would be enforceable. We believe that it is unrealistic to expect the Seattle Police Department to enforce a speed

limit for vehicles on sidewalks. If any speed limit is imposed that limit should be 5 mph. No speed greater than 5 mph is acceptable with pedestrians present. On sidewalks in an urban environment, geometry and visual obstructions make it impossible to anticipate whether people are emerging from buildings or around corners on intersecting streets.

4. Helmet use should be mandatory. Mandatory helmet use is compatible with the newly enacted helmet legislation in the City of Seattle. The Seattle Police Department intends to enforce and encourage compliance with the helmet law.
5. No riders should be allowed on the scooter -- it should be considered a severe violation for multiple people to be riding the scooter.
6. Simply banning the use of the gas-powered scooters prior to 16 years of age is inadequate and will be difficult to enforce. Feet First encourages the City of Seattle to require possession of a valid drivers license for scooter operation on city streets.
7. Riding at night should be banned. This is a U.S. Consumer Product Safety Commission recommendation (<http://www.cpsc.gov/PR/prscoot.html>). Given the possible speeds of these scooters and their low profile, it is not possible to attain sufficient head-on visibility or safety with reflectors or battery-powered headlights (scooters do not have electrical systems like motorcycles, nor do they welcome generators as readily as do bicycles). Further, the low height of a scooter's rear fender makes side- or rear-visibility insufficient for approaching motorists.
8. These devices are only appropriate for residential streets with speed limits no greater than 25 mph. Similar restrictions are in place in other U.S. jurisdictions. Vancouver BC restricts unpowered scooters to minor streets.

Preferably, Council would implement a ban on street use and sale of motorized scooters within the City of Seattle.

9. We are aware that the council is sensitive to the fact that citizens have purchased these devices and that businesses are selling them. The truly responsible action on the part of the council would be to ban the sale of these devices within the city limits, making the law unambiguous for citizens.
10. Washington State may not have adequate control of motorized scooters. In British Columbia and Oregon these scooters are defined and controlled. In British Columbia, such vehicles require registration and insurance. Without further clarification and regulation in the State of Washington,

Feet First recommends that the city impose a complete ban on the use of scooters in City Right-of-Way.

11. Consideration for people who have already purchased these devices should not dissuade council for such a banning them from public streets and right-of-way. There are more appropriate places for their use than public streets, such as private roads and asphalt-covered areas. These devices are not appropriate for transportation--they are recreational devices. Citizens regularly purchase recreational vehicles such as snowmobiles, ATVs, and off-road motorcycles which they are not permitted to operate in the city's street right-of-way. Those owners take responsibility for travelling to the appropriate destination for their vehicle's use, and there should be no difference in the consideration of the electric or gas-powered scooters.

The Board of Directors of Feet First urges Councilmembers to follow the lead of numerous government bodies including New York, San Francisco, Portland, and Vancouver, BC to ban or severely regulate the use of motorized scooters within the City of Seattle.

Sincerely,



David Levinger, PE, PhD
Feet First



ORDINANCE _____

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

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(Statutory reference: RCW 46.04.1695.)

Section 2. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.333 Motorized foot scooter.

“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. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. (Statutory reference: RCW 46.04.336.)



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16 C. EPAMDs and motorized foot scooters are subject to limitations imposed by SMC Title
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13 (a) congested pedestrian or nonmotorized traffic is present;

14 (b) without a speed limit, a significant speed differential would exist between
15 pedestrians or nonmotorized traffic and EPAMD traffic, and

16 (c) without a speed limit, the presence of EPAMD traffic could endanger public
17 safety.

18 (3) The Director is also authorized, in the professional judgement of the Director, to
19 establish times during which certain areas will be deemed speed-limited zones.

20 (4) When within a designated speed-limited zone, EPAMDs shall not be operated at a
21 speed in excess of four miles per hour upon any sidewalk, crosswalk, or pedestrian
22 zone.

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27 D. Lights on Motorized Foot Scooters

1 Every motorized foot scooter when in use at anytime from a half hour after sunset to a half hour
2 before sunrise must be equipped with a lamp on the front that emits a white light visible at a distance of
3 at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the
4 State Patrol that shall be visible from all distances up to six hundred (600) feet to the rear when directly
5 in front of lawful lower beams of head lamps on a motor vehicle.

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9 **11.46.030 Responsibility.**

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11 No person shall do any act forbidden by this chapter or fail to perform any act required in this
12 chapter. The parent of any child and the guardian of any ward shall not authorize or knowingly
13 permit any such child or ward to violate any of the provisions of this chapter.

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15
16 Section 4. The provisions of this ordinance are declared to be separate and severable. The
17 invalidity of any particular provision shall not affect the validity of any other provision.

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19
20 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its
21 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
22 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.



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Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)



ORDINANCE _____

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.184 EPAMD (Electric personal assistive mobility device).

“EPAMD” means an electric personal assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. (Statutory reference: RCW 46.04.1695.)

Section 2. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.333 Motorized foot scooter.

“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. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A “gas motorized foot scooter” is a motorized foot scooter powered in whole or in part by an internal combustion engine. An “electric motorized foot scooter” is a motorized foot scooter powered solely by an electric motor. (Statutory reference: RCW 46.04.336.)

1 Section 3. A new chapter 11.46 is hereby added to the Seattle Municipal Code, to read as
2 follows:

3 **Chapter 11.46**
4 **RULES FOR EPAMDs AND MOTORIZED FOOT SCOOTERS**

5 **11.46.010 Areas of operation.**

- 6 A. Except as otherwise provided in this chapter, gas motorized foot scooters may be operated on
7 roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.
8
- 9 B. Except as otherwise provided in this chapter, EPAMDs and electric motorized foot scooters may
10 be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or public
11 paths. Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the
12 sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the
13 roadway or shoulder of any highway where the speed limit is greater than 35 miles per hour.
14
- 15 C. EPAMDs and motorized foot scooters are subject to limitations imposed by SMC Title 18 on the
16 use of motorized vehicles in parks.
- 17 D. Neither EPAMDs nor motorized foot scooters may be operated on public school playfields or
18 public school playgrounds.
- 19 E. The provisions of this section limiting the use of EPAMDs and/or electric motorized foot
20 scooters in parks or on sidewalks, bicycle lanes, public paths, public school playfields, or public
21 school playgrounds do not apply to an EPAMD or electric motorized foot scooter when that
22 device is operated by a person with a mobility impairment caused by a physical disability who
23 uses that device to enhance that person's mobility.
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1 **11.46.020 Rules of operation.**

2 Subject to the limitations on areas of operation contained in Section 11.46.010, the following rules of
3 operation apply to EPAMDs and/or motorized foot scooters, as indicated:
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5 A. Every motorized foot scooter shall be equipped with a brake that will enable the operator to make
6 the braked wheels skid on dry, level, clean pavement.

7 B. Every motorized foot scooter when in use at anytime from a half hour after sunset to a half hour
8 before sunrise must be equipped with a lamp on the front that emits a white light visible at a
9 distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a
10 type approved by the State Patrol that shall be visible from all distances up to six hundred (600)
11 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
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13 C. No person under sixteen years of age may operate a gas motorized foot scooter on a roadway,
14 shoulder or alley.

15 D. Except as otherwise provided in this chapter, operators of gas motorized foot scooters shall have
16 the same rights and duties as operators of bicycles.
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18 E. When upon any sidewalk, crosswalk, or pedestrian zone, an electric motorized foot scooter shall
19 not be operated at a speed in excess of 15 miles per hour.

20 F. Speed-limited zones for EPAMDs and electric motorized foot scooters.
21

22 (1) The Director of the Seattle Department of Transportation (Director) is authorized to
23 designate speed-limited zones for EPAMDs and electric motorized foot scooters.

24 (2) Speed-limited zones shall be those areas where, in the professional judgement of the
25 Director:

26 (a) congested pedestrian or nonmotorized traffic is present;
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(b) without a speed limit, a significant speed differential would exist between pedestrians or nonmotorized traffic and EPAMD or electric motorized foot scooter traffic, and

(c) without a speed limit, the presence of EPAMD or electric motorized foot scooter traffic could endanger public safety.

(3) The Director is also authorized, in the professional judgement of the Director, to establish times during which certain areas will be deemed speed-limited zones.

(4) When within a designated speed-limited zone, EPAMDs and electric motorized foot scooters shall not be operated at a speed in excess of five miles per hour upon any sidewalk, crosswalk, or pedestrian zone.

G. Except as otherwise provided in this chapter, operators of EPAMDs and electric motorized foot scooters shall have the same rights and duties as:

(1) operators of bicycles when upon any portion of a highway except a sidewalk, crosswalk, or pedestrian zone; and

(2) pedestrians when upon any sidewalk, crosswalk, or pedestrian zone.

H. At all times, operators of motorized foot scooters and operators of EPAMDs shall yield the right-of-way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered device.

11.46.030 Noise.

A. Every gas motorized foot scooter shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

1 B. The use of a cutout, bypass, or similar muffler elimination device, is prohibited on any gas
2 motorized foot scooter.

3 C. The provisions SMC Chapter 25.08 apply to motorized foot scooters and EPAMDs, neither of
4 which shall be deemed "motor vehicles" within the meaning of SMC Chapter 25.08.
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6 **11.46.040 Application to other devices.**

7 The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and/or
8 electric motorized foot scooters apply to any device that: (1) matches the definition of a motorized foot
9 scooter, gas motorized foot scooter, and/or electric motorized foot scooter except for the size of the
10 device's wheels; and (2) cannot be defined as a motor-driven cycle, a moped, an electric-assisted bicycle,
11 or a motorcycle.
12

13 **11.46.050 Responsibility.**

14 No person shall do any act forbidden by this chapter or fail to perform any act required in this chapter.
15 The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such
16 child or ward to violate any of the provisions of this chapter.
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18
19 Section 4. The provisions of this ordinance are declared to be separate and severable. The
20 invalidity of any particular provision shall not affect the validity of any other provision.
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Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

ORDINANCE _____

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.184 EPAMD (Electric personal assistive mobility device).

“EPAMD” means an electric personal assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. (Statutory reference: RCW 46.04.1695.)

Section 2. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.333 Motorized foot scooter.

“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. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A “gas motorized foot scooter” is a motorized foot scooter powered in whole or in part by an internal combustion engine. An “electric motorized foot scooter” is a motorized foot scooter powered solely by an electric motor. (Statutory reference: RCW 46.04.336.)

1 Section 3. A new chapter 11.46 is hereby added to the Seattle Municipal Code, to read as
2 follows:

3 **Chapter 11.46**
4 **RULES FOR EPAMDs AND MOTORIZED FOOT SCOOTERS**

5 **11.46.010 Areas of operation.**

- 6 A. Except as otherwise provided in this chapter, gas motorized foot scooters may be operated on
7 roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.
8
- 9 B. Except as otherwise provided in this chapter, EPAMDs and electric motorized foot scooters may
10 be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or public
11 paths. Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the
12 sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the
13 roadway or shoulder of any highway where the speed limit is greater than 35 miles per hour.
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- 15 C. EPAMDs and motorized foot scooters are subject to limitations imposed by SMC Title 18 on the
16 use of motorized vehicles in parks.
- 17 D. Neither EPAMDs nor motorized foot scooters may be operated on public school playfields or
18 public school playgrounds.
- 19 E. The provisions of this section limiting the use of EPAMDs and/or electric motorized foot
20 scooters in parks or on sidewalks, bicycle lanes, public paths, public school playfields, or public
21 school playgrounds do not apply to an EPAMD or electric motorized foot scooter when that
22 device is operated by a person with a mobility impairment caused by a physical disability who
23 uses that device to enhance that person's mobility.
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1 **11.46.020 Rules of operation.**

2 Subject to the limitations on areas of operation contained in Section 11.46.010, the following rules of
3 operation apply to EPAMDs and/or motorized foot scooters, as indicated:
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5 A. Every motorized foot scooter shall be equipped with a brake that will enable the operator to make
6 the braked wheels skid on dry, level, clean pavement.

7 B. Every motorized foot scooter when in use at anytime from a half hour after sunset to a half hour
8 before sunrise must be equipped with a lamp on the front that emits a white light visible at a
9 distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a
10 type approved by the State Patrol that shall be visible from all distances up to six hundred (600)
11 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
12

13 C. No person under sixteen years of age may operate a gas motorized foot scooter on a roadway,
14 shoulder or alley.

15 D. Except as otherwise provided in this chapter, operators of gas motorized foot scooters shall have
16 the same rights and duties as operators of bicycles.
17

18 E. Speed-limited zones for EPAMDs and electric motorized foot scooters.

19 (1) The Director of the Seattle Department of Transportation (Director) is authorized to
20 designate speed-limited zones for EPAMDs and electric motorized foot scooters.

21 (2) Speed-limited zones shall be those areas where, in the professional judgement of the
22 Director:
23

24 (a) congested pedestrian or nonmotorized traffic is present;
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1 (b) without a speed limit, a significant speed differential would exist between
2 pedestrians or nonmotorized traffic and EPAMD or electric motorized foot
3 scooter traffic, and

4 (c) without a speed limit, the presence of EPAMD or electric motorized foot scooter
5 traffic could endanger public safety.
6

7 (3) The Director is also authorized, in the professional judgement of the Director, to
8 establish times during which certain areas will be deemed speed-limited zones.

9 (4) When within a designated speed-limited zone, EPAMDs and electric motorized foot
10 scooters shall not be operated at a speed in excess of five miles per hour upon any
11 sidewalk, crosswalk, or pedestrian zone.
12

13 F. Except as otherwise provided in this chapter, operators of EPAMDs and electric motorized foot
14 scooters shall have the same rights and duties as:

15 (1) operators of bicycles when upon any portion of a highway except a sidewalk, crosswalk,
16 or pedestrian zone; and

17 (2) pedestrians when upon any sidewalk, crosswalk, or pedestrian zone.
18

19 G. At all times, operators of motorized foot scooters and operators of EPAMDs shall yield the right-
20 of-way to pedestrians and human-powered devices and shall give an audible signal before
21 overtaking and passing a pedestrian or human-powered device.
22

23 **11.46.030 Noise.**

24 A. Every gas motorized foot scooter shall at all times be equipped with a muffler in good working
25 order and in constant operation to prevent excessive or unusual noise.
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1 B. The use of a cutout, bypass, or similar muffler elimination device, is prohibited on any gas
2 motorized foot scooter.

3 C. The provisions SMC Chapter 25.08 apply to motorized foot scooters and EPAMDs, neither of
4 which shall be deemed "motor vehicles" within the meaning of SMC Chapter 25.08.
5

6 **11.46.040 Application to other devices.**

7 The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and/or
8 electric motorized foot scooters apply to any device that: (1) matches the definition of a motorized foot
9 scooter, gas motorized foot scooter, and/or electric motorized foot scooter except for the size of the
10 device's wheels; and (2) cannot be defined as a motor-driven cycle, a moped, an electric-assisted bicycle,
11 or a motorcycle.
12

13 **11.46.050 Responsibility.**

14 No person shall do any act forbidden by this chapter or fail to perform any act required in this chapter.
15 The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such
16 child or ward to violate any of the provisions of this chapter.
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18

19 Section 4. The provisions of this ordinance are declared to be separate and severable. The
20 invalidity of any particular provision shall not affect the validity of any other provision.
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Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

STATE OF WASHINGTON – KING COUNTY

--SS.

174841
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

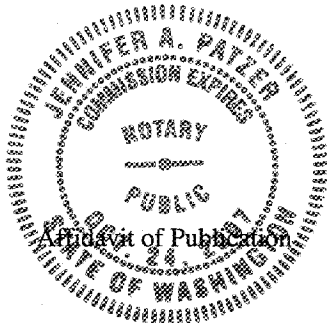
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121518 ORD IN FULL

was published on

7/21/2004



Michael

Subscribed and sworn to before me on
7/21/2004 *Jennifer A. Patzer*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121518

AN ORDINANCE relating to electric personal assistive mobility devices and motorized foot scooters; adding Sections 11.14.184 and 11.14.333 to the Seattle Municipal Code; and adding a new chapter 11.46 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.184 EPAMD (Electric personal assistive mobility device).

"EPAMD" means an electric personal assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. (Statutory reference: RCW 46.04.1695.)

Section 2. A new section is added to chapter 11.14 of the Seattle Municipal Code to read as follows:

11.14.333 Motorized foot scooter.

"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. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A "gas motorized foot scooter" is a motorized foot scooter powered in whole or in part by an internal combustion engine. An "electric motorized foot scooter" is a motorized foot scooter powered solely by an electric motor. (Statutory reference: RCW 46.04.336.)

Section 3. A new chapter 11.46 is hereby added to the Seattle Municipal Code, to read as follows:

Chapter 11.46

RULES FOR EPAMDS AND MOTORIZED FOOT SCOOTERS

11.46.010 Areas of operation.

A. Except as otherwise provided in this chapter, gas motorized foot scooters may be operated on roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.

B. Except as otherwise provided in this chapter, EPAMDS and electric motorized foot scooters may be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or public paths. Where an arterial street contains a sidewalk, EPAMDS shall be operated only upon the sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the roadway or shoulder of any highway where the speed limit is greater than 35 miles per hour.

C. EPAMDS and motorized foot scooters are subject to limitations imposed by SMC Title 14 on the use of motorized vehicles in parks.

D. Neither EPAMDS nor motorized foot scooters may be operated on public school playfields or public school playgrounds.

E. The provisions of this section limiting the use of EPAMDS and/or electric motorized foot scooters in parks or on sidewalks, bicycle lanes, public paths, public school playfields, or public school playgrounds do not apply to an EPAMD or electric motorized foot scooter when that device is operated by a person with