

**ORDINANCE 2009-10 VERSION 1**

**AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL REGULATING THE USE OF MOTORIZED SCOOTERS TO INCLUDE EQUIPMENT AND OTHER OPERATIONAL REQUIREMENTS BY ADDING NEW SECTION 10.28.075 TO THE EATONVILLE MUNICIPAL CODE**

**Whereas**, the Town Council of The Town of Eatonville desires to regulate the use of motorized scooters to enhance the health, safety and welfare of its citizens; and

**Whereas**, the Town Council of the Town of Eatonville finds that driving rules as to the proper operation of motorized scooters would increase the health, safety, and welfare of its citizens; and

**Whereas**, the Town Council of the Town of Eatonville finds that providing minimum requirements as to motorized scooters, lighting and other equipment would increase the health, safety and welfare of its citizens;

NOW, THEREFORE, the Town of Eatonville, in regular meeting assembled, do ordain as follows:

**Section 1:** The following definition shall be used in this ordinance.

A. 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.

**Section 2:** Purpose. For purposes of this section, a “pocket bike”, and “mini chopper” are considered motorized foot scooters. A motor driven cycle, a moped, an electric assisted bicycle, or a motorcycle is not a motorized foot scooter as long as the wheels exceed ten inches in diameter.

A. Motorized foot scooters shall not be operated upon a public roadway by any person under the age of sixteen years.

B. Motorized foot scooters shall not be operated on public roadways with a speed limit of greater than 25 miles per hour.

C. Operators of motorized foot scooters shall adhere to all rules of the road applicable to motorized vehicles.

D. Motorized foot scooters shall not be operated on Town owned property, Town Parks, walkways, paths, trails, sidewalks, or any other place where other motorized vehicles are expressly prohibited.

E. Motorized foot scooters shall not be operated on publicly owned parking lots, and privately owned parking lots without the permission of the owner.

F. Motorized foot scooters shall not be operated at any time during one half hour after sunset to one half hour before sunrise unless equipped with a lamp on the front

which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful low beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector.

G. Only one person shall be on a motorscooter at a time and shall not transport or tow another person or any object within the Town of Eatonville.

H. Motorized foot scooters shall not be operated in such a manner as to endanger any person or property, or to obstruct, hinder or impede the lawful course of travel of any motor vehicle.

I. Motorized foot scooters shall be equipped so that the drive motor is engaged through a switch lever or other mechanism that when released will cause the drive motor to go into neutral and disengage or cease to function.

J. It is unlawful for any parent, guardian or other person having control or custody of a child under the age of sixteen years of age to allow said minor to operate a motorized foot scooter in violation of this chapter.

K. Any person operating a motorized foot scooter while in the Town of Eatonville shall wear an approved helmet designed for safety and shall have either the neck or the chin strap of the helmet fastened securely while the motorized foot scooter is in motion.

L. Helmet means a protective covering for the head consisting of a hard outer shell, padding adjacent to the inside hard shell, and a neck or chin strap type retention system, with a label required by the Federal Consumer Product Safety Commission adopted by the Code of Federal Regulations 16 CFR 1203.

M. Operation of a motorized foot scooter is subject to provisions of the Town of Eatonville noise ordinance. Operation of a gas motorized foot scooter without a muffling device, or operation with a modified muffling device is unlawful.

**Section 3:** **Penalty of Noncompliance** Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil nontraffic violation and shall for a first infraction be given a written warning, for a second infraction shall be liable for a monetary penalty of twenty dollars (\$20) and for each additional infraction shall be liable for a monetary penalty of one hundred twenty-four dollars (\$124).

**Section 4:** **Severability** If any section, sentence, clause or phrase of this ordinance shall 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 ordinance.

**Section 5:** Effective Date This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the Town as provided by law.

**PASSED** by the Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting thereof this 24 day of August, 2009.

ATTEST:

  
Chrystal McGlone, Town Clerk

  
Tom Smallwood, Mayor

APPROVED AS TO FORM:

  
Edward G Hudson, Town Attorney