Ordinance No. 3707

(Amending or Repealing Ordinances)

CFN=1294 – Motorized Wheeled Transportation Devices
Passed – 9/7/04
Motorized Wheeled Transportation

New Section 9.44
ORDINANCE NO. 3707

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent City Code to add a new Chapter 9.44 relating to the regulation of motorized wheeled transportation devices.

RECITALS

A. The City of Kent has received numerous complaints of people riding upon various motorized devices on the sidewalks and roads of the City. The complaints have related to the danger the operator places him- or herself in and the danger posed to the driving public and pedestrians. The City has also received many complaints regarding the excessive noise produced by liquid fueled versions of the various motorized devices, the use of these devices in City parks and on sidewalks, and the use of these devices during late hours when the noise produced by the liquid fueled versions of the devices is particularly disruptive.

B. The City has also received a number of reports relating to younger people riding upon the motorized devices apparently without adult supervision.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
ORDINANCE

SECTION 1. - Amendment  A new Ch. 9.44, entitled “Motorized Wheeled Transportation Devices,” is added to the Kent City Code as follows:

CHAPTER 9.44
MOTORIZED WHEELED TRANSPORTATION DEVICES

Sec. 9.44.010. Definition. For the purposes of this section, a “motorized wheeled transportation device” shall mean any device which has no more than two (2) wheels, is propelled by an electric or liquid fuel motor, and is intended to transport a person on or across land. A motorized wheeled transportation device shall include, but shall not be limited to, a “motorized foot scooter” as that term is defined in section 46.04.336 of the Revised Code of Washington (“RCW”), and any electric or gas powered scooter, power board, motor powered skateboard, miniature motorcycle, pocket bike, or miniature chopper, regardless of the manner in which the device is designed; provided, that a motorized wheeled transportation device shall not include any of the following as defined in the referenced RCW:

- Electric-assisted bicycle - RCW 46.04.169
- Electric personal assistive mobility device - RCW 46.04.1695
- Moped - RCW 46.04.304
- Motorcycle - RCW 46.04.330
- Motor-driven cycle - RCW 46.04.332
- Power wheelchair - RCW 46.04.415
- Wheelchair conveyance - RCW 46.04.710

Sec. 9.44.020. Prohibited areas.
A. The operation or use of motorized wheeled transportation devices shall not be permitted in or upon the following areas:

1. Improved or natural surface recreational trails.
2. Parks.
3. Publicly owned or operated parking lots.
4. Streets with a maximum speed limit in excess of twenty five (25) miles per hour.

B. Motorized wheeled transportation devices shall not be permitted on sidewalks; provided, that motorized wheeled transportation devices may be operated upon sidewalks that are adjacent to streets that have a speed limit in excess of twenty five (25) miles per hour; provided further, that when the operation of a motorized wheeled transportation device on a sidewalk is lawful, the device shall not be operated on the sidewalk at a speed in excess of five (5) miles per hour, and the operator must, at all times, yield to pedestrian or bicycle traffic.

Sec. 9.44.030. Times of operation.
A. A motorized wheeled transportation device shall not be operated between the hours of 9:00 p.m. and 7:00 a.m.

B. A motorized wheeled transportation device operated during the “hours of darkness,” as that phrase is defined in RCW 46.04.200, shall display a white light to the front of the device that is visible from a distance of five hundred (500) feet from the front of the device, and a red light on the rear of the device that is visible from a distance of five hundred (500) feet from the rear of the device.

Sec. 9.44.040. Age of operator. No person under the age of thirteen (13) shall operate a motorized wheeled transportation device.

Sec. 9.44.050. Helmet required. Any person operating or riding upon any motorized wheeled transportation device shall, at all times, wear a “motorcycle helmet” as that term is defined in RCW 46.37.530 or an approved bicycle helmet certified by the United States Consumer Product Safety Commission (CPSC), the American National Standards Institute (ANSI), or the Snell foundation, and shall have the chin strap fastened securely while the motorized wheeled transportation device is in motion.
Sec. 9.44.060. Brakes required. Motorized wheeled transportation devices shall be equipped with brakes that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 9.44.070. Noise.
A. The operation of a motorized wheeled transportation device shall be subject to the provisions of KCC 9.02.200 entitled “Public Disturbance.”

B. No motorized wheeled transportation device powered by a liquid fuel motor shall be operated unless such device is equipped with a properly working muffler that is designed to reduce the noise produced by the device.

Sec. 9.44.080. No more than one person permitted - Towing or pulling Prohibited.
A. No more than one person shall operate or ride upon a single motorized wheeled transportation device at the same time. In the event that more than one person operates or rides upon a single device at the same time, each person operating or riding the device shall be in violation of this section.

B. No person operating a motorized wheeled transportation device shall tow or pull another person behind such device. In the event that a person is towed or pulled behind a motorized wheeled transportation device, the person operating the motorized wheeled transportation device and the person being towed or pulled shall be in violation of this section.

Sec. 9.44.090. Operator to abide by rules applicable to bicycles. Except as provided in this chapter, every person operating a motorized wheeled transportation device upon a roadway shall have the same rights and duties as operators of bicycles.
Sec. 9.44.100. **Negligent operation - Prohibited.** The negligent operation of a motorized wheeled transportation device shall be prohibited. For the purposes of this section, the term "negligent" shall mean 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. It is an affirmative defense to negligent operation of motorized wheeled transportation device that must be proved by the defendant by a preponderance of the evidence, that the operator was operating the motorized wheeled transportation device on private property with the consent of the owner in a manner consistent with the owner's consent.

Sec. 9.44.110. **Parental Responsibility.** A parent or guardian who has custody of any child or ward under the age of eighteen (18) shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this section.

Sec. 9.44.120. **Recreation or entertainment business that uses motorized wheeled transportation device.** This chapter shall not apply to any properly zoned, located, and licensed business in which motorized wheeled transportation devices are utilized for recreation or entertainment on the property of the business.

Sec. 9.44.130. **Violation - Penalty.** A violation of any provision of this chapter shall be punishable by the imposition of a monetary penalty in the amount of $150. The court may also order a person found to have committed a civil infraction to make restitution.

A. **Kent Municipal Court - Jurisdiction.** The Kent Municipal Court shall have jurisdiction to adjudicate, in accordance with applicable laws, any violation of this chapter; provided that in the event jurisdiction over a juvenile lies with another court, that other court shall have jurisdiction to adjudicate the offense.
B. **Penalty - Immediately payable.** Whenever a monetary penalty is imposed by a court under this section, it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the time period within which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

**SECTION 2. – Severability.** If any one or more section, subsections, 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 3. – Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: __7__ day of September, 2004.

APPROVED: __8__ day of September, 2004.

PUBLISHED: __11__ day of September, 2004.

I hereby certify that this is a true copy of Ordinance No. _370.7_
passed by the City Council of the City of Kent, Washington, and approved by the
Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER
(SEAL)
BRENDA JACOBER, CITY CLERK