

ORDINANCE NO. 2007-11-096

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ADDING A NEW CHAPTER TO TITLE 11 OF THE BELLINGHAM MUNICIPAL CODE TO REGULATE THE OPERATION OF MOTORIZED FOOT SCOOTERS WITHIN CITY LIMITS.**

**WHEREAS**, the City of Bellingham desires to regulate the use of motorized foot scooters to enhance the health, safety, and welfare of its citizens; and

**WHEREAS**, Revised Code of Washington (RCW) 46.61.710 authorizes the use of motorized foot scooters but allows for local regulation; and

**WHEREAS**, the Bellingham City Council determines that a need for clarity exists for Bellingham residents regarding when and where motorized foot scooters can be operated within the City limits; and

**WHEREAS**, the continuous noise associated with gasoline-powered engines on motorized foot scooters interferes with the peace, comfort, and repose of City residents; and,

**WHEREAS**, Bellingham Municipal Code Title 11 should be amended to include a new Chapter 11.57 to regulate motorized foot scooters as authorized by state law; and,

**WHEREAS**, this Ordinance is intended to promote the health, safety, and welfare of the citizens of Bellingham and those traveling on City streets;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.010:**

**11.57.010 – Intent**

This Chapter is intended to promote and provide for the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Chapter. This Chapter is not intended to have any provision or term used herein to impose any duty whatsoever upon the City or any of its officers, employees, or agents. Nothing contained herein is intended to, nor shall be construed to, create or form the basis of any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its employees, or agents related in any manner to the enforcement of this Chapter.

**Section 2: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.020:**

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Ordinance Amending BMC Title 11  
Regulating Motor Scooters (1)

**11.57.020 – Definitions**

"Motorized Foot Scooter" shall have the same definition as found in RCW 46.04.336, as currently adopted or hereafter amended.

**Section 3: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.030:**

**11.57.030 - General Requirements of Operation**

**A. Lights and Reflectors.**

1. Motorized Foot Scooters may not be operated at any time beginning from a half hour after sunset and ending at a half hour before sunrise without reflectors of a type approved by the state patrol.
2. Every Motorized Foot Scooter when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp affixed to the front, handle(bar) area of the Motorized Foot Scooter, which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear or red reflectors placed on the back (e.g. on a backpack) of the rider may be used in addition to, or in place of the mounted red reflector when mounting is not feasible due to the physical configuration of the Motorized Foot Scooter.

**B. Helmets.**

1. Any person operating a Motorized Foot Scooter shall wear an approved helmet designed for safety and shall have either the neck or chin strap of the helmet fastened while the Motorized Foot Scooter is in motion.
2. "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 chin strap type retention system, with a label required by the Federal Consumer Products Safety Commission as adopted by the Code of Federal Regulations 16 C.F.R. 1203.

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Regulating Motor Scooters (2)

- C. Passengers. No Motorized Foot Scooter shall be used to carry passengers at any time.
- D. Carrying Articles. No person operating a Motorized Foot Scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.
- E. Age. No person may operate a Motorized Foot Scooter on a public way within the City of Bellingham unless such person is sixteen years of age or older.

**Section 4: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.040:**

**11.57.040 - Prohibited Areas**

- A. Multipurpose Trails. Except as may be otherwise required by applicable federal or state laws, Motorized Foot Scooters shall not be operated on any publicly used multipurpose trail within the City of Bellingham, including by way of example equestrian, hiking, bicycle, or recreational trails.
- B. Sidewalks.
  - 1. No person shall ride a Motorized Foot Scooter upon a sidewalk within the Central Business District (as defined in BMC 11.52.020) or the Fairhaven Business District (as defined in BMC 11.52.025) of the City of Bellingham.
  - 2. A person may ride a Motorized Foot Scooter on any area other than a sidewalk, at a speed safe and appropriate for the circumstances, or any roadway, at posted speed limits, unless restricted or prohibited by traffic-control devices.
  - 3. Whenever any person is riding a Motorized Foot Scooter upon a sidewalk, such person shall yield the right-of-way to any pedestrian.
  - 4. Motorized Foot Scooters shall not be operated at a speed in excess of four miles per hour upon any sidewalk, crosswalk, or pedestrian zone.
- C. Public Highways with Speed Limit in Excess of 25 Miles per Hour. Motorized Foot Scooters shall not be operated upon any public highway where the speed limit is greater than twenty-five miles per hour unless the device is operated within a designated bicycle lane.

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**Section 5: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.050:**

**11.57.050 - Operation on Roadways**

A. Traffic Laws Apply.

1. Every person riding a Motorized Foot Scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties and regulations applicable to the driver of a vehicle by this BMC Title 11, except as to special regulations in this BMC Chapter 11.57.

B. Obedience to Traffic Control Devices: Any person operating a Motorized Foot Scooter shall obey the instructions of official traffic-control devices applicable to vehicles as defined by RCW 46.04.670, unless otherwise directed by a police officer.

C. Riding on Roadways.

1. Every person operating a Motorized Foot Scooter upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or bicycle or one proceeding in the same direction. Due care shall include issuing a verbal notification to any pedestrian, bicycle, scooter or other similar device proceeding in the same direction that it is being overtaken by the Motorized Foot Scooter.
2. Persons riding Motorized Foot Scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for their exclusive use.
3. Wherever a usable path or bicycle lane for Motorized Foot Scooters has been provided adjacent to a roadway, Motorized Foot Scooter operators shall use such path and shall not use the roadway or sidewalk.

**Section 6: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.060:**

**11.57.060 – Noise Restrictions**

A. No Motorized Foot Scooter shall be operated in a manner that creates continuous sound associated with its engine so as to unreasonably disturb or interfere with the peace, comfort, and repose of others. Nothing in this section is

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Regulating Motor Scooters (4)

intended to limit enforcement of BMC 10.24.120 or other BMC section regarding public disturbance noise or nuisances.

- B. No Motorized Foot Scooter shall be sold or operated within the City limits 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.

**Section 7: Bellingham Municipal Code Section Title 11 is hereby amended as follows to add BMC Section 11.57.070:**

**11.56.070 – Penalty**

Any person violating one of the following provisions of this Chapter shall be deemed to have committed a civil infraction and shall be fined \$150 for a first offense and \$250 for each offense thereafter: BMC Sections 11.57.030(A) through (E), 11.57.040(A) through (C), 11.57.050(C), and 11.57.060(A) and (B). Any other violation of this Chapter shall be deemed a civil traffic infraction unless otherwise provided for by law.

**Section 8: Savings.**

This Ordinance's enactment shall not affect any case, proceeding, or appeal or other matter currently pending in any court or administrative tribunal or in any way modify any obligation, right, or liability, civil or criminal, which may exist at the time this Ordinance is enacted.

**Section 9: Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

**Section 10: Effective Date.**

This Ordinance shall take effect on January 1, 2008.

PASSED by the Council this 26th day of November 2007.

  
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Council President

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Regulating Motor Scooters (5)

APPROVED by me this 5<sup>th</sup> day of December 2007.

David V. P.

Mayor

Attest: Theresa H.  
Finance Director

Approved as to form:

Les C. Reedman  
Office of the City Attorney

Published: November 30, 2007

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