ORDINANCE NO. 741

AN ORDINANCE ESTABLISHING OPERATION OF MOTORIZED FOOT SCOOTERS WITHIN THE CORPORTATE TOWN LIMITS OF THE TOWN OF ODESSA, LINCOLN COUNTY, STATE OF WASHINGTON, REGULATING SAID OPERATION, PROVIDING FOR PENALTIES FOR REGULATION VIOLATIONS AND THE ADDING OF A CHAPTER TITLED MOTORIZED FOOT SCOOTERS TO THE ODESSA MUNICIPAL CODE (O.M.C.) TITLE 10, VEHICLES AND TRAFFIC.

**WHEREAS**, the Revised Code of Washington State (RCW) [46.61.715](http://app.leg.wa.gov/RCW/default.aspx?cite=46.61.715)(1) authorizes the Town of Odessa Town Council to regulate the operation of motorized foot scooters and shared scooters with its jurisdiction; and

**WHEREAS**, the Odessa Town Council finds that it is in the best interest of the citizens within the corporate limits of the Town of Odessa to establish certain regulations relating to the operations of motorized foot scooters and to provide for penalties for violations of these regulations; and

**WHEREAS**, the Odessa Town Council continues to strive for economic benefit of the Town;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINTON, AS FOLLOWS, TO WIT:

**Section 1. Providing for O.M.C. Chapter.**

A chapter titled Motorized Foot Scooters will be added to the O.M.C. Title 10, Vehicles and Traffic.

**Section 2. Definitions.**

In construing the provisions of the ordinance, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

“Motorized foot scooter” means a device with no more than two 10-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, such as scooters or pocket bikes.

“Personal Electronic Device” means any device which electronically communicates, sends, receives, stores, reproduces, or displays voice and/or text communication, media or data.

“Tow” means to pull someone or something behind with a rope, chain, or tow bar.

**Section 3. Rules, regulations and requirements for operation of motorized foot scooters.**

(1) It is unlawful to operate a motorized foot scooter upon any sidewalk, walkway or public trail, or any other place where motorized vehicles are prohibited within the Town of Odessa. No person shall operate a motorized foot scooter on any town-owned property. No person shall operate a motorized foot scooter in any town park.

(2) Motorized foot scooters may only be operated on streets that have a posted speed limit of 25 miles per hour or less. However, it is unlawful to operate motorized foot scooters on State Route 21 (aka Alder St.) and State Route 28 (aka 1st Ave.).

(3) Motorized foot scooters may not exceed the posted speed limit on a street and shall in all circumstances be operated at a speed limit of 25 miles per hour or less.

(4) Any person operating a motorized foot scooter shall obey all rules of the road applicable to vehicle and pedestrian traffic, as well as the instructions of official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer or construction flagger.

(5) All left turns by the operator of a motorized scooter shall be made as a pedestrian, on foot, crossing the roadway in the crosswalk if one is available. To make a left turn, the operator of a motorized foot scooter shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and shall cross the roadway on foot, and shall be subject to the restrictions applicable to pedestrians.

(6) Crossing an arterial street or street designated with a maximum speed limit greater than 25 miles per hour shall be as a pedestrian, on foot, crossing the roadway in the crosswalk if one is available. To cross an arterial or a street designated with a maximum speed limit greater than 25 miles per hour, the operator of a motorized foot scooter shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and shall cross the roadway on foot, subject to the restrictions applicable to pedestrians.

(7) Every motorized foot scooter when in use during the hours of darkness as defined in RCW [46.37.020](https://www.codepublishing.com/cgi-bin/rcw.pl?cite=46.37.020) shall be equipped with a lamp on the front 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 patrol which shall be visible from all distances up to 600 feet to the rear when directly in front of the 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 may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of 500 feet to the rear may also be used in addition to the red reflector.

(8) It is unlawful to operate a motorized foot scooter with any passenger other than the operator.

(9) It is unlawful to operate a motorized foot scooter while using a personal electronic device.

(10) It is unlawful to operate a motorized foot scooter while towing any person or object.

(11) Age Requirements and Restrictions.

(A) All persons age 12 and above shall be subject to rules and regulations of this chapter/ordinance.

(B) All persons under age 12 may use a motorized foot scooter only under the direct visual supervision of a parent or guardian and subject to the rules and regulations of this chapter/ordinance.

(12) Parental Responsibility. It is unlawful for any parent, guardian or other person having control or custody of a minor child to allow said child to operate a motorized foot scooter in violation of this chapter.

A parent or guardian is responsible for requiring that a child under the age of 16 years old to wear an approved bicycle or motorcycle helmet which has the neck or chin strap of the helmet securely fastened while operating a motorized foot scooter.

(13) Motorized foot scooters shall at all times be equipped with a muffler in good working order so as to prevent excessive or unusual noise. Use of any cutout, bypass, or similar muffler elimination device is prohibited and is unlawful.

(14) The operator of a motorized foot scooter shall wear an approved bicycle or motorcycle helmet. For purposes of this section, “motorcycle 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 sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

**Section 4. Penalty and Violation.**

(1) It is unlawful to operate a motorized foot scooter on a public roadway, sidewalk or on public property in a manner that could cause harm to the user, other persons or property, or in such manner that violates any civil traffic laws, criminal laws, or the provisions of this chapter.

(2) Penalties.

(A) For violations of this chapter for all age groups:

(i) The officer may in the officer’s discretion choose to issue a warning.

(ii) Any person violating any provision of this chapter shall be guilty of a traffic infraction and shall be punished by the imposition of a monetary penalty of not more than $100.00, exclusive of statutory assessments.

(iii) In addition, violation of any criminal laws and additional civil traffic laws may be cited as such upon officer discretion.

(b) Alternate Penalty for Children Under the Age of 18. In lieu of the penalties described above, a police officer may, in his/her discretion, utilize the following penalty for violations by minor children. For the purposes of this section, the city council finds that there is a compelling governmental interest in imposing the following discretionary penalty section for minor children, in order to encourage parental and guardian intervention and responsibility for the violation of this chapter by minor children. The city further finds that impoundment is more likely to prevent repeat offenses by minors than the imposition of monetary penalties.

The officer may take into custody the motorized scooter and hold for safekeeping for 30 days. Further, the officer may in the officer’s discretion cite child’s parent or guardian for violation of the parental responsibility section of this chapter and shall include a civil fine, not to exceed $100.00 issued to the parent or guardian.

Motorized foot scooters unclaimed after 60 days will be treated as provided in Chapter [63.32](https://www.codepublishing.com/cgi-bin/rcw.pl?cite=63.32) RCW as unclaimed property in the hands of town police.

**Section 5. Severability.**

Should any section, paragraph, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 6. Effective Date.**

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL, THIS 28TH DAY OF APRIL 2025.

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 William F. Crossley, Mayor

ATTEST:

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Amy Hardung, Police Clerk

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