

SCOTTSDALE TRANSPORTATION COMMISSION REPORT

To: Transportation Commission
From: Susan Conklu, Senior Transportation Planner
Subject: Bicycle and Related Devices Ordinance
Meeting Date: January 16, 2020



ITEM IN BRIEF

Action:

Discussion and possible recommendation to the City Council regarding updates to the Bicycle and Related Devices Ordinance

Key Considerations:

Staff is proposing changes to the bicycle and related devices ordinance.

Notable changes include restrictions to hours of operation, minimum age, prohibiting riding on sidewalks within the Transportation Safety Zone, limiting parking of devices to bike racks and designated parking areas, and imposing fees for licensing, relocation, and impoundment of devices.

The revised ordinance is attached and available for review on the city's website, go to ScottsdaleAZ.gov and search "scooters."

Background:

Dockless sharing companies have been operating in Scottsdale since Fall 2017. On Nov. 13, 2018, City Council adopted Ordinance 4372 amending the Scottsdale Revised Code relating to bicycles and related devices, including electric bicycles and scooters. The updated ordinance took effect Dec. 13, 2018. The City Manager was directed to share a full report following the end of the tourism season. This report is available on the city's website in the same location as the ordinance.

A staff team has been evaluating operations during this time and listening to citizen feedback about some of the challenges associated with operations. Staff have also continued to meet with device sharing companies and coordinate by email throughout the past year.

Attachments:

1. Draft Bicycle and Related Devices Ordinance

Staff Contacts:

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ORDINANCE NO.4440

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 17-76, 17-78, 17-80 THRU 17-86, 17-89 THRU 17-91, 17-93 THRU 17-97 AND 17-99 TO THE SCOTTSDALE REVISED CODE RELATING TO BICYCLES, SKATEBOARDS AND MOTORIZED SKATEBOARDS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. The Article 4, Division 1 and Division 2 Catchlines of Chapter 17 the Scottsdale Revised Code are hereby amended as follows:

ARTICLE IV. - BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, ELECTRIC MINIATURE SCOOTERS, ELECTRIC SKATEBOARDS, MOTORIZED SKATEBOARDS, MOTORIZED PLAY VEHICLES, SIMILAR DEVICES AND MULTIUSE PATHS

DIVISION 1. – BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, MOTORIZED BICYCLES AND SIMILAR DEVICES SKATEBOARDS

DIVISION 2. – ELECTRIC MINIATURE SCOOTER, MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS

Section 2. Sections 17-76 of the Scottsdale Revised Code is hereby amended as follows:

Sec. 17-76. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen (16) inches in diameter or having three (3) wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

Electric bicycle means a bicycle or tricycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts and that meets the requirements of one of the following classes:

- (a) *Class 1 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.
- (b) *Class 2 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle or tricycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.
- (c) *Class 3 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to

provide assistance when the bicycle or tricycle reaches the speed of twenty-eight miles per hour.

Electric personal assistive mobility device means a self-balancing device with one wheel or two nontandem wheels and an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person.

Electric scooter means a device that weighs less than seventy-five pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, is powered by an electric motor or human power, or both, has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion, on a paved level surface and does not include an electric miniature scooter.

Owner means any person holding the legal title of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter or stand-up electric mini-scooter or any person who is a lessee, conditional vendee or mortgagor of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter, or stand-up electric mini-scooter or similar device with a right to immediate possession.

Motorized bicycle means a motorized gas powered bicycle or tricycle that is equipped with a helper motor that has a maximum piston displacement of forty-eight cubic centimeters or less, that may also be self-propelled and that is operated at speeds of less than twenty miles per hour.

~~*Pedestrian through zone* is the portion of the sidewalk used primarily by pedestrians for travel, accessing transit or buildings.~~

Skateboard means every device propelled by human power which any person may ride, having a deck and at least two (2) tandem wheels in contact with the ground.

~~*Stand-up electric mini-scooter* means a self-propelled device which has an electric motor, a deck on which a person may ride, at least two (2) tandem wheels in contact with the ground, handle bars, brakes and does not exceed 20 miles per hour and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," or "motor-driven cycle."~~

Section 3. Section 17-78 of the Scottsdale Revised Code is hereby amended as follows:

Sec. 17-78. - Impoundment.

- (a) If a Scottsdale police officer is unable to ascertain the true identity of any person deemed in violation of this article, the police officer shall be empowered to impound any vehicle or device used in the commission of the violation. The vehicle or device shall be returned to the person or his parents upon furnishing of satisfactory identification.
- (b) Unlawfully parked, inoperable or abandoned bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters or stand-up electric mini-scooters or similar devices may be impounded or relocated by city employees as necessary to protect the health, safety and welfare of the public or as otherwise authorized by law.
- (c) The City may impose on an owner a fifty-dollar (\$50) impoundment fee and/or a twenty-five dollar (\$25) relocation fee for every impoundment and/or relocation conducted pursuant to this section. The impoundment fee shall be due prior to the release of the impounded

bicycle, electric bicycle, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters, electric scooters or similar devices. It is the responsibility of the responsible owner to pay all relocation and other fees due pursuant to this article in a timely manner. Unpaid fees will be due upon receipt of billing and fees not paid within thirty (30) days of initial billing shall be deemed delinquent.

- (d) Any owner owing money due for the fees imposed by this section shall be liable in an action brought in the name of the City for recovery of such amount, including reasonable attorney fees.
- (e) The City may contract with private entities to assist in the impoundment and processing of bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters or electric scooters or similar devices. Such entities may only perform such duties pursuant to a formal contract with the City and only at the direction of the City personnel specified in section 17-85(i).

Section 4. Sections 17-80 thru 17-86 of the Scottsdale Revised Code are hereby amended as follows:

Sec. 17-80. - Application of traffic laws.

Every person riding a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ upon a roadway in the city shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application.

Sec. 17-81. - Obedience to traffic-control devices.

- (a) Any person operating a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways.
- (b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ shall disobey the direction of any such sign, except where such person dismounts from the bicycle, electric bicycle, motorized bicycle ~~or stand-up electric mini-scooter or similar device~~ to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Sec. 17-82. - Emerging from alley or driveway.

- (a) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

- (b) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk shall yield the right-of-way to pedestrians using the sidewalk.
- (c) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk shall yield the right-of-way to vehicles while crossing a driveway or intersection.

Sec. 17-83. - No riding or parking signs.

The chief of police or designee may erect signs on any sidewalk, pathway or roadway prohibiting the riding or parking of bicycles, electric bicycles, motorized bicycles, ~~or stand-up electric mini-scooters, skateboards or similar devices~~ thereon by any person, and, when such signs are in place, no person shall disobey the same.

Sec. 17-84. - Speed.

A person shall not operate a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk, multi-use path or roadway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. A person shall control the speed of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ as necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

Sec. 17-85. - Parking.

- (a) A ~~No~~ person shall park, ~~place or leave~~ a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on public property except in a ~~upright position in bicycle rack or in designated bicycle parking areas, or any place where it is not otherwise prohibited by ordinance, state law, federal law, signs or by a property owner.~~
- (b) ~~No person shall park a bicycle, electric bicycle, motorized bicycle or stand-up electric mini-scooter in any of the following places:~~
 - (1) ~~Where prohibited by official signs or where the curb is painted red.~~
 - (2) ~~Within a designated public transit stop, except in designated bicycle racks or designated bicycle parking areas.~~
 - (3) ~~On a public sidewalk obstructing the pedestrian through zone, multiuse path or trail.~~
 - (4) ~~On those roadways without curbs in a manner so as to force a pedestrian to walk in the traveled portion of the roadway.~~
 - (5) ~~Within a designated handicapped parking stall and adjoining clear zones.~~
 - (6) ~~In front of or within a public or private driveway or the entrance to an alley.~~
 - (7) ~~Within any portion of a sidewalk, street, trail, or building entrance or exit that provides access to disabled persons pursuant to the American With Disabilities Act.~~
 - (8) ~~Within fifteen (15) feet of a fire hydrant.~~
 - (9) ~~In a pedestrian crosswalk.~~

- ~~(10) Within twenty (20) feet of the driveway entrance to any fire station or on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly posted.~~
- ~~(11) Within a designated turn or bicycle lane.~~
- ~~(12) Within the traveled portion of a roadway, including an intersection and pedestrian crossing.~~
- ~~(13) Within a designated no-parking zone.~~
- ~~(14) Within a landscaped or planted area.~~
- ~~(15) Within a roadway median.~~
- ~~(16) In front of public art.~~
- ~~(c) The chief of police or designee may designate or limit public areas or streets available for parking bicycles, electric bicycles, motorized bicycle or stand-up electric mini-scooters.~~
- ~~(d) (b) No bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device shall be placed on private property without permission of the owner of that property. For those properties that are not required by the City to provide bicycle parking pursuant to the zoning ordinance, such permission must be in writing.~~
- ~~(e) (c) The property owner of any non-residential property open to the public is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device parking by the general public in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Scottsdale Revised Code, state or federal law. The property owner of any non-residential property open to the public may develop its own rules and regulations as to abandoned or unlawfully parked bicycles, electric bicycles, motorized bicycles, or stand-up electric mini-scooter or similar device and may contract with private parties for the removal and impoundment of such bicycles, electric bicycles, and motorized bicycles, electric scooters or similar devices.~~
- ~~(f)(d) The property owner of any multi-family residential property is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device parking by residents and authorized visitors in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Scottsdale Revised Code, state or federal law. The property owner of any multi-family residential property may develop its own rules and regulations as to abandoned or unlawfully parked bicycles, electric bicycles, or motorized bicycles, electric scooters or similar devices and may contract with private parties for the removal and impoundment of such bicycles, electric bicycles, motorized bicycles, or stand-up electric mini-scooters or similar devices.~~
- ~~(g) (e) It is unlawful for an owner to allow a bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device owned by the owner to remain parked in a manner not in accordance with this section on publicly owned property after receiving notification from any person of such violation.~~
- ~~(h) (f) It is unlawful for an owner to allow a bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device owned by the owner to remain parked in the same location on publicly owned property for seventy-two (72) hours or more.~~
- ~~(i) (g) It is unlawful for any person including an owner to leave an inoperable bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device on public~~

property for more than two (2) hours after receiving notification from any person of such violation.

(j) (h) Except as authorized by city permit, no person or owner shall place or park on publicly owned property more than five (5) lawfully parked bicycles, electric bicycles, motorized bicycles, ~~or stand-up electric mini-scooters or similar devices~~ owned by the same owner within two hundred (200) feet of each other for more than two (2) hours after receiving notification from any person of such violation.

(k) (i) Any employee authorized to issue a notice of violation for parking violations pursuant to section 17-104(d) or the City Manager or designee may issue notices of violations and civil complaints for the enforcement of this section. Nothing in this subsection shall be construed to limit a Scottsdale police officer or the City Attorney from enforcing any other section of this Division.

(l) (j) For purposes of this section, notification to an owner or anyone acting on the behalf of an owner is deemed complete upon sending an email to or calling a phone number belonging to the owner or its agents.

(k) In addition to any other means authorized by Rule 3 of the Arizona Rules of Procedure for Civil Traffic & Civil Boating Cases, service of a civil complaint issued for a violation of this section may be accomplished and will be deemed proper and complete by mailing a copy of the complaint to the person charged by both regular mail and certified or registered mail, return receipt requested, to the person's last known address. The citation is deemed served on the date it is deposited in the United States Mail.

Sec. 17-86. - Riding in prohibited areas; class 3 electric bicycles prohibited on sidewalks; ~~stand-up electric mini-scooters~~ prohibited on streets greater than thirty-five miles per hour with exceptions; hours of operation, age restrictions and Transportation Safety Zone dismounting.

(a) No person shall ride or operate a bicycle, electric bicycle, motorized bicycle, ~~stand-up electric mini-scooter~~, skateboard, ~~electric miniature scooter~~, roller skates or any other nonself-propelled vehicle or device, except wheelchairs or an electric personal assistive mobility device, in or upon any area having posted signs expressly prohibiting said vehicles or devices.

(b) No person shall ride, park or operate a class 3 electric bicycle on any sidewalk or multi-use path within the city.

(c) No person shall ride or operate a ~~stand-up electric mini-scooter~~ on a street when the street has a posted speed limit of forty (40) miles per hour or greater, except for crossing that street.

(d) No person shall ride or operate an electric scooter between the hours of 11:00 pm and 6:00 am.

(e) No child under the age of sixteen (16) years shall operate an electric scooter without written permission from a parent or guardian.

(f) Every person shall dismount and walk a bicycle, electric bicycle, motorized bicycle, electric scooter, skateboard or similar device while on a sidewalk within a City Transportation Safety Zone.

Section 5. Sections 17-89 thru 17-91 of the Scottsdale Revised Code are hereby amended as follows:

Sec. 17-89. - Refusing to provide truthful name and date of birth when lawfully detained; penalty.

- (a) It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to state the person's true full name and date of birth on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed a violation of ~~this chapter~~ the Scottsdale Revised Code. A person detained under this section shall state the person's true full name and date of birth, but shall not be compelled to answer any other inquiry of a peace officer.
- (b) A person who violates this section is guilty of a class 2 misdemeanor.

Sec. 17-89.1. - Riding, operating or actual physical control while under the influence; presumptions; admissible evidence; sentencing.

- (a) It is unlawful for a person to ride, operate or be in actual physical control of an electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device under any of the following circumstances:
1. While under the influence of intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.
 2. If the person has an alcohol concentration of 0.08 or more within two hours of riding, operating or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device.
 3. While there is any drug defined in Arizona Revised Statutes Section 13-3401 or its metabolite in the person's body.
- (b) It is not a defense to a charge of a violation of subsection (a), paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.
- (c) A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.
- (d) A person using a drug as prescribed by a medical practitioner who is licensed pursuant to Arizona Revised Statutes Title 32 and who is authorized to prescribe the drug is not guilty of violating subsection (a), paragraph (3) of this section.
- (e) In a trial, action or proceeding for a violation of this section, the defendant's alcohol concentration within two hours of the time of riding, operating or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:
1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, that fact shall not give rise to a presumption that the defendant was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
 3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.
- (f) Subsection (e) of this section does not limit the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.
- (g) A person who is convicted of a violation of this section:
1. Shall be sentenced to serve not less than five (5) consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
 2. Shall pay a fine of not less than two hundred fifty (250) dollars.
 3. May be ordered by a court to perform community restitution.
- (h) Notwithstanding subsection (g), paragraph 1 of this section, at the time of sentencing the judge may suspend all but twenty four hours (24) of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

Sec. 17-89.2. - Reckless riding; sentencing.

- (a) It is unlawful for a person to ride or operate an electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter, electric miniature scooter or similar device~~ with reckless disregard for the safety of persons or property.
- (b) A violation of this section is a class two misdemeanor.

Sec. 17-89.3. - ~~Stand-up e~~Electric mini-scooter required equipment.

- (a) A ~~stand-up~~ electric mini-scooter that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a red reflector on the rear and that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle. A ~~stand-up~~ electric mini-scooter may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.
- (b) A person shall not operate a ~~stand-up~~ electric mini-scooter that is equipped with a siren or whistle except that a stand-up electric mini-scooter may be equipped with an anti-theft alarm.
- (c) A ~~stand-up~~ electric mini-scooter shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 17-90. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Child means a person who is under the age of eighteen (18) years.

Custodian means a person who has lawful custody of a child.

Electric miniature scooter means a device that weighs less than thirty pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, and is powered by an electric motor or human power, or both, has a maximum speed that does not exceed ten miles per hour, with or without human propulsion, on a paved level surface.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

Motorized play vehicle means a coaster, any other alternatively fueled device (excluding battery-operated toy carts designed for children under the age of eight (8) years to ride in or on), or other motorized vehicle that is self-propelled by a motor or engine, and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

Motorized wheelchair means a self-propelled vehicle that is designed for and used by a physically challenged, injured or incapacitated person.

Multiuse path means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

Vehicle means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 17-91. - Application of traffic laws.

Every person operating a motorized skateboard, electric miniature scooter or motorized play vehicle upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application. ~~This section shall not be construed to require the licensing or registration of motorized skateboards or motorized play vehicles, the licensing of motorized skateboard or motorized play vehicle operators, or the carrying of insurance covering accidents involving motorized skateboards or motorized play vehicles.~~

Section 6. Sections 17-93 thru 17-97 of the Scottsdale Revised Code are hereby amended as follows:

Sec. 17-93. - Prohibited operation.

- (a) No person shall ride, operate, place or park a motorized skateboard, electric miniature scooter or motorized play vehicle:
 - (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
 - (2) In any city parking structure, city park, or other public property except for use on public roadways within a city park.
 - (3) On any private property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."
 - (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.
 - (5) On any private property of another, without the written permission of the property owner, the person entitled to immediate possession of the property, or the authorized agent of either.
 - (6) On any sidewalk, or any designated bicycle lane, unpaved trail or multiuse path.
- (b) It is a civil offense subject to the penalties specified in section 17-88 for an owner to allow a motorized skateboard, electric miniature scooter or motorized play vehicle owned by the owner to remain unlawfully parked on publicly owned property after receiving notification from any person of such violation.

Sec. 17-94. - General operating restrictions.

- (a) No child under the age of fourteen (14) years shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without written permission from a parent or guardian.
- (b) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle at a speed greater than is reasonable and prudent under the circumstances then existing.
- (c) The operator of a motorized skateboard, electric miniature scooter or motorized play vehicle, approaching a street, sidewalk, bicycle lane, unpaved trail or multiuse path in order to cross such, shall yield the right-of-way to all other users. The operator shall dismount and walk the motorized skateboard, electric miniature scooter or motorized play vehicle across the street, sidewalk, bicycle lane, unpaved trail or multiuse path.
- (d) No operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall allow passengers when the motorized skateboard, electric miniature scooter or motorized play vehicle is in operation or motion.
- (e) No person operating or riding upon a motorized skateboard, electric miniature scooter or motorized play vehicle shall attach themselves or the motorized skateboard, electric miniature scooter or motorized play vehicle in any manner to any other vehicle.
- (f) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- (g) No person, other than the owner, shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without the written permission of the owner.

- (h) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle that has been altered from the original manufacturer's design.
- (i) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle in a crosswalk.
- (j) No operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This prohibits physically attaching fuel packs or containers to the operator's person.
- (k) Motorized skateboards, electric miniature scooter and motorized play vehicles may only be operated between the hours of 8:00 a.m. and 8:00 p.m.

Sec. 17-95. - Operating restrictions on roadway.

- (a) A person operating a motorized skateboard, electric miniature scooter or motorized play vehicle on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:
 - (1) If overtaking and passing a bicycle or vehicle proceeding in the same direction.
 - (2) If preparing for left turn at an intersection or into a private roadway or driveway.
 - (3) If reasonably necessary to avoid hazardous conditions ahead in the roadway.
 - (4) If the lane in which the person is operating the motorized skateboard, electric miniature scooter or motorized play vehicle is too narrow for a motorized skateboard, electric miniature scooter or motorized play vehicle and a bicycle or another vehicle to travel safely side by side within the lane.
- (b) Persons operating motorized skateboards, electric miniature scooter or motorized play vehicles on the roadway shall not ride more than two (2) abreast.

Sec. 17-96. - Required safety equipment.

- (a) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without a head lamp and rear lamp emitting the following beams anytime after sunset, or any other time when there is insufficient light to operate the motorized skateboard or motorized play vehicle safely:
 - (1) A head lamp shall emit a white light visible from the front at a distance no less than five hundred (500) feet.
 - (2) A rear lamp shall emit a red light visible from the back at a distance no less than five hundred (500) feet.
- (b) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on the pavement.
- (c) Any child operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall be certified for motorcycle use by the federal motor vehicle safety standard known as FMVSS 218 (49 CFR 571.218).

- (d) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

Sec. 17-97. - Responsibilities of sellers.

Any person who sells a new motorized skateboard, electric miniature scooter or a new motorized play vehicle in the city shall post the following in a conspicuous manner at the place of sale:

- (1) Sections 17-92, 17-93, 17-94, 17-95 and 17-96 of this article, and
- (2) Notice that some insurance policies will not cover liability claims involving motorized skateboards, electric miniature scooter and motorized play vehicles.

Section 7. Sections 17-99 of the Scottsdale Revised Code is hereby amended as follows:

Sec. 17-99. - General; right-of-way; use of multiuse path.

- (a) Multiuse paths are for the exclusive use of pedestrians, human-powered vehicles or devices, class 1 and 2 electric bicycles and stand-up electric mini-scooters.
- (b) A user who is operating a class 1 or 2 electric bicycle, a stand-up electric mini-scooter or a human-powered device or vehicle upon a multiuse path shall yield the right of way to any pedestrian. A user operating a bicycle shall yield to skaters and pedestrians, and skaters shall yield to pedestrians.
- (c) All users of multiuse paths shall:
 - (1) Travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, and condition of surface. In every event, the user shall control speed as may be necessary to avoid colliding with other users.
 - (2) Obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multiuse path, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways, including, without limitation: speed limit, stop, yield, caution, warning and dismount signs.
 - (3) Exercise due care and caution to avoid colliding with any other users.
 - (4) Refrain from entering any portion of the multiuse path when it is flooded or contains standing water.
 - (5) Travel in a consistent and predictable manner.
 - (6) Travel as near to the right side of the path as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction.
 - (7) Occupy only the right half of the multiuse path, measured from the right side, so as not to impede the normal and reasonable movement of other path users.
 - (8) Pass other users on the left and only when it can be done safely, returning to the right only when safely clear of the user being passed.
 - (9) Give an audible warning signal (e.g. voice, bell, or mechanical or electrical signaling device), in sufficient time to allow response, before passing any user.

- (10) Remove themselves and any equipment at least three (3) feet off the pathway when stopping, standing or parking.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this ___ day of February, 2020.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Carolyn Jagger, City Clerk

W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

Sherry R. Scott
City Attorney
By: Luis E. Santaella
Deputy City Attorney