

(Published at www.mcpcity.com beginning on _____, 2021)

ORDINANCE NO. 3356

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
ADDING SECTIONS 151-153 TO CHAPTER 82, ARTICLE V OF
THE CODE OF THE CITY OF MCPHERSON, KANSAS
REGARDING ELECTRIC SCOOTERS.**

WHEREAS, the governing body of the City believes it is in the best interest of the City to amend the City Code to provide regulations regarding electric scooters within the City Limits.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Addition of Code section 82-151. From and after the effective date of this Ordinance, Section 151 is hereby added to Chapter 82, Article V of the Code and shall read as follows:

Sec. 82-151 – Definitions.

“Electric-assisted scooter” means a self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. Electric-assisted scooter does not include: (1) a vehicle that is powered by gasoline; or (2) a motorized skateboard, as defined by Article I of the Standard Traffic Ordinance.

Section 2. Addition of Code Section 82-152. From and after the effective date of this Ordinance, Section 152 is hereby added to Chapter 82, Article V of the Code and shall read as follows:

Sec. 82-152 – Rules of Operation.

- (a) It shall be unlawful for any person to ride an electric-assisted scooter in the following areas:
 - (1) All public sidewalks and pocket parks in the City of McPherson with the exception of 10-foot public sidewalks or better known as walking/jogging/biking trails throughout the community. Pedestrians shall have the right-of-way on all allowed sidewalks. Speeds on allowable sidewalks shall be limited to fifteen (15) miles per hour; and

- (2) Public parking facilities, except directly to and from areas designated as scooter drop-off and pick-up areas;
- (3) City skate park, city tennis courts, or city basketball courts;
- (4) In grassed park areas; and
- (5) Any designated fire lane.

(b) Any person who rides an electric-assisted scooter on a public sidewalk shall:

- (1) Yield the right-of-way to pedestrians and give an audible signal before overtaking and passing pedestrians; and
- (2) Travel at a speed that is reasonable and prudent under existing conditions, except that an operator of an electric-assisted scooter shall not travel at a speed that exceeds 15 miles per hour.

(c) This section shall not apply to a law enforcement officer engaged in the performance of office duties.

(d) Operators must be at least 16 years of age. A driver's license is not required.

(e) Operators under the age of 18 shall wear a helmet while operating an electric-assisted scooter.

(f) It shall be unlawful to fail to comply with all traffic regulations applicable to bicycles.

(g) Notwithstanding subsection f of this section, it shall be unlawful for the operator of an electric-assisted scooter to:

- i. Operate an electric-assisted scooter on a street with a speed limit of 35 miles per hour or more unless the electric-assisted scooter is traveling in a marked bike lane;
- ii. Operate an electric-assisted scooter at a speed in excess of 15 miles per hour;
- iii. Fail to yield the right-of-way to pedestrians and/or give an audible signal before overtaking and passing pedestrians;
- iv. Fail to comply with City ordinances governing City park property;

- v. Fail to remain alert and give full attention to safe operation of the scooter while in motion;
- vi. Engage in any activity that interferes with the safe operation of the scooter; or
- vii. Operate the electric-assisted scooter in such a manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger, or be likely to endanger, any person or property.
- viii. Operate the electric-assisted scooter on Kansas Avenue or on Main Street south of the intersection of Main and Woodside Street except to cross such streets at intersecting streets.

(h) **Fine Structure.** Violations of this Ordinance shall be punishable by a fine as denoted in Section 82-1(b), plus court costs.

Section 3. Addition of Code Section 82-153. From and after the effective date of this Ordinance, Section 153 is hereby added to Chapter 82, Article V of the Code and shall read as follows:

Sec. 82-153. Parking Requirements.

- (a) Operators shall park electric-assisted scooters on hard surfaces in either the frontage zone or amenity zone of the sidewalk; beside bicycle racks, transit stops or bike share stations; or in another area specifically designed for scooter parking, which will not in any way inhibit the pedestrian zone.
- (b) It shall be unlawful for the operator or an electric-assisted scooter to engage in any of the following activities:
 - i. Park in any street or in any area where parking is prohibited.
 - ii. Park on a sidewalk in such a manner that inhibits the pedestrian zone.
 - iii. Park on private property without the written consent of the owner.
 - iv. Park in a manner that would impede access to bike racks.
 - v. Park in, or in a manner that would impede access to, or the use of any of the following:
 - (1) Buildings, parking lots, or garages;

- (2) Motor vehicle driving lanes or bicycle lanes;
- (3) Loading zones, disabled parking zones or designated parking spaces on the street;
- (4) Curb ramps;
- (5) Entrances to private property or driveways;
- (6) Transit zones, including bus stops and shelters; and
- (7) Utility infrastructure, including traffic control devices and utility poles.

(c) Any electric-assisted scooters left in the roadway of any highway, between the property line or sidewalk and the curb line of any street, or other public property (including but not limited to parks, parklets, and traffic islands), The City, having jurisdiction of that highway or other property open to use by the public, may remove and impound the electric-assisted scooter. Any person attempting to recover the electric-assisted scooter impounded as provided in this Section shall (i) show proof of ownership of the electric-assisted scooter or other authorization acceptable to the City in its sole discretion, and (ii) pay a fee of One Hundred Dollars (\$100) for the City's costs of removing and storing the electric-assisted scooter. Any electric-assisted scooter that is impounded for thirty (30) days or more shall be disposed of as provided in K.S.A. 8-1102(a)(2), except that instead of a public auction, the City may elect to donate the electric-assisted scooter(s) to a local educational institution or not-for-profit organization and any notices required by K.S.A. 8-1102(a)(2) shall specify such election.

Section 4. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

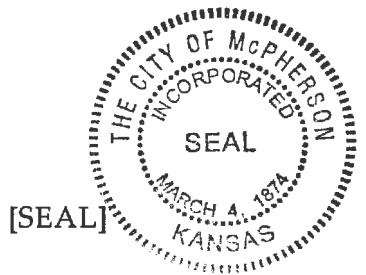
Section 5. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

ADOPTED by the governing body this 14th day of June, 2021.

CITY OF MCPHERSON, KANSAS

Thomas A. Brown

Thomas A. Brown, Mayor



Attest:


Tamra K. Seely, City Clerk

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