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ORDINANCE NO. 3358

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AMENDING SECTION 152 TO CHAPTER 82, ARTICLE V OF THE
CODE OF THE CITY OF MCPHERSON, KANSAS REGARDING
LOWERING THE AGE OF USERS AND MODIFYING THE
APPROPRIATE SPACES TO USE ELECTRIC SCOOTERS.**

WHEREAS, the governing body of the City believes it is in the best interest of the City to amend Ordinance 3356 to lower the age limit of permissible riders and modify the space that younger riders may use electric scooters.

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

Section 2. Amendment of Code Section 82-152. From and after the effective date of this Ordinance, existing Section 152 of the Code is hereby deleted in its entirety and in its place the following is added:

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) Riders 16 years of age or older shall not ride on any public sidewalks in the City of McPherson with the exception of 10-foot public sidewalks or better known as walking/jogging/biking trails throughout the community. However, riders under the age of 16 shall ride on any public sidewalks except no rider, regardless of age, may ride on the sidewalks in the central business district of the city. Pedestrians shall have the right-of-way on all 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 10 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 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 and posting of the full text of the ordinance on the city's website which has been designated as the official city newspaper..

ADOPTED by the governing body this 28th day of June, 2021.

CITY OF MCPHERSON, KANSAS

Thomas A. Brown
Thomas A. Brown, Mayor

