

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 9.03.010, 9.03.400, 11.24.040 AND CREATING SECTIONS 9.03.405, 11.04.093, AND CHAPTER 11.50 OF THE CODE OF THE CITY OF WICHITA PERTAINING TO ELECTRIC-ASSISTED SCOOTERS, SKATEBOARDS AND COASTERS AND REPEALING THE ORIGINALS OF SECTIONS 9.03.010, 9.03.400, 11.16.070, 11.16.080, 11.16.085 AND 11.24.040.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 9.03.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definitions.

The following words and phrases, whenever used in this Chapter, shall be defined as follows:

Amplified sound means sound projected and transmitted by electronic equipment, including amplifiers.

Amplified speech means speech projected and transmitted by electronic means.

Bicycle means every vehicle propelled by human power upon which any person may ride having two or more wheels, any of which is more than 14 inches in diameter, but does not include any mobility device as defined by the Americans with Disabilities Act.

Board means the Board of Park Commissioners of the City of Wichita, Kansas.

Buildings means those structures or any portion thereof under the management of the Department of Park and Recreation of the City of Wichita.

Camp means to set up, or to remain in or at a campsite, for the purpose of remaining overnight, or establishing or maintaining a temporary place to live.

Campsite means any place where:

1. Any bedding, sleeping bag, tarpaulin, cot, bed, hammock, cardboard, newspapers, or other sleeping matter is placed, established, set up, used or maintained; or
2. Any stove, fire or cooking utensils or non-city designated cooking facilities which are placed, established, set up, used or maintained; or
3. Any tent, hut, lean-to, shack, trailer camper, vehicle or any part thereof, or any other shelter or structure which is placed, established, set up, used or maintained.

Camp paraphernalia includes, but is not limited to: tarpaulins, cots, beds, sleeping bags, hammocks, cooking equipment, stoves, lanterns, tents, huts, lean-tos, shacks, trailer campers, vehicles or any part thereof, any other sleeping matter, or any other shelter or structure.

Chief of Police means the chief of police of the city or his or her designee.

City means the City of Wichita.

City Council means the City Council of the City of Wichita.

City Manager means the City Manager of the City of Wichita, or his or her designee.

Director means the Director of the City of Wichita Park and Recreation Department or his or her designee.

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 by the user when riding. Electric-assisted scooter does not include: (1) a vehicle that is powered by gasoline; or a motorized skateboard as defined by Title 11 of the Code of the City of Wichita.

Facilities or area means city-owned, board-owned or leased property, improved or unimproved parks and park amenities which are under the management of the Department of Park and Recreation of the City of Wichita.

Motorcycle means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.

Motor-driven cycle means every motorcycle, including every motor scooter, Segway, four-wheeler or moped, and every bicycle with a motor attached.

Motor vehicle means every vehicle which is self-propelled.

Motorized wheelchair means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

Park or parking means the standing of a vehicle, whether occupied or not.

Park equipment means sporting equipment, bleachers, portable stages, landscaping equipment and other similar equipment utilized by the Department of Park and Recreation of the City of Wichita.

Park property means any real property owned or under the control of the city or the board of park commissioners that is designated for use as a park or recreational facility by the city council. For the purposes of this section, *under the control of* shall include any property right, including easements or other rights of use, regardless of nature, when such right is granted or designated, in whole or in part, for use as a park, recreational facility or for other recreational purposes.

Permit means a document that authorizes the use of parks, equipment or buildings as provided for and defined by this chapter.

Persons means individuals, groups, organizations, associations, partnerships, firms and corporations.

Public right-of-way means the entire width of the area from property line to property line including that area between the roadway and the abutting private property line.

Recreational vehicle means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motor. *Recreational vehicle* shall include converted buses and motor homes.

Skateboard means a device for riding upon, either for sport or transportation, which is propelled by human power, consisting of an oblong piece of rigid material mounted upon wheels or rollers, but excluding wagons, scooters, strollers, carts and toy vehicles.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility device or devices moved by human power or used exclusively upon stationary rails or tracks.”

SECTION 2. Section 9.03.400 of the Code of the City of Wichita is hereby amended to read as follows:

“Vehicles and parking.

It is unlawful for any person to operate or park vehicles, motorcycles or motor-driven cycles on park property except on designated roadways or within designated areas. Such vehicles shall not be operated on designated bicycle, hiking or walking paths.

The prohibitions of this section shall not be applicable to motorized wheelchairs or electric personal assistive mobility devices.”

SECTION 3. Section 9.03.405 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Operation of Electric-Assisted Scooters on Park Property.

- (a) The operation of electric-assisted scooters shall be permitted only on designated bicycle and multiuse paths and in designated areas.

- (b) Electric-assisted scooters shall not be operated on sidewalks or unpaved surfaces.
- (c) Electric-assisted scooters shall not be parked in a manner which impedes pedestrians, bicycles or motor vehicles.”

SECTION 4. Section 11.04.093 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Electric-assisted scooter.

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 by the user when riding. Electric-assisted scooter does not include: (1) a vehicle that is powered by gasoline; or a motorized skateboard as defined by this Title.”

SECTION 5. Section 12.24.040 is hereby amended to read as follows:

“Speed limit on streets described in Section 11.96.010.

It is hereby determined, upon the basis of an engineering and traffic investigation, that the speed permitted by state law upon those streets or portions thereof described in Section 11.96.010, is greater or less than is necessary for safe operation of vehicles thereon by reason of the designation and sign-posting of such streets as through streets, or by reason of widely spaced intersections. It is hereby declared that the speed limit upon those streets or portions thereof described in Section 11.96.010, except as provided in Section 11.20.150, shall be therein stated, which speeds so declared shall be effective at the time specified therein when signs are erected giving notice thereof. Any driver exceeding the schedule and posted speed limit shall be guilty of a traffic infraction.”

SECTION 6. Chapter 11.50 is hereby created to read as follows:

“Electric-assisted scooters, skateboards and coasters.

Section 11.50.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

Electric-assisted scooter operation

- (a) Except as set forth below, the operation of electric-assisted scooters shall be permitted upon a street, highway or roadway and on designated bicycle and multiuse paths and in designated areas.
- (b) It shall be unlawful for any person to operate an electric-assisted scooter on the sidewalk.
- (c) It shall be unlawful for any person to operate an electric-assisted scooter on a street with a posted speed limit of forty (40) miles per hour or higher unless there is a bike lane on such roadway.
- (d) It shall be unlawful for any person to engage in any activity that interferes with the safe operation of the electric-assisted scooter.
- (e) It shall be unlawful for any person to operate an 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.
- (e) Every person riding an electric-assisted scooter upon a street, highway or roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Title except as to special ordinances so designated and except to those provisions of this code which by their nature can have no application.

- (f) Every person operating an electric-assisted scooter upon a street, highway or roadway at less than the normal speed of traffic shall ride as near to the right side of the street, highway or roadway as practicable except when:
- (1) Preparing to make a left turn at an intersection or into a private drive or roadway;
 - (2) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow width lanes that make it unsafe to continue along the right-hand edge of the street, highway or roadway.

For the purposes of this section, “Narrow width lane” means a lane that is too narrow for a bicycle or stand up electric-assisted scooter and a vehicle to travel safely side-by-side within the lane.
- (g) Any person operating an electric-assisted scooter upon a one-way street, highway or roadway with two or more marked traffic lanes shall ride as near to the left side of the roadway as practicable.
- (h) Persons riding electric-assisted scooters upon a street, highway, or roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or electric-assisted scooters.
- (i) No electric-assisted scooter shall be used to carry more persons at one time than the number for which it is designed or equipped.
- (j) It shall be unlawful for any person while riding an electric-assisted scooter on the streets, highways, bicycle or multiuse paths of the City, to hitch or otherwise attach him or herself onto other moving vehicles.

- (k) A person operating an electric-assisted scooter across a street, highway or a roadway or along a crosswalk shall yield the right of way to any pedestrian and shall give the audible signal before overtaking and passing such pedestrian.
- (l) Any person operating an electric-assisted scooter across a roadway or along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- (m) It shall be unlawful for any person to operate an electric-assisted scooter upon the roadway, street, highway or bicycle or multiuse path between the hours of dusk or 9:00 P.M., whichever is earlier, and sunrise.
- (n) It shall be unlawful for any person to operate an electric-assisted scooter at a speed in excess of twenty (20) miles per hour.
- (o) Vehicle registration and driver's license shall not be required for operation of an electric-assisted scooter."

SECTION 7. SECTION 11.50.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Operation of Electric-assisted scooter while Under the Influence of Drugs or Alcohol.

- (a) No person shall ride or attempt to ride an electric-assisted scooter on any sidewalk, street, roadway, highway, or public path set aside for the exclusive use of pedestrian and bicycle traffic, including all public parks and playgrounds or other property under the ownership, jurisdiction or control of the city, the board of park commissioners or any other agency created to provide a public service, while under the influence of an alcoholic beverage or

any drug, or under the combined influence of an alcoholic beverage and any drug to a degree which renders such person a hazard.

- (b) Any person arrested for a violation of this section may request to have a chemical test made of the person's blood, breath, or urine for the purpose of determining the alcoholic or drug content of that person's blood, and, if so requested, the arresting officer shall have discretion as to the appropriate test to be performed.
- (c) Any person, who, within the corporate limits of the city, violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500.00, or by six months imprisonment, or by both such fine and imprisonment.”

SECTION 8. Section 11.50.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Prohibited Parking of Scooters

- (a) It is unlawful for any person to park or leave an electric-assisted scooter on public property where such electric-assisted scooter blocks pedestrian’s travel or presents a traffic hazard.
- (b) It is unlawful for any person to park or leave an electric-assisted scooter in the area adjacent to or within the following areas:
 - 1. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycles racks;
 - 2. Loading zones;
 - 3. Disabled parking zones;
 - 4. Curb ramps;

5. Driveways and driveway approaches;
 6. Motor Vehicle parking spaces;
 7. Motor vehicle driving lanes or bicycle lanes; and
 8. Entrances to private property or driveways.
- (c) It is unlawful for any person to park or leave an electric-assisted scooter in any manner or to impede or interfere with the access to or from any building.”

SECTION 9. Section 11.50.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Impoundment of Scooter.

Electric-assisted scooters may be impounded or taken to any other place of safety by the police department or another authorized city representative when:

- (a) The electric-assisted scooter is reported or determined to be stolen and is recovered;
or
- (b) The electric-assisted scooter is abandoned; or
- (c) The electric-assisted scooter is left on public property where that scooter blocks pedestrian travel or presents a traffic hazard.

An impounded electric-assisted scooter shall not be released by the City until all necessary impound fees have been paid and the rightful owner is found and shows proof of ownership.”

SECTION 10. Section 11.50.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Persons propelling pushcarts or riding bicycles or animals to obey traffic regulations.

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a street or roadway shall be subject to the provisions of this Title which are applicable to drivers of motor vehicles, except those provisions, which by their nature, can have no application.”

SECTION 11. Section 11.50.060 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

“Coasters, roller skates—Use restricted.

- (a) No person using roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- (b) The provisions of this section shall not apply to the use of skateboards or electric-assisted scooters.
- (c) For the purposes of this section, “coaster or toy vehicles” shall include, but not be limited to the following devices: electric skateboards, gas powered skateboards, segways, electric unicycles, hover boards, electric or gas powered toy vehicles or other similar devices.”

SECTION 12. Section 11.50.070 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

“Skateboards—Use restricted.

- (a) It is unlawful within the City for any person riding a skateboard:
 - 1. To go upon any street or highway in the city except while crossing a street in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

2. To go upon any property, whether publicly or privately owned, within the area bounded by the east bank of the Arkansas River from the point where the river flows under the Central Avenue Bridge to the point where the river flows under the Kellogg Street Bridge, thence east along the north side of Kellogg Street to a point where the Kellogg Street overpass crosses above the west line of Washington Avenue, thence north to the north line of Third Street, thence west to the west line of Broadway Avenue, thence north to the north line of Central Avenue, and thence west to the east bank of the Arkansas River to the point of beginning.

This subsection shall not apply to:

- (i) Paved areas within the bounded area described herein which are set aside for bicycle use and commonly referred to as bicycle or multiuse paths; however, the use of ramps (portable or otherwise) or any similar device is prohibited upon all areas designated as bicycle or multiuse paths within the city;
- (ii) Property which is specifically intended for commercial skateboard use, such as a skateboard park or similar facility; and
- (iii) Property where the owner has given permission for the use of skateboards and such property is clearly and visibly marked by a sign or signs indicating that skateboard use is allowed hereon. Such signs shall have lettering of at least one and one-half inches high and one-half inch wide. For

signs required hereunder, the provisions of Chapter 24.04 of this Code shall have no application.

- (b) To go upon or in any city-owned parking lot or parking garage.
- (c) To go upon any other parking lot, parking garage or property within the city when such property is clearly and visibly marked by a sign or signs indicating that skateboard use is prohibited thereon. Such signs shall have lettering of at least one and one-half inches high and one-half inch wide. For signs required hereunder, the provisions of Chapter 24.04 of this Code shall have no application. When such signs are present upon privately owned property, the police department shall be authorized thereby to enforce the provisions of this section. Signs which were in place prior to the passage of this ordinance which prohibit skateboarding and reference prior city ordinance Section 11.16.085 shall remain sufficient notice under this subsection that the riding of skateboards is prohibited on the property.
- (d) To ride or otherwise move upon a skateboard in a reckless manner on any public sidewalk within the city, or without exercising due care for the safety of others using the sidewalks, or to otherwise endanger or interfere with pedestrian traffic.
 - 1. Violation of any of the provisions of this section is a misdemeanor and shall be punished by a fine of not more than five hundred dollars.
 - 2. In addition to the penalty for violation of this section, any skateboard may be seized in connection with said violation and may, in the discretion of the trial court be released back to the rightful owner upon their appearance in court or may otherwise be

destroyed by the Chief of Police when the property is no longer needed for evidence.”

SECTION 13. Section 11.50.080 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

“Penalties

Except as otherwise provided, the Administrative Municipal Court Judge shall establish a schedule of fines to be imposed for violations of this Chapter.”

SECTION 14. Sections 9.03.010, 9.03.400, 11.16.070, 11.16.080, 11.16.085 and 11.24.040 of the Code of the City of Wichita are hereby repealed.

SECTION 15. This Ordinance shall take effect following its adoption and publication in the official City newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2019.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer L. Magaña
City Attorney and Director of Law