

**ORDINANCE NO. 3859**

**AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE  
AMENDING CHAPTER XIV. TRAFFIC, ARTICLE 6 SPECIAL PURPOSE VEHICLES**

**WHEREAS**, pursuant to Art. 12, Section 5 of the Kansas Constitution, the City of Osawatomie is granted Home Rule Authority to pass ordinances not in conflict with the Constitution and laws of the State of Kansas or the law of the United States; and

**WHEREAS**, the City Council finds that this ordinance is not inconsistent with the provisions of the Constitution and laws of the United States and the State Kansas; and

**WHEREAS**, currently the operation of motorized scooters on city streets is prohibited under city code and the operation of such **electric-assisted** scooters is not anticipated to be detrimental to the flow of traffic; and

**WHEREAS**, the City seeks to promote shared mobility in the short and long term to promote greater connectivity, access and quality of life and recognizes shared mobility is essential to improve air quality, reduce motor vehicle traffic and promote accessible systems of transportation; and

**WHEREAS**, the City Council finds it is in the public's interest to establish policies and procedures for the operation of **electric-assisted** scooters to improve mobility options while protecting the health, safety and general welfare of individuals and the community at large.

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

**SECTION ONE:** Chapter XIV, Article 6, is amended as follows:

**14-605. 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 multi-use paths and in designated areas.

(b) It shall be unlawful for any person to operate any motorized 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 or 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 right 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) Persons operating **electric-assisted** scooters shall possess a valid driver’s license, but no vehicle registration shall be required for operation of an **electric** motorized scooter.

#### **14-606. Operation of **Electric-Assisted** Scooters while Under the Influence of Drugs and/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, or any other agency or public entity 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.

**14-607. Prohibited Parking of Electric-Assisted 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.

**14-608. Impoundment of Electric-Assisted Scooters.**

Motorized 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.

**14-609. Severability.**

The provisions of this ordinance are severable and should any such provision be declared unconstitutional or unenforceable, such declaration shall not affect any of the remaining provisions hereof.

**~~14-605-14-610.~~ Pocket Bikes and Non-Electric, Motorized Scooters Prohibited.**

The operation of pocket bikes, **and non-electric**, motorized scooters on the streets, roads, alleys or public property within the corporate limits of the City of Osawatomie is prohibited, unless specifically authorized for a City sponsored event or City permitted special event.

**~~14-606~~ 14-611. Penalty.**

Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Article 20 of the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provision as the city may then have in effect.

**~~14-607~~ 14-612. Exemptions.**

(a) UTVs which are owned, leased or operated by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job other than general transportation, are exempt from the restrictions of this article, except for insurance and operator requirements in Section 14-603.

**SECTION TWO:** Sections 14-601 through 14-604 shall remain unchanged.

**EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 24<sup>th</sup> day of October, 2024.

**APPROVED AND SIGNED** by the Mayor.

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Nick Hampson, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk