

1 **Bill No. 7956 Public Safety Committee Substitute as Amended**

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3 **Introduced in Council:**

Adopted by Council:

4
5 **April 18, 2022**

August 15, 2022

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7 **Introduced by:**

Referred to:

8
9 **Emmett Pepper, Chad Robinson,**
10 **Bobby Reishman,**
11 **Caitlin Cook,**
12 **Bruce King, Brent Burton and**
13 **Joseph Jenkins**

Planning, Streets, & Traffic
and Public Safety

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16 **Bill No. 7956 Public Safety Committee Substitute as Amended** - A BILL to amend
17 and reenact Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the
18 Municipal Code of the City of Charleston, as amended, all relating to authorizing the use
19 of motorized scooters; updating definitions; requiring operators of motorized scooters to
20 follow traffic laws; setting certain additional requirements for operating a motorized
21 scooter after sunset and before sunrise; detailing additional prohibited acts; and
22 creating criminal penalties for violations.

23
24 **Now, therefore, be it ordained by the Council of the City of Charleston:**

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26 That Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code
27 of the City of Charleston, as amended, are hereby amended and reenacted, all to read
28 as follows:

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30 **CHAPTER 114. – TRAFFIC ORDINANCE.**
31 **ARTICLE XIV. – MOTORIZED SCOOTERS.**

32
33 **Sec. 114-915. Definitions.**

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35 Except as otherwise provided in this chapter the following words and phrases
36 shall have the meanings set forth below:

37 “Minor” means any person under the age of 18.

38 “Motor vehicle” means every vehicle which is self-propelled and every vehicle
39 which is propelled by electric power obtained from overhead trolley wires, but not
40 operated upon rails.

41 “Motorized scooter” means any non-balancing, tandem two-wheeled device, or
42 self balancing device, that is designed to be stood upon, or ridden by the operator, and
43 is powered by a motor having a maximum piston displacement of less than 50 cubic
44 centimeters or an electric drive motor, that is capable of a maximum speed of not more
45 than 25 miles per hour on a flat surface. “Motorized scooter” does not include a
46 “motorcycle” as defined by W. Va. Code § 17C-1-4, a “motor-driven cycle” as defined by

47 W. Va. Code § 17C-1-5, a “class 3 electric bicycle” as defined by W. Va. Code § 17C-1-
48 70, an “electric personal assistive mobility device” or “EPAMD” as defined by W.Va.
49 Code § 17C-1-66, or a wheelchair as defined within in this section.

50 “Mobility-impaired person” means a person who:

51 (1) Cannot walk two hundred feet without stopping to rest;

52 (2) Cannot walk without the use of or assistance from a brace, cane, crutch,
53 prosthetic device, wheelchair, other assistive device or another person;

54 (3) Is restricted by lung disease to such an extent that the person’s force
55 (respiratory) expiratory volume for one second, when measured by spirometry, is less
56 than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

57 (4) Uses portable oxygen;

58 (5) Has a cardiac condition to such an extent that the person’s functional
59 limitations are classified in severity as Class III or Class IV according to standards
60 established by the American Heart Association; or

61 (6) Is severely limited in his or her ability to walk because of an arthritic,
62 neurological or other orthopedic condition.

63 “Wheelchair” means a motorized or nonmotorized wheeled device, including a
64 motorized scooter that is designed for, or used by, a mobility-impaired person.

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66 **Sec. 114-916. Authorizing the use of motorized scooters.**

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68 Motorized scooters may be operated upon the streets or alleys within the City of
69 Charleston, unless otherwise prohibited. The operator of any motorized scooter shall
70 obey and be subject to all traffic laws of the City of Charleston and the State of West
71 Virginia, unless otherwise stated in this Article. Notwithstanding the general
72 authorization to operate motorized scooters, in order to eliminate hazards to public
73 health and safety and to abate the potential public nuisance associated with the
74 placement of rented motorized scooters on the public rights of way, the City Council
75 hereby requires any person seeking to operate a motorized scooter rental business
76 within the City to enter into an agreement with the City, which shall be approved by City
77 Council prior to beginning operation.

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79 **Sec. 114-917. Additional requirements for operation between sunset and sunrise.**

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81 Every motorized scooter operated after sunset and before sunrise shall be
82 equipped with the following:

83 (1) A lamp emitting a white light which, while the motorized scooter is in motion,
84 illuminates the roadway in front of the operator and is visible from a distance of 300 feet
85 in front and from the sides of the motorized scooter.

86 (2) A lamp emitting a red light on the rear that is visible from a distance of 500
87 feet to the rear.

88 (3) A white or yellow reflector on each side visible from the front and rear of the
89 motorized scooter from a distance of 200 feet.

90 (4) A lamp or lamp combination, emitting a white light, attached to the operator
91 and visible from a distance of 300 feet in front and from the sides of the motorized
92 scooter, may be used in lieu of the lamp required by subsection (1) hereof.

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Sec. 114-918. Prohibited Acts.

Except as specifically authorized herein, no person shall:

- (1) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.
- (2) Operate a motorized scooter on a roadway with a speed limit in excess of 30 miles per hour.
- (3) Operate a motorized scooter when the operator is under the age of 16 years of age.
- (4) Operate a motorized scooter with any passengers in addition to the operator.
- (5) Operate a motorized scooter carrying any package, bundle or article that prevents the operator from keeping at least one hand upon the handlebars.
- (6) Operate a motorized scooter upon a sidewalk or on any roadway, path, or other surface that is closed to bicycle traffic.
- (7) Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.
- (8) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.
- (9) Attach the motorized scooter or themselves, by any means, while on the roadway to any other vehicle on the roadway.
- (10) Operate a motorized scooter while in an impaired state, as defined in W. Va. Code § 17C-5-2.

Sec. 114-920. Penalties.

Any person who violates sections 114-917, 114-918, or 114-919 of this article shall constitute the commission of a misdemeanor criminal offense, and the city is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of sections 114-917, 114-918, or 114-919. Any person convicted of a first offense established hereunder shall be fined not less than \$100.00 nor more than \$500.00. Any person convicted of a second or subsequent offense established hereunder shall be fined not less than \$250.00, nor more than \$500.00.