

(Published in the Topeka Metro News April 15, 2019)

**ORDINANCE NO. 20178**

AN ORDINANCE introduced by City Manager Brent Trout, concerning electric-assisted scooters, amending TMC Chapter 10.35.

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

**CHAPTER 10.35, BICYCLES AND ELECTRIC-ASSISTED SCOOTERS**

Section 1. That section 10.35.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

As used in this chapter, the following definitions shall apply:

(a) "Amenity zone" means that portion of the sidewalk used for street trees, landscaping, transit stops, and street lights.

(ab) "Bicycle" means every device propelled by human power upon which a person may ride, having two or three tandem wheels.

(c) "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 adopted at TMC 10.15.010, as amended by TMC 10.15.020.

(bd) "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.

(e) "Frontage zone" means the area adjacent to the property line where

transitions between public sidewalk and the space within buildings occurs.

(ef) "Pedestrian" means:

(1) Any person afoot;

(2) Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or

(3) Any person using an electric personal assistive mobility device.

(g) "Pedestrian zone" means a clear travel space for pedestrians consisting of at least four (4) feet in width so as not to obstruct pedestrian use and passage.

(dh) "Pocket park" means an area for public leisure that may include green space, educational displays, public art, medallions, sculptures, benches, fountains, miniature trains, pavilions and statues.

(ei) "Public parking facilities" means parking lots and garages owned or operated by the city.

(j) "Traffic regulations applicable to bicycles" means sections 127 through 133 of the Standard Traffic Ordinance adopted at TMC 10.15.010, as amended by TMC 10.15.020.

Section 2. That section 10.35.030, Bicycles, roller skates, and skateboard – Prohibited areas, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Bicycles, electric-assisted scooters, roller skates and skateboards – Prohibited areas.**

(a) It shall be unlawful for any person to ride a bicycle, operate an electric-

51 assisted scooter, skate or use roller skates, skateboards, roller blades, or other similar  
52 devices in the following areas:

53 (1) Public sidewalks and pocket parks in an area bounded by 6th Street  
54 and 10th Street along Kansas Avenue ~~4th Street, 11th Street, Southwest Jackson~~  
55 ~~Avenue and Southeast Quincy Avenue~~; and

56 (2) Public parking facilities.

57 (b) Any person who rides a bicycle, operates an electric-assisted scooter, or  
58 uses roller skates, skateboards, roller blades, or other similar devices on a public  
59 sidewalk shall:

60 (1) Yield the right-of-way to pedestrians and give an audible signal before  
61 overtaking and passing pedestrians; and

62 (2) Travel at a speed that is reasonable and prudent under existing  
63 conditions, except that an operator of an electric-assisted scooter shall not travel  
64 at a speed that exceeds 15 miles per hour.

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

67 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended  
68 by adding a section, to be numbered 10.35.040, which said section reads as follows:

69 **Electric-assisted scooters; operating requirements.**

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

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

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

76           (d)    Notwithstanding subsection (c), it shall be unlawful for the operator of an  
77   electric-assisted scooter to:

78                   (1)   Operate an electric-assisted scooter on a street with a speed limit  
79                   of 35 miles per hour or more unless the electric-assisted scooter is traveling in a  
80                   marked a bike lane;

81                   (2)   Operate an electric-assisted scooter at a speed in excess of 15  
82                   miles per hour;

83                   (3)   Fail to yield the right-of-way to pedestrians and/or give an audible  
84                   signal before overtaking and passing pedestrians;

85                   (4)   Fail to comply with Shawnee County resolutions governing county  
86                   park property, including the regional multi-use trails;

87                   (5)   Fail to remain alert and give full attention to the safe operation of  
88                   the scooter while in motion;

89                   (6)   Engage in any activity that interferes with the safe operation of the  
90                   scooter; or

91                   (7)   Operate the electric-assisted scooter in such a manner as to  
92                   indicate a careless or heedless disregard for the rights or safety of others, or in  
93                   such a manner as to endanger, or be likely to endanger, any person or property.

94           (e)    The municipal judge shall establish a schedule of fines to be imposed for  
95   violations of section 10.35.040. The fines shall not exceed the amount established for  
96   traffic infractions related to the operation of bicycles.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.35.050, which said section reads as follows:

**Electric-assisted scooters; 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 designated for scooter parking, which will not in any way inhibit the pedestrian zone.

(b) It shall be unlawful for the operator of an electric-assisted scooter to engage in any of the following activities:

(1) Park in any street or in any area where parking is prohibited.

(2) Park on a sidewalk in such a manner that inhibits the pedestrian zone.

(3) Park on private property without the written consent of the owner.

(4) Park in a manner that would impede access to bike racks, including Topeka Metro Transit Authority bike share stations.

(5) Park in, or in a manner that would impede access to, or the use of any of the following:

(i) buildings, parking lots, or garages;

(ii) motor vehicle driving lanes or bicycle lanes;

(iii) loading zones, disabled parking zones or designated parking spaces on the street;

(iv) curb ramps;

(v) entrances to private property or driveways;

(vi) transit zones, including bus stops and shelters; and

(vii) utility infrastructure, including traffic control devices and utility poles.

(c) The municipal judge shall establish a schedule of fines to be imposed for violations of section 10.35.050. The fines shall not exceed the amount established for traffic infractions related to parking.

Section 6. That original § 10.35.010 and § 10.35.030 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.


Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.


PASSED AND APPROVED by the City Council on April 9, 2019.

CITY OF TOPEKA, KANSAS



ATTEST:

  
Michelle De La Isla, Mayor

  
Brenda Younger, City Clerk