

(Summary Published in the Leavenworth Times on April 15, 2022)

ORDINANCE NO. 8184

AN ORDINANCE REGARDING THE OPERATION OF ELECTRIC-ASSISTED SCOOTERS WITHIN THE CITY OF LEAVENWORTH, KANSAS, AMENDING SECTION 44-1 OF CHAPTER 44 (TRAFFIC AND VEHICLES) OF THE LEAVENWORTH CODE OF ORDINANCES, AND ADDING ADDITIONAL PROVISIONS THERETO.

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

Section 1. That Section 44-1 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-1. - Standard traffic ordinance adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 48th Edition (2021), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed.
- (b) *Marked copies on file.* One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 8184" with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. 8184, and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) *Amendments.* The Standard Traffic Ordinance adopted in this section is adopted subject to the following local amendments:
 - (1) Section 114.5 (Unlawful Operation of a Work-Site Utility Vehicle) is hereby amended by adding a new subsection (e) thereto, as follows:
 - (e) As provided by subsection (a)(2), it shall be unlawful to operate a worksite utility vehicle except for public safety and city maintenance staff within the corporate limits of the city.
 - (2) Section 135.1 (Electric-Assisted Scooters, Traffic Law Application) is hereby amended by adding a new subsection (e) thereto, as follows:

(e) As provided in subsection (c) above, it shall be unlawful to operate electric-assisted scooters on any public sidewalks, paths, or trails within the City. The operation of an electric-assisted scooter shall at all times be in compliance with the provisions of Article VII of Chapter 44 of the Leavenworth Code of Ordinances.

(d) *Omitting.* Section 69(d) of the Standard Traffic Ordinance relating to city permits for soliciting of contributions is hereby declared to be omitted and deleted.

Section 2. A new Article VII in Chapter 44 of the City of Leavenworth Code of Ordinances is hereby established to read as follows:

ARTICLE VII. SPECIAL RULES RELATED TO ELECTRIC-ASSISTED SCOOTERS

Sec. 44-230. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Digital network shall mean any online enabled application, software, website or system offered or utilized by a shared electric-assisted scooter company that enables the use or operation of electric-assisted scooters.

Electric-assisted scooter shall mean every 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, as set forth in K.S.A. 8-1498, as amended.

Shared electric-assisted scooter shall mean electric-assisted scooters which are part of a fleet of such electric-assisted scooters that use a digital network to connect such shared electric-assisted scooters to riders and operators.

Shared electric-assisted scooter company shall mean a corporation, partnership, sole proprietorship, person, or other entity operating in Kansas that uses a digital network to connect shared electric-assisted scooter riders or operators to shared electric-assisted scooters for transportation.

Sec. 44-231. Reference to Standard Traffic Ordinance.

The provisions of Section 135.1 of the Standard Traffic Ordinance, as adopted and modified by Section 44-1 of the Leavenworth Code of Ordinances, and regarding electric-assisted scooters, is incorporated herein by this reference.

Sec. 44-232. Prohibited Parking of Shared Electric-Assisted Scooters.

It is unlawful for any person to park or leave an electric-assisted scooter or shared electric-assisted scooter on public property, including but not limited to sidewalks, streets, roads, trails, paths, bicycle lanes, or parking lots where such shared electric-assisted scooter blocks pedestrian travel, public parking, or presents a traffic hazard. It is further unlawful to park or leave an electric-assisted

scooter or shared electric-assisted scooter against or attached to any public utility pole, traffic sign, or traffic signal.

Sec. 44-233. Operation of Shared Electric-Assisted Scooter Company.

It is unlawful for any shared electric-assisted scooter company, or person on behalf of the company, to deploy, maintain, or allow to be operated, any shared electric-assisted scooters owned or operated by the company, on any city streets, sidewalks, right-of-way, or city property within the city without a valid written agreement approved by the city.

Sec. 44-234. Penalties.

Violation of Sections 44-232 through 44-233, inclusive, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense, with each day the violation continues constituting a separate offense. In addition to any penalties associated with violating this article, the shared electric-assisted scooter company, and/or any person violating this article, shall be assessed the costs associated with removal of the company's shared electric-assisted scooters from city streets, sidewalks, rights-of-way, or city property.

Section 3. Sections 44-220 through 44-229 of Chapter 44 of the Leavenworth Code of Ordinances are hereby designated as "Reserved".

Section 4. Section 44-1 of the Leavenworth Code of Ordinances, as previously adopted and in existence as of and prior to the adoption of this ordinance, is hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the 12th day of April, 2022.

/s/ Camalla M. Leonhard
Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

/s/ Sarah Bodensteiner
Sarah Bodensteiner, CMC, City Clerk