

ORDINANCE NO. D-20

**AN ORDINANCE REGULATING THE USE OF SCOOTERS
WITHIN THE TOWN OF GREENWOOD,
PROVIDING FOR TWO CLASSES OF SCOOTERS
AND ALSO PROVIDING
PENALTIES FOR THE VIOLATION THEREOF**

BE IT ORDAINED by the Town Council of The Town of Greenwood, in Council met,
in the manner following:

Section 1. Definitions.

- (a) As used in this Chapter:
 - (1) For the purpose of this Ordinance, the vehicle commonly referred to as a scooter is defined as a human powered, electric and/or engine powered platform, two wheeled class of vehicle. Scooters shall additionally be defined by classes:
 - a. Class I scooters are defined as those that are motor/engine driven Class I scooters are additionally classified as motor vehicles.
 - b. Class II scooters are human powered.
 - (2) The term scooter, when used in this section without a class designation, shall be deemed to include both Class I and II scooters.

Section 2. Proper Operation of Scooters.

- (a) Class I scooters operated within the Town Limits shall obey all applicable "Rules of the Road" as set forth in the State of Delaware Motor Vehicle Code, Title 21, Chapter 41, Subchapters I through XI.
- (b) Class II scooters shall obey all applicable laws relating to bicycles as set forth in the State of Delaware Motor Vehicle Code, Title 21, Chapter 41, Subchapter XII - "Operation of Bicycles and Other Human Powered Vehicles.
- (c) No person shall:
 - (1) Operate a Class I scooter within Town Limits unless that operator is

13 years of age or older.

- (2) Operate a Class I scooter whose license is suspended or revoked.
- (3) Under the age of 18 shall operate any scooter, unless that person is wearing a properly fitted and fastened bicycle type helmet which meets or exceeds the standard of the American National Standards Institute (ANSI Z90, 4 bicycle helmet standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standard (or subsequent standard) for Protective Headgear for Use in Bicycling.
 - a. Any parent or guardian of a juvenile operating any class of scooter who fails to cause that juvenile to wear a helmet as provided herein, shall be subject to the penalties in Section 1D.
 - b. Any parent or guardian of a juvenile who authorizes or knowingly permits that juvenile to violate any of the provisions of Section 1 through 9 of the Town Ordinance or that of Title 21 of the Delaware Motor Vehicle Code, shall be subject to penalties as provided in Section 10 of this section or the applicable penalty section of Title 21 of the Delaware Motor Vehicle Code.
 - c. No more than one person shall occupy a position on a Class I or II scooter at any time.
 - d. No person shall operate a scooter on any roadway within the Town limits with a speed limit of more than 25 miles per hour. The operator of a Class I scooter may enter into an intersection to cross over a roadway with a speed limit greater than 25 miles per hour, but shall not deviate from the original direction of travel.
 - e. Every scooter, when in use at nighttime, shall be equipped with.
 1. A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front.
 2. A red reflector, that shall be visible for 600 feet to the rear when in front of a lawful lower beams of head lamps on a motor vehicle. The operator may, in lieu of a reflector, wear reflective clothing or reflective safety vests of sufficient size and reflectivity to be visible to the rear the same distance as a reflector.

- f. Every scooter shall be equipped with a brake or brakes which will enable its operator to stop the scooter within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.
- g. No person shall operate a Class I scooter within the Town limits of Greenwood unless such scooter is equipped with a muffler in good working order and in accordance with manufacturer's specification and in constant operation to prevent excessive or unusual noise. The use of after market muffler or expansion chamber type devices that emit a noise louder than that of an original equipment muffler is prohibited.
- h. No person riding or operating a scooter shall attach the scooter or personally attach him/herself to any vehicle within the town limits of Greenwood.
- i. Any person operating s scooter upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing, shall ride or operate as close as practicable to the right edge of the roadway except under any of the following circumstances:
 - 1. When overtaking or passing another vehicle proceeding in the same direction;
 - 2. When preparing for a left turn at an intersection or into a private road or driveway, or
 - 3. When reasonably necessary to avoid conditions including, but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or substandard width lanes that make it unsafe to continue long the right edge of the roadway.
- j. No person operating or riding a scooter shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the scooter. A person operating a scooter shall keep at least one hand on the handle bars at all times.
- k. A person riding or operating a scooter intending to turn left shall follow a course described in Title 21 Section 4152 of the Delaware Motor Vehicle Code.

Section 3. Proper Signaling Procedures.

- (a) A person riding or operating a scooter shall give hand and arm signals as follows:
 - (1) Left Turn - Left hand and arm extended horizontally and to the left side of the scooter.
 - (2) Right Turn - Right hand and arm extended horizontally and to the right side of the scooter or the upper left arm extended horizontally to the left side of the scooter with the lower portion of the arm hand at an upward 90 degree angle.
 - (3) Slow or Decrease Speed - Left upper arm extended horizontally to the left side of the scooter and with the lower portion of the arm and hand extended downward at a 90 degree angle.
- (b) A signal of intention to turn left or right when required shall be given continuously during not less than the last 100 feet traveled by the scooter before turning and shall be given while a scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the scooter.

Section 4. Scooter Parking Prohibited.

A scooter shall not be parked on a sidewalk or roadway in a manner than impedes the reasonable movement of pedestrians or other traffic.

Section 5. Scooter Racing Prohibited.

- (a) Scooter racing is prohibited within the town limits and is further prohibited on roadways by Title 21 Section 4172 of the Delaware Motor Vehicle Code.
- (b) Class I scooters shall not be operated two or more abreast.
- (c) Class II scooters shall not be operated on sidewalks two or more abreast.

Section 6. Unsafe or Improperly Equipped Scooters.

A police officer may at any time, upon reasonable cause, to believe that a scooter is unsafe or not equipped properly as required by this section, or that its equipment is not in proper repair or adjustment or has a modified muffler, require the person operating or riding the scooter to stop and submit to an inspection and such test with reference thereto as may be appropriate.

- (a) A person shall not ride or operate a scooter with earplugs or wearing a

headset. (Prosthetic devices which aid the hearing impaired are not an earplug or a headset under this subsection).

- (b) A person shall not ride or operate a scooter within the Town limits while under the influence of intoxicating liquor and/or narcotics or drugs. Riders or operators violating this subsection shall, if probable cause exists, be subject to arrest under provisions of Title 21 Section 4177 of the Delaware Motor Vehicle Code.

Section 7. Prohibited Locations for Operation of a Scooter.

- (a) No person shall operate a Class I scooter on a sidewalk within the Town limits.
- (b) No person shall ride or operate a scooter on private property without the verbal consent of the property owner.
- (c) No person shall operate a scooter on commercial property without written consent from the commercial property owner or their designee.

Section 8. Procedures for Enforcing No trespassing by Scooters.

- (a) If a private or commercial property owner or their representative, believes a rider or operator of a scooter is trespassing on the owner's property, the owner or representative must:
 1. Have personally informed the trespasser to leave the property. The mere posting of a "No Trespassing" sign does not relieve the property owner or representative of verbally informing the trespasser to vacate the property. If, in fact, the trespasser then immediately vacates the property, a charge of trespass may not be initiated.
 2. Attempt to obtain the name, address and date of birth of the trespasser. Inform the trespasser of the date and time, indicating to the trespasser that information will be documented and, if any further trespass actions occur by that individual, a warrant will be obtained (In the case of a juvenile, the property owner or representative is encouraged to forward written correspondence to the violator's residence notifying the parents or guardians of the incident).
 3. Be able to identify the trespasser by description and name.
 4. Report the trespass to the Greenwood Police Department for prosecution.
 5. Sign the warrant for the charge of Criminal Trespass in the Third

Degree; (Title 11, Section 821).

6. Be available to provide court testimony in reference to the matter when it comes to trial.

Section 9. Personal Injury or Property Damage Responsibility.

- (a) A rider or operator of a scooter involved in a personal injury or property damage accident anywhere within the Town limits of Greenwood, shall remain on the scene and shall insure that scooter remains at the scene of the accident. No person shall remove a scooter from any accident scene until authorized to do so by the Greenwood Police Department. The rider/operator shall also comply with Sections 4201 through 4207, as applicable, of Chapter 42, Title 21 of the Delaware Motor Vehicle Code.
- (b) The Greenwood Police Department shall be immediately notified of all scooter involved accidents. The operator or rider of the scooter shall identify him/herself by name, address and date of birth at the accident scene.
- (c) Should any rider or operator of a Class I or Class II scooter be involved in a property damage or personal injury accident, and is charged and found to be at fault, that rider, operator or the guardian or owner of the scooter shall be subject to restitution as set forth in Section 10.

Section 10. Penalties for Violations.

- (a) Penalties for violations of Section 6(b) while riding or operating a Class I or II scooter shall be as proscribed for that violation under Title 21 Section 4177 of the Delaware Motor Vehicle Code.
- (b) Penalties for violations of Section (b) or ©) or while riding or operating a Class I or II scooter shall be proscribed under Title 11 Section 4207 of the Delaware Criminal Code.
- (c) Penalties for all other Sections while operating a Class I scooter shall be as follows:

1st Offense - \$25.00 plus court costs
2nd Offense - \$50.00 plus court costs
3rd Offense and subsequent offenses - \$100.00 to \$500.00 plus court costs and forfeiture of the scooter to the greenwood Police Department of destruction. The court ordered forfeiture of the scooter shall not be suspended. For the purposes of forfeiture, all violations occurring in one 24 hour period shall only be counted as one offense.

