

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 10, 2014

AGENDA ITEM: An Ordinance Amending Marysville Municipal Code Chapter 12.20	
PREPARED BY: Commander Robb Lamoureux DEPARTMENT: Police	DIRECTOR APPROVAL: Chief Richard Smith
ATTACHMENTS: Draft Ordinance	
BUDGET CODE:	AMOUNT:

SUMMARY:

In order to provide for and promote public safety we bring forward a proposal amendment to Marysville Municipal Code **Chapter 12.20 BICYCLES AND OTHER NON-MOTORIZED, WHEELED TRANSPORTATION ON SIDEWALKS.**

The original MMC Chapter 20.12 was written into City Code by ordinance back in 1900. This proposed amendment brings the Code more up-to-date; referencing modern personal transportation methods and eliminating long ago used transportation methods. In addition, the revised code specifically identifies non-motorized modes of personal transportation. The proposed amendment also revises the penalty associated with violation of the Code.

By provisions under the Model Traffic Ordinance, bicyclists operating on roadways or improved shoulders must follow the Rules of the Road; and police carry the authority to enforce applicable laws pertaining to bicyclist actions on both roadways and improved shoulders.

This revised code allows for, with limitations, bicyclists to travel on sidewalks, and enhances the ability for police to address and enforce bicyclist actions on sidewalks.

The proposed amendment was drafted by and approved as to form by the City Attorney's Office

RECOMMENDED ACTION:
Staff recommends City Council authorize the mayor to sign the ordinance amending Marysville Municipal Code MMC Chapter 20.12

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
AMENDING CHAPTER 12.20 ~~OF TO~~ THE MARYSVILLE MUNICIPAL CODE
ENTITLED “ANIMALS AND VEHICLES ON SIDEWALKS”; PROVIDING FOR
SEVERABILITY; AND EFFECTIVE DATE.

~~NOW THEREFORE,~~ ~~¶~~The City Council of the City of Marysville, Washington do
ordain as follows:

Section 1. MMC Chapter 12.20 entitled “ANIMALS AND VEHICLES ON SIDEWALKS”
is hereby amended to be entitled “BICYCLES AND OTHER WHEELED PERSONAL
TRANSPORTATION ON SIDEWALKS” and ~~shall to~~ read as follows:

Chapter 12.20
~~ANIMALS AND VEHICLES~~ BICYCLES AND OTHER **NON-MOTORIZED, WHEELED
PERSONAL TRANSPORTATION ON SIDEWALKS**

Sections:

~~12.20.010~~ ~~Animals or vehicles on sidewalks – Penalty.~~

~~12.20.010~~ ~~Bicycles and other wheeled personal transportation on sidewalks –
Penalty.~~

~~12.20.020~~ ~~Bicycles on sidewalks – Penalty.~~

~~12.20.030~~ ~~Costs of prosecution – Working off fine.~~

~~12.20.010~~ ~~Animals or vehicles on sidewalks – Penalty.~~

~~Any person who shall ride, lead or drive any horse or other animal or move any vehicle other
than a light buggy for children or a wheelbarrow upon any sidewalk of the city of Marysville
unless for the purpose of necessarily crossing the same shall, upon conviction thereof, be fined
not less than \$2.00 nor more than \$15.00. (Ord. 80 § 17, 1900).~~

~~12.20.010~~ ~~Bicycles and other wheeled personal transportation on sidewalks – Penalty.~~

~~Any person who shall ride a bicycle on any sidewalk on First or Front Street in the city of
Marysville, or who shall ride a bicycle on any sidewalk, within the city limits at a greater speed
than five miles an hour shall, upon conviction thereof, be fined in any sum not exceeding \$25.00.
(Ord. 80 § 20, 1900).~~

~~Any person who shall ride a bicycle, skateboard, roller skates or **foot** scooter, or other method of
non-motorized personal transportation ~~to include roller skates, and rollerblades,~~ on any sidewalk
within the city limits at a speed greater than ~~10~~ **15** miles per hour, or in a negligent or reckless~~

manner regardless of speed that could reasonably cause harm to the rider, other pedestrians, or property shall be a guilty of a civil infraction with a penalty in the amount of \$50.00 plus any costs or assessments.

a. For the purpose of this section, “to operate in a negligent or reckless manner” means the operation in such a manner as to endanger or be likely to endanger any persons or property and may be under crowded or dangerous (such as inclement weather, snow and ice) sidewalk conditions even if travelling at be less than 10 15 miles per hour.

b. This section does not apply to implements known as walkers, wheel chairs, or scooters used for human transportation for persons with disabilities or injuries or children’s strollers.

~~12.20.020 Bicycles on sidewalks—Penalty.~~

~~Any person who shall ride a bicycle on any sidewalk on First or Front Street in the city of Marysville, or who shall ride a bicycle on any sidewalk, within the city limits at a greater speed than five miles an hour shall, upon conviction thereof, be fined in any sum not exceeding \$25.00. (Ord. 80 § 20, 1900).~~

~~12.20.030 Costs of prosecution—Working off fine.~~

~~Every violation of the provisions of this chapter shall be deemed a misdemeanor, and any person convicted of any such violation shall be adjudged to pay the costs of prosecution in addition to the penalty imposed, and every person who shall be in default of payment of such fine and costs of prosecution shall be committed to the city jail unless such fine and costs are paid; which imprisonment shall be at the rate of one day’s imprisonment for every \$2.00 of such fine and costs. (Ord. 80 § 21, 1900).~~

Section 2. General Duty. It is expressly the purpose of this ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

| PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20134.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

By _____
April O'Brien, Deputy City Clerk

Approved as to form:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____