



## Legislation Passed July 7, 2020

The Tacoma City Council, at its regular City Council meeting of July 7, 2020, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 40623**

A resolution authorizing the execution of a Collective Bargaining Agreement with the Washington State Council of County and City Employees, Local 120, consisting of 168 budgeted full-time equivalent positions, retroactive to January 1, 2020, through December 31, 2020.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

### **Resolution No. 40624**

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Clerical Unit, consisting of 173 budgeted full-time equivalent positions, retroactive to January 1, 2020, through December 31, 2020.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

### **Resolution No. 40625**

A resolution authorizing the execution of Letters of Agreement with the International Brotherhood of Electrical Workers, Local 483, Customer and Field Services; Court Clerks; Human Resources; Supervisors; Tacoma Power; Water Division; and Water Pollution Control Units.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

### **Ordinance No. 28678**

An ordinance amending Chapter 11.05 of the Municipal Code, relating to the Model Traffic Ordinance, Chapter 11.06, relating to Motorized Scooters and Electric Personal Assistive Mobility Devices, and Chapter 11.30, relating to Bicycle, Skateboard, Roller Skates, and Scooter Helmets, to update and clarify rules related to active transportation, including micromobility.

[Liz Kaster, Senior Planner; Kurtis D. Kingsolver, P.E., Director, Public Works]



## RESOLUTION NO. 40623

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 one-year Collective Bargaining Agreement between the City and Washington  
3 State Council of County and City Employees, Local 120, effective retroactive  
4 to January 1, 2020, through December 31, 2020.

4 WHEREAS the City has, for years, adopted the policy of collective  
5 bargaining between the various labor organizations representing employees and  
6 the administration, and

7 WHEREAS this resolution allows for the execution of a one-year Collective  
8 Bargaining Agreement (“CBA”) between the City and Washington State Council of  
9 County and City Employees, Local 120 (“Union”), on behalf of the employees  
10 represented by said Union, and

11 WHEREAS the bargaining unit consists of approximately 168.2 budgeted,  
12 full-time equivalent positions, and

13 WHEREAS the CBA will provide for a wage increase of three percent  
14 retroactive to January 1, 2020, and

15 WHEREAS other changes include: (1) adding a new classification of Buyer,  
16 Intern to the bargaining unit; (2) providing bargaining unit employees within the  
17 Tacoma Police Department, a one-time, lump sum payment of \$500 for 2020 in  
18 recognition of their assistance in the department’s CALEA accreditation and  
19 successful maintenance of the accreditation; (3) modifying language in Article 4 –  
20 Union Membership and Dues to reflect legal requirements based on the *Janus v.*  
21 *AFSCME Council 31* court case; (4) adding an optional grievance mediation step in  
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Article 5 – Grievance Procedure; and (5) clarifying the process for employees to request a job audit by the Human Resources Department, and

WHEREAS the CBA was considered and approved by the Public Utility Board at its meeting of June 24, 2020, and

WHEREAS it appears in the best interests of the City that the CBA negotiated by said Union and the City be approved; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the one-year Collective Bargaining Agreement between the City and Washington State Council of County, City Employees, Local 120, effective retroactive to January 1, 2020, through December 31, 2020, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
City Attorney

Requested by Public Utility Board  
Resolution No. U-11172



## RESOLUTION NO. 40624

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 one-year Collective Bargaining Agreement between the City and the  
3 International Brotherhood of Electrical Workers, Local 483, Clerical Unit,  
4 effective retroactive to January 1, 2020, through December 31, 2020.

4 WHEREAS the City has, for years, adopted the policy of collective  
5 bargaining between the various labor organizations representing employees and  
6 the administration, and

7 WHEREAS this resolution allows for the execution of a one-year Collective  
8 Bargaining Agreement (“CBA”) between the City and International Brotherhood of  
9 Electrical Workers, Local 483, Clerical Unit (“Union”), on behalf of the employees  
10 represented by said Union, and

11 WHEREAS the bargaining unit consists of approximately 172.5 budgeted,  
12 full-time equivalent (“FTE”) positions, with 119 FTEs assigned to General  
13 Government and 53.5 FTEs assigned to Tacoma Public Utilities, and

14 WHEREAS the CBA will provide for a wage increase of 3 percent retroactive  
15 to January 1, 2020, and

16 WHEREAS other changes include: (1) clarification language in Article 2,  
17 Union Recognition, regarding the employment status of City employees who are  
18 part of the Union, and may desire to act as the Union Business  
19 Manager/Representative; (2) legal requirements based on the *Janus v. AFSCME*  
20 *Council 31* court case; (3) amendment of the language in Article 9, Grievance  
21 Procedure, to provide for an optional step of grievance mediation; (4) providing  
22 bargaining unit employees within the Tacoma Police Department, a one-time, lump  
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1 sum payment of \$500 for 2020 in recognition of their assistance in the department's  
2 CALEA accreditation, and successful maintenance of the accreditation, and

3 WHEREAS the CBA was considered and approved by the Public Utility  
4 Board at its meeting of June 24, 2020, and

5 WHEREAS it appears in the best interests of the City that the CBA  
6 negotiated by said Union and the City be approved; Now, Therefore,

7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 That the proper officers of the City are hereby authorized to execute the  
9 one-year Collective Bargaining Agreement between the City and International  
10 Brotherhood of Electrical Workers, Local 483, Clerical Unit, effective retroactive to  
11 January 1, 2020, through December 31, 2020, said document to be substantially in  
12 the form of the agreement on file in the office of the City Clerk.

13 Adopted \_\_\_\_\_

14 \_\_\_\_\_  
15 Mayor

16 Attest:  
17 \_\_\_\_\_  
18 City Clerk

19 Approved as to form:  
20 \_\_\_\_\_  
21 City Attorney

22 Requested by Public Utility Board  
23 Resolution No. U-11173



## RESOLUTION NO. 40625

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 series of Letters of Agreement negotiated between the City and International  
3 Brotherhood of Electrical Workers, Local 483, Customer and Field Services;  
4 Court Clerks; Human Resources; Supervisors; Tacoma Power; Water  
5 Division; and Water Pollution Control Units.

6 WHEREAS the City has, for years, adopted the policy of collective  
7 bargaining between the various labor organizations representing employees and  
8 the administration, and

9 WHEREAS Resolution No. 40470, adopted November 12, 2019, authorized  
10 the execution of the three-year Collective Bargaining Agreement ("CBA") between  
11 the City of Tacoma and the International Brotherhood of Electrical Workers, Local  
12 483, Customer and Field Services Unit ("Union"), on behalf of the employees  
13 represented by said Union, and

14 WHEREAS Resolution No. 40324, adopted May 7, 2019, authorized the  
15 execution of the three-year Collective Bargaining Agreement ("CBA") between the  
16 City of Tacoma and the International Brotherhood of Electrical Workers, Local 483,  
17 Court Clerks Unit ("Union"), on behalf of the employees represented by said Union,  
18 and

19 WHEREAS Resolution No. 40371, adopted July 9, 2019, authorized the  
20 execution of the one-year Collective Bargaining Agreement ("CBA") between the  
21 City of Tacoma and the International Brotherhood of Electrical Workers, Local 483,  
22 Human Resources Unit ("Union"), on behalf of the employees represented by said  
23 Union, and  
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1           WHEREAS Resolution No. 39810, adopted September 12, 2017, authorized  
2 the execution of the four-year Collective Bargaining Agreement (“CBA”) between  
3 the City of Tacoma and the International Brotherhood of Electrical Workers, Local  
4 483, Supervisors Unit (“Union”), on behalf of the employees represented by said  
5 Union, and  
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7           WHEREAS Resolution No. 39935, adopted February 6, 2018, authorized the  
8 execution of the four-year Collective Bargaining Agreement (“CBA”) between the  
9 City of Tacoma and the International Brotherhood of Electrical Workers, Local 483,  
10 Tacoma Power Unit (“Union”), on behalf of the employees represented by said  
11 Union, and  
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13           WHEREAS Resolution No. 40370, adopted July 9, 2019, authorized the  
14 execution of the three-year Collective Bargaining Agreement (“CBA”) between the  
15 City of Tacoma and the International Brotherhood of Electrical Workers, Local 483,  
16 Water Division Unit (“Union”), on behalf of the employees represented by said  
17 Union, and  
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19           WHEREAS Resolution No. 40573, adopted March 17, 2020, authorized the  
20 execution of the three-year Collective Bargaining Agreement (“CBA”) between the  
21 City of Tacoma and the International Brotherhood of Electrical Workers, Local 483,  
22 Water Pollution Control Unit (“Union”), on behalf of the employees represented by  
23 said Union, and  
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25           WHEREAS the City and Union have negotiated a series of Letters of  
26 Agreement (“LOA”) to the CBA which provide for the following: (1) addresses



1 impacts of the *Janus v. AFSCME Council 31* court case; (2) changes to RCW 41.56  
2 as related to union dues and fees; and (3) provides that the following sections of  
3 each collective bargaining agreement be replaced in its entirety to reflect the  
4 language in the unit's respective LOA:  
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- 6 • Customer and Field Services Unit - Article 2, Union Recognition and Dues  
7 Deduction
- 8 • Court Clerks Unit - Article 2, Union Recognition and Dues Deduction
- 9 • Human Resources Unit - Article 4, Union Recognition, Dues Deduction and  
10 Activities
- 11 • Supervisors Unit - Article 2, Union Recognition and Dues Deduction
- 12 • Tacoma Power Unit - Article 2, Union Recognition and Dues Deduction
- 13 • Water Division Unit - Article 2, Union Recognition and Dues Deduction
- 14 • Water Pollution Control Unit - Article 2, Union Recognition and Dues  
15 Deduction, and

16 WHEREAS the LOAs were considered and approved by the Public Utility  
17 Board at its meeting of June 24, 2020, and  
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19 WHEREAS it appears in the best interest of the City that the LOAs  
20 negotiated by said Union and the City be approved; Now, Therefore,

21 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

22 That the proper officers of the City are hereby authorized to execute a series  
23 of Letters of Agreement negotiated between the City and International Brotherhood  
24 of Electrical Workers, Local 483, Customer and Field Services; Court Clerks;  
25 Human Resources; Supervisors; Tacoma Power; Water Division; and Water  
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1 Pollution Control Units, said documents to be substantially in the form of the  
2 documents on file in the office of the City Clerk.

3 Adopted \_\_\_\_\_  
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5 \_\_\_\_\_  
6 Mayor

7 Attest:  
8 \_\_\_\_\_  
9 City Clerk

10 Approved as to form:  
11 \_\_\_\_\_  
12 City Attorney

13 Requested by Public Utility Board  
14 Resolution No. U-11171  
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## ORDINANCE NO. 28678

1 AN ORDINANCE relating to traffic; amending Chapter 11.05 of the Tacoma  
2 Municipal Code, "Model Traffic Ordinance," Chapter 11.06, "Motorized  
3 Scooters and Electric Personal Assistive Mobility Devices," and  
4 Chapter 11.30, "Bicycle, Skateboard, Roller Skates, and Scooter Helmets,"  
to update and clarify rules related to active transportation, including  
micromobility.

5 WHEREAS increasing the use of active transportation is a central goal of  
6 the City's Transportation Master Plan and Environmental Action Plan, in alignment  
7 with Tacoma 2025's focus on providing City residents with accessible and efficient  
8 transportation options, and  
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10 WHEREAS staff and community stakeholders conducted a thorough review  
11 of Title 11 of the Tacoma Municipal Code ("TMC"), which revealed that certain  
12 elements of the TMC make it difficult to decipher the rules that each mode of  
13 transportation must follow and fails to address common community concerns heard  
14 during the micromobility pilot, and  
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16 WHEREAS the review also identified long-standing rules which are not well  
17 aligned with current City policies or best practices, and  
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19 WHEREAS staff has worked closely with stakeholders to develop the  
20 proposed amendments to TMC Title 11, including staff presentations and  
21 discussions with the City's Micromobility Stakeholder Group (Metro Parks Tacoma,  
22 the Tacoma-Pierce County Health Department, Downtown On the Go, and other  
23 internal and external stakeholders), the Tacoma Area Commission on Disabilities,  
24 the Transportation Commission, the Bicycle and Pedestrian Technical Advisory  
25 Group, and the Downtown Tacoma Partnership, and  
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WHEREAS the proposed amendments will make the rules of operation for active transportation easier to understand and follow, and will reduce the likelihood of unnecessary enforcement actions, and

WHEREAS the proposed amendments will also update the TMC based on lessons learned from the micromobility pilot, best practices, and stakeholder outreach; and will better align the TMC with the City’s Transportation Master Plan and recent updates to the Revised Code of Washington, and

WHEREAS, even if not mandated by law, all bike riders should wear bicycle helmets; wearing a helmet is proven to reduce the risk of a serious brain injury and death, because studies indicate that during a fall or collision, most of the impact energy is absorbed by the helmet, rather than a person’s head and brain, and

WHEREAS wearing a bicycle helmet is especially important for children, as some studies estimate that bicycle helmets could have prevented 75 percent of fatal head injuries and 85 percent of non-fatal traumatic brain injuries in children injured while riding their bikes, and

WHEREAS staff will continue working with stakeholders to evaluate the impacts of active transportation policies and programs, as transportation modes and best practices continue to evolve; Now, Therefore,

**BE IT ORDAINED BY THE CITY OF TACOMA:**

Section 1. That Chapter 11.05 of the Tacoma Municipal Code (“TMC”), Model Traffic Ordinance, is hereby amended as set forth in the attached Exhibit “A.”



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Section 2. That TMC Chapter 11.06, Motorized Scooters and Electric Personal Assistive Mobility Devices, is hereby amended as set forth in the attached Exhibit "B."

Section 3. That TMC Chapter 11.30, Bicycle, Skateboard, Roller Skates, and Scooter Helmets, is hereby amended as set forth in the attached Exhibit "C."

Section 4. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



**EXHIBIT "A"**

**CHAPTER 11.05**

**MODEL TRAFFIC ORDINANCE**

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Sections:

11.05.010 Model Traffic Ordinance adopted.

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11.05.562 Use of ~~coasters~~scooters, roller skates, and similar devices ~~restricted~~.

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**11.05.020 Sections not adopted.**

The following sections of the MTO are not adopted by reference and are expressly deleted:

**WAC**

- 308-330-205** Public Employees to Obey Traffic Regulations
- 308-330-210** Police Administration
- 308-330-215** Duty of Traffic Division
- 308-330-225** Records of Traffic Violations
- 308-330-230** Traffic Division to Investigate Accidents
- 308-330-235** Traffic Accident Studies
- 308-330-240** Traffic Accident Reports
- 308-330-245** Traffic Division to Submit Annual Traffic Safety Report
- 308-330-250** Police Department to Administer Bicycle Licenses
- 308-330-275** Traffic Safety Commission – Powers and Duties
- 308-330-442** Standing in Loading Zone
- 308-330-451** Standing or Parking on One-way Roadways
- 308-330-466** Funeral Processions
- 308-330-469** When Permits Required for Parades and Processions
- 308-330-472** Interfering with Processions
- 308-330-500** Bicycle License Required
- 308-330-505** Bicycle License Application
- 308-330-510** Issuance of Bicycle License
- 308-330-515** Attachment of Bicycle License Plate or Decal
- 308-330-520** Inspection of Bicycles
- 308-330-525** Renewal of Bicycle License
- 308-330-530** Transfer of Ownership
- 308-330-535** Rental Agencies



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308-330-540  
308-330-720  
308-330-730  
308-330-740

Bicycle Dealers  
Citation on Illegally Parked Vehicle  
Failure to Comply with Traffic Citation Attached to Parked Vehicle  
Presumption in Reference to Illegal Parking

\* \* \*  
\* \* \*

**11.05.040 Amendment of WAC 308-330-555.**

WAC 308-330-555(1) and WAC 308-330-555(2) are not adopted by reference and are expressly deleted. ~~is adopted with the following addition: "Except that, while in the course and performance of their duties, Tacoma Police Department Officers and private security guards, licensed pursuant to Chapter 18.170 RCW, may ride bicycles upon sidewalks within the B Business District."~~

\* \* \*

**11.05.562 Use of ~~coasters~~scooters, roller skates, and similar devices ~~restricted~~.**

A. Applicability. The following subsections under 11.05.562 shall only apply to modes of conveyance that are solely human powered and shall not apply to people walking, using a wheelchair, using a bicycle, or using fully or partially motorized devices.

AB. Use Upon Roadways Rights and Duties. No person upon ~~Any person using a mode of conveyance other than bicycling that is solely human-powered, including~~ roller skates or in-line skates, or riding in or upon or by any means a ~~coasters~~scooter, skateboard, toy vehicle, or any device similar to the foregoing, ~~shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be~~ granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

BC. Operation of Skateboards, Roller Skates, In-line Skates, and ~~Coasters~~Scooters.

1. Negligent Operation. No person upon roller skates or in-line skates, or riding in or upon or by any means a ~~coasters~~scooter, skateboard, toy vehicle, or any device similar to the foregoing, shall go upon any roadway, sidewalk, publicly owned parking lot, or other public property in such a manner as to endanger or be likely to endanger the safety of any persons or property, including the rider or operator.

2. Yielding to People Walking or Using an Assistive Mobility Device. Any person using roller skates or in-line skates, or riding in or upon or by any means a scooter, skateboard, toy vehicle, or any device similar to the foregoing, must yield the right-of-way to pedestrians who are walking or using an assistive mobility device on a sidewalk or crosswalk. ~~Interference with Vehicular or Pedestrian Traffic Prohibited. No person upon roller skates or in-line skates, or riding in or upon or by any means a coaster, skateboard, toy vehicle, or any device similar to the foregoing, shall interfere with or restrict the flow of vehicular or pedestrian traffic in any manner whatsoever.~~

3. Operation of Skateboard after Dark. No person upon roller skates or in-line skates, or riding in or upon or by any means a coaster, skateboard, toy vehicle, or any device similar to the foregoing, shall ride upon a public street or public sidewalk during the hours between one-half hour after sunset and one-half hour before sunrise without wearing a reflective device on his/her front and back.

4. Clinging to Motor Vehicle. No person upon roller skates or in-line skates, or riding in or upon or by any means a ~~coasters~~scooter, skateboard, toy vehicle, or any device similar to the foregoing, shall attach the same or himself to any moving vehicle upon any roadway.

C. Use in the Business District. No person upon roller skates or in-line skates, or riding in or upon or by any means a coaster, skateboard, toy vehicle, or any device similar to the foregoing, shall go upon any roadway, sidewalk, or other public property located within the area designated as the "B" Business District pursuant to Title 13 of the Official Code of the City of Tacoma as now or hereafter amended.



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D. Violation/Penalty. Any person violating any of the provisions of this section shall be deemed to have committed a civil infraction and will be subject to a maximum penalty, inclusive of statutory assessments, of \$250.00. The minimum fine imposed shall be no less than \$25.00, which shall not be suspended or deferred.

~~E. Confiscation and Destruction of Property. A law enforcement officer having probable cause to believe a violation of this section has been committed shall have the authority to confiscate the roller skates, in line skates, coaster, skateboard, toy vehicle, or other device used in violation of this section, and hold the same as evidence pending adjudication of the infraction. The court, upon a third finding of commitment of a violation of this section or forfeiture of bail or any combination thereof when such violations have occurred within any consecutive 24 month period, shall order that the confiscated property be destroyed or sold at public auction.~~

~~F~~E. Definitions.

1. "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this chapter the term skateboard shall include the terms "scooter," ~~and "coaster."~~

2. "Roller-skates" has its ordinary meaning and means a pair of shoes mounted upon two sets of wheels, most often propelled by the user in an upright, standing position.

3. "In-line skates" has its ordinary meaning and means a pair of shoes or boots, mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled by the user in an upright, standing position.

4. "~~Coaster~~Scooter" means a footboard mounted upon two or more wheels, controlled by an upright steering handle, and is most often propelled by the user usually in an upright position or kneeling.

~~G~~E. Law enforcement officers commissioned by the City of Tacoma are authorized to issue a notice of infraction upon certification that the officer has probable cause to believe, and does believe, that a person has committed an infraction contrary to the provisions of this section. The infraction need not have been committed in the issuing officer's presence except as otherwise provided by law.

~~H~~G. Severability. If any provision of this section, or its application to any person or circumstances, is held invalid, the remainder of the section, or application of the provisions to other persons or circumstances, shall be unaffected.

\* \* \*



**EXHIBIT "B"**

**CHAPTER 11.06**

**MOTORIZED SCOOTERS AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES**

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Sections:

- 11.06.010 Electric personal assistive mobility device ("EPAMD").
- 11.06.020 Motorized foot scooter.
- 11.06.030 Areas of operation.
- 11.06.040 Rules of operation.
- 11.06.050 Noise.
- 11.06.060 Application to other devices.
- 11.06.070 Responsibility.
- 11.06.080 Penalty.

\* \* \*

**11.06.020 Motorized foot scooter.**

"Motorized foot scooter" means a device with two or three wheels that has handlebars, a floorboard that can be stood upon while riding, and is powered by an internal combustion engine or electric motor that has a maximum speed of no greater than 20 mph on level ground. For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. no more than two 10-inch, or smaller, diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A "gas motorized foot scooter" is a motorized foot scooter powered in whole or in part by an internal combustion engine. An "electric motorized foot scooter" is a motorized foot scooter powered solely by an electric motor.

**11.06.030 Areas of operation.**

A. Except as otherwise provided in this chapter, gas motorized foot scooters may be operated on roadways, shoulders, and alleys provided that the maximum speed limit does not exceed 25 mph. Gas motorized foot scooters may not be operated on sidewalks, bicycle lanes, or public paths.

B. Except as otherwise provided in this chapter or where otherwise prohibited by law, EPAMDs and electric motorized foot scooters may be operated on roadways, shoulders, sidewalks, ~~and~~ alleys, ~~but not on~~ bicycle lanes, cycle tracks, or other designated bicycle facilities, or paved public paths, except where otherwise prohibited.

~~Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the sidewalk and not upon the roadway or shoulder.~~ An EPAMD or electric motorized foot scooter shall not be operated upon the roadway or shoulder of any highway where the speed limit is greater than 25 mph, unless within a designated bicycle facility.

~~C. Neither EPAMDs nor motorized foot scooters may be operated in public parks or trails.~~

~~D. Neither EPAMDs nor motorized foot scooters may be operated on public school playfields or public school playgrounds.~~

~~E. The provisions of this section limiting the use of EPAMDs and/or electric motorized foot scooters in parks or on sidewalks, bicycle lanes, public paths, public school playfields, or public school playgrounds do not apply to an EPAMD or electric motorized foot scooter when that device is operated by a person with a mobility impairment caused by a physical disability who uses that device to enhance that person's mobility.~~





**11.06.040 Rules of operation.**

Subject to the limitations on areas of operation contained in Section 11.06.030, the following rules of operation apply to EPAMDs and/or motorized foot scooters, as indicated:

A. Every motorized foot scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

B. Every motorized foot scooter, when in use at any time from a half hour after sunset to a half hour before sunrise, must be equipped with a lamp on the front that emits a white light visible at a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Washington State Patrol that shall be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

C. No person under 16 years of age may operate a gas motorized foot scooter on allowed public rights-of-way. The operator of a gas motorized foot scooter must possess some type of valid Washington State driver's license or permit sufficient to demonstrate knowledge of the rules of the road; however, no specific operator's license is required from the Washington State Department of Licensing to operate a gas motorized foot scooter.

~~D. Any person operating an EPAMD or a motorized foot scooter shall wear a protective helmet that meets or exceeds safety standards for bicycle helmets as currently adopted, or as subsequently revised, by the Consumer Product Safety Commission, and shall have the neck or chinstrap of the helmet fastened securely while the device is in motion.~~

~~ED. No motorized foot scooter or EPAMD shall be operated with any passenger or other person in addition to the operator. Any person using an EPAMD or motorized foot scooter on a sidewalk or public path must yield the right-of-way to pedestrians.~~

~~FE. Any person using an EPAMD or motorized foot scooter on a roadway, shoulder, alley, or designated bicycle facility must follow all of the rules of the road as they apply to bicycles shall wear sturdy, closed toe footwear.~~

**11.06.050 Noise.**

A. Every gas motorized foot scooter shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

B. The use of a cutout, bypass, or similar muffler elimination device is prohibited on any gas motorized foot scooter.

~~C. The provisions of TMC 11.05 apply to motorized foot scooters and EPAMDs, neither of which shall be deemed "motor vehicles" within the meaning of TMC 11.05.~~

**11.06.060 Application to other devices.**

~~The provisions of this chapter regarding motorized foot scooters, gas motorized foot scooters, and/or electric motorized foot scooters apply to any device that: (1) matches the definition of a motorized foot scooter, gas motorized foot scooter, and/or electric motorized foot scooter, except for the size of the device's wheels; and (2) cannot be defined as a motor driven cycle, a moped, an electric assisted bicycle, or a motorcycle.~~

~~A. The provisions of this chapter regarding electric motorized foot scooters apply to any device that meets the following criteria:~~

- ~~1. Is fully or partially motorized;~~
- ~~2. Cannot be defined as an EPAMD, motorized foot scooter, motor-driven cycle, moped, electric-assisted bicycle, motorcycle, neighborhood electric vehicle, medium speed electric vehicle, golf cart, or other vehicle type defined in City or state law;~~
- ~~3. Maximum power output of 750 watts;~~
- ~~4. Uses an electric or solar power source;~~
- ~~5. If partially human powered, ceases providing assistance when the device reaches a speed of 20 mph;~~
- ~~6. If fully motorized, has a top speed of 20 mph.~~



B. The provisions of this chapter regarding gas motorized foot scooters apply to any device that meets the following criteria:

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1. Does not meet all of the criteria outlined in 11.06.060.A;
2. Is fully or partially motorized;
3. Cannot be defined as an EPAMD, motorized foot scooter, motor-driven cycle, moped, electric-assisted bicycle, motorcycle, neighborhood electric vehicle, medium speed electric vehicle, golf cart, or other vehicle type defined in City or state law;
4. If partially human powered, ceases providing assistance when the device reaches a speed of 28 mph;
5. If fully motorized, has a top speed of 28 mph.

\* \* \*



EXHIBIT "C"

CHAPTER 11.30

BICYCLE, SKATEBOARD, ROLLER SKATES, AND SCOOTER HELMETS

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Sections:

- 11.30.010 Purpose and intentpolicy.
- 11.30.020 Definitions.
- 11.30.030 Helmet required.
- 11.30.040 Bicycle, skateboard, roller skates, scooter races, and events – Helmet required.
- 11.30.050 Bicycle, skateboard, roller skates, and scooter leasing or loan – Helmet required.
- 11.30.060 Helmet sales – Safety standards.
- 11.30.070 Penalties – Civil nontraffic violations.
- 11.30.080 Enforcement.
- 11.30.090 Information and education.
- 11.30.100 *Repealed*.

**11.30.010 Purpose and intentpolicy.**

It is the purpose and intent of the City of Tacoma to strongly encourage all people using human-powered and/or motorized bicycles, skateboards, roller skates, scooters, and similar modes to wear a helmet. Helmets are effective; they reduce the risk of serious brain injuries and death. The City recommends helmets for people of all ages and particularly for youth, who have higher rates of bicycle injuries requiring emergency care. While the City strongly advises that all people using active transportation wear helmets, especially children; nevertheless, the City recognizes that helmet laws for these modes are not the most equitable or effective strategy to maximize positive public health outcomes. While helmets are no longer required by law in the City of Tacoma, the City will continue efforts to reduce barriers to accessing helmets and educate the community about why and how to wear helmets. The City also recognizes that helmets are just one strategy to improve active transportation safety; the City will continue to pursue a multi-faceted approach, including engineering, education, and encouragement, to enhance the safety of its transportation system. It is not the purpose or intent of this section to supersede Washington State helmet laws, including helmet laws for motorcycles, mopeds, or motor-driven cycles, which remain in effect in the City of Tacoma.

~~A. This chapter is enacted as an exercise of the authority of the City of Tacoma to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.~~

~~B. It is the express purpose of this chapter to provide for and to promote the health 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 chapter.~~

~~C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of nor term used in this chapter is intended to impose any duty whatsoever upon the City of Tacoma, or its officers or employees, or the Metropolitan Park District of Tacoma, or its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.~~

~~D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for a liability on the part of the City of Tacoma, or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City of Tacoma by its officers, employees, or agents.~~



**11.30.020—Definitions.**

1 As used in this chapter, the following terms shall have the meanings indicated, unless every context clearly requires otherwise:

2 A. “Bicycle” means every device propelled solely by human power upon which a person or persons may ride  
3 having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of  
4 which is more than 20 inches in diameter (RCW 46.04.071). Within this chapter, the term “bicycle” shall  
5 include any attached trailers, side cars, and/or other device being towed by a bicycle.

6 B. “Guardian” means a parent, legal guardian, an adult with custody, or temporary guardian who maintains  
7 responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18  
8 years.

9 C. “Helmet” means a head covering that meets or exceeds safety standards of the Consumer Product Safety  
10 Commission, 15 USCS § 6004, or the Snell Foundation, or such subsequent nationally recognized standard  
11 for bicycle, skateboard, roller skate, or scooter helmet performance as the City Council may adopt.

12 D. “Public area” means public roadways, bicycle paths, parks, or any right of way or publicly owned facility  
13 under the jurisdiction of the City of Tacoma.

14 E. “Roller skates” means a pair of shoes or boots mounted upon two sets of wheels, or mounted upon three or  
15 more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled  
16 by the user in an upright, standing position.

17 F. “Scooter” means a footboard mounted upon two or more wheels, controlled by an upright steering handle,  
18 and is most often propelled by the user usually in an upright position or kneeling

19 G. “Skateboard” means a board of any material with wheels affixed to the underside, designed to be ridden by  
20 a person.

**11.30.030—Helmet required.**

21 A. Any person bicycling, skateboarding, roller skating, riding a scooter, or riding as a bicycle passenger on or  
22 in tow of a bicycle, skateboard, roller skater, or scooter, upon any public area in the City of Tacoma shall  
23 wear an approved helmet designed for safety that meets or exceeds the standards adopted in  
24 TMC 11.30.020.C and shall have either the neck or chin strap of the helmet fastened securely while the  
25 bicycle, skateboard, roller skates, or scooter is in motion.

26 B. No person shall transport another person on or in tow of a bicycle, skateboard, roller skates, or scooter  
upon any public area in the jurisdiction of the City of Tacoma, unless the passenger is wearing a helmet that  
meets the requirements of this chapter.

C. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved  
helmet while bicycling, skateboarding, roller skating, riding a scooter, or riding as a passenger on a bicycle,  
skateboard, roller skates, or scooter, in any public area in the City of Tacoma, and has the neck or chin strap  
of the helmet fastened securely.

**11.30.040—Bicycle, skateboard, roller skate, scooter races, and events—Helmet required.**

A. Any person managing a bicycle, skateboard, roller skate, or scooter race, an organized event involving  
bicycling, skateboarding, roller skating, riding a scooter, or a bicycle tour in the public areas of the City of  
Tacoma shall require that all participants on or in tow of bicycles, skateboards, roller skates, or scooters, wear  
approved helmets.

B. The person managing any such event shall include the helmet requirement in any promotional brochures  
and on registration materials.



**11.30.050 — Bicycle, skateboard, roller skates, and scooter leasing or loan — Helmet required.**

1 A. Any person engaging in the business of renting or loaning (e.g., a test drive) any bicycle, skateboard, roller  
2 skates, or scooter for use in any public place in the City of Tacoma shall supply the persons leasing or using  
3 bicycles, skateboards, roller skates, or scooters with approved helmets as defined herein, along with the  
4 bicycles, skateboards, roller skates, or scooter, unless the bicycle, skateboard, roller skates, or scooter riders  
5 and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle,  
6 skateboard, roller skates, or scooter.

7 B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard,  
8 roller skates, or scooter of the helmet requirements of this chapter.

9 C. It is a defense to this section for a person wearing an unapproved helmet that the helmet was furnished in  
10 conjunction with his or her lease of a bicycle, skateboard, roller skates, or scooter by a person engaged in the  
11 business of renting bicycles, skateboards, roller skates, or scooters, and that the helmet was fastened securely  
12 while bicycling, skateboarding, roller skating, or riding a scooter.

**11.30.060 — Helmet sales — Safety standards.**

13 A. No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards of the  
14 Consumer Product Safety Commission, 15 USCS § 6004, or the Snell Foundation, or such subsequent  
15 nationally recognized standard for helmet performance as the City of Tacoma may adopt.

16 B. It is a defense that the sale or offer for sale was an isolated sale of used merchandise made by an individual  
17 who was not engaged in the business of selling or repairing recreational equipment, such as a seller at a  
18 garage or rummage sale.

**11.30.070 — Penalties — Civil nontraffic violations.**

19 A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have  
20 committed a civil nontraffic violation and shall be liable for a monetary penalty not to exceed \$25.00.

21 B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an  
22 individual who has not received a notice of violation of this chapter within one year, and provides proof that  
23 he or she has acquired an approved helmet at the time of appearance in court.

24 C. Each child under 18 years of age not meeting the requirements of TMC 11.30.030 shall represent a  
25 separate violation.

26 D. Each rental and each event under TMC 11.30.040 shall be a separate violation.

**11.30.080 — Enforcement.**

A. The City of Tacoma Police Department shall be responsible for enforcing the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may, at their discretion:

1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles, skateboards,  
roller skates, or scooters, or selling sporting or recreation equipment to determine compliance with this  
chapter

2. Post notice outside the premises of the business that offers for sale, rent, or other public use, bicycle,  
skateboard, roller skates, or scooter helmets that do not meet the safety standards of this chapter, so that the  
public is informed; and

3. Stop a bicycle, skateboard, roller skate, and scooter race; an organized event involving bicycling,  
skateboarding, roller skating, riding a scooter; or a bicycle tour that takes place in a public area when there is  
conspicuous disregard for the requirements of this chapter, involving multiple infractions.



~~11.30.090 — Information and education.~~

1 ~~A. Information and the need for bicycle, skateboard, roller skates, and scooter helmets; safe helmet use; safe~~  
2 ~~bicycle, skateboard, roller skates, and scooter operation; and existing bicycle, skateboard, roller skates, and~~  
3 ~~scooter safety programs are available at the City of Tacoma Police Department and Fire Department.~~

4 ~~B. The City of Tacoma encourages any person engaging in the business of selling bicycles, skateboards, roller~~  
5 ~~skates, and scooters to include information on bicycle, skateboard, roller skates, and scooter safety and the~~  
6 ~~helmet requirements of this chapter with each bicycle, skateboard, roller skates, and scooter sold.~~

7 ~~C. The City of Tacoma encourages any person engaging in the business of selling bicycle, skateboard, roller~~  
8 ~~skates, and scooter helmets to include information on safe helmet usage with each helmet sold.~~

9 ~~11.30.100 — Severability. Repealed by Ord. 26885.~~

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