

MINUTES

PUBLIC SAFETY COMMITTEE MEETING

5:30 P. M., JULY 11, 2022

Keeley Steele, Chairperson, called the meeting of the Charleston City Council Committee on Public Safety to order at 5:30 p.m., JULY 11, 2022. THE MEETING WAS HELD OVER ZOOM AND WAS MADE AVAILABLE AS A LIVE STREAM TO THE PUBLIC VIA ZOOM PER THE AGENDA.

Committee Members Present: all over Zoom

Keeley Steele, Chair
Chuck Overstreet, Vice Chair
Ben Adams
Caitlin Cook
Joseph Jenkins

Committee Members Absent:

Brady Campbell
Larry Moore

Other Councilmembers Present:

Emmett Pepper

1. Approval of Previous Minutes –
Councilmember Overstreet moved to approve the minutes of the previous meeting on 4-14-2022. Councilmember Cook seconded the motion. There was no objection, and the minutes were approved.

2. Bill No. 7956 Committee Substitute – Up to three (3) non-political Sponsor logos or names are allowed.

Councilmember Steele added that the Planning, Streets and Traffic Committee has approved a Committee Substitute to the bill.

From the audience, Councilmember Pepper added that the Committee had wanted to remove permissions for scooters to be used on sidewalks and during events (such as Live on the Levee). He was concerned that the current wording of the bill would preclude scooters from certain settings where bicycles are otherwise allowed. Councilmember Pepper has suggested language that states scooters would not be allowed in any area that is posted to being closed to bicycle traffic.

Councilmember Steele added that she was told that bike riders would be told that they would have to get off of their bikes during crowded events like the Regatta, and she assumed that would be the same with scooters. Traffic Commander, Sgt. Oldham, added that bicycles are not supposed to be on sidewalks. Councilmember Steele asked how easy would it be to enforce no scooters on sidewalks. Sgt. Oldham replied that it would not be hard to enforce when Officers see it.

Police Chief Hunt added that enforcing the rules would not be a problem as long as it occurs in an officer's presence. It will affect some downtown businesses whose delivery employees use motorized delivery bikes that go on sidewalks and against traffic. Chief Hunt urged the Committee to make Parking responsible for citing scooters improperly parked.

Councilmember Steele asked what the City could do to enable people to properly park their bikes and scooters if they will not be allowed to ride through events. She added that, hopefully this would encourage a scooter rental business.

Councilmember Pepper added that he thought the event/sidewalk issue was solved in the Committee Substitute.

City Attorney, Kevin Baker, added that Councilmember Steele's concerns were addressed in City Code in that the Parking Director and Parking Citations have the ability to enforce anything within that entire Chapter of code.

Councilmember Cook clarified that the Chief wanted the Parking Department to issue citations when the scooters were not in use. She said the distinction should be made clear. Baker added that the current Code gives both entities that authority.

Councilmember Steele summarized that Councilmember Pepper was requesting that the language of the bill be clarified so that scooters are allowed anywhere a bicycle is allowed.

Councilmember Jenkins motioned to amend the bill so that reference to Police Officers

be removed from lines 139-148 for clarity. Councilmember Cook seconded. With those being present having voted unanimously in the affirmative, the amendment was approved.

Councilmember Jenkins motioned to amend the bill on lines 120-121 to state “operate a motorized scooter upon a sidewalk or on any roadway, path or other surface that is closed to bicycle traffic.” Councilmember Adams seconded. With those being present having voted unanimously in the affirmative, the amendment was approved.

Councilmember Jenkins motioned to approved Bill No. 7956 Public Safety Committee Substitute. Councilmember Cook seconded. With those being present having voted unanimously in the affirmative, Bill No. 7956 Public Safety Committee Substitute was approved.

Councilmember Cook motioned to adjourn. Meeting adjourned.

Bill No. 7956 Public Safety Committee Substitute - A BILL to amend and reenact Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code of the City of Charleston, as amended, all relating to authorizing the use of motorized scooters; updating definitions; requiring operators of motorized scooters to follow traffic laws; setting certain additional requirements for operating a motorized scooter after sunset and before sunrise; detailing additional prohibited acts; and creating criminal penalties for violations.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted, all to read as follows:

**CHAPTER 114. – TRAFFIC ORDINANCE.
ARTICLE XIV. – MOTORIZED SCOOTERS.**

Sec. 114-915. Definitions.

Except as otherwise provided in this chapter the following words and phrases shall have the meanings set forth below:

“Minor” means any person under the age of 18.

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

“Motorized scooter” means any non-balancing, tandem two-wheeled device, or ~~three or four wheeled~~, self balancing device, that ~~has handlebars~~, is designed to be stood upon, or ridden by the operator, and is powered by a motor having a maximum piston displacement of less than 50 cubic centimeters or an electric drive motor, that is capable of a maximum speed of not more than 25 miles per hour on a flat surface.

“Motorized scooter” does not include a “motorcycle” as defined by W. Va. Code § 17C-1-4, a “moped” as defined by W. Va. Code 17C-1-5a, a “motor-driven cycle” as defined by W. Va. Code § 17C-1-5, a “class 3 electric bicycle” as defined by W. Va. Code § 17C-1-70, an “electric personal assistive mobility device” or “EPAMD” as defined by W. Va. Code § 17C-1-66, or a wheelchair as defined ~~within~~ in this section.

“Mobility-impaired person” means a person who:

- (1) Cannot walk two hundred feet without stopping to rest;
- (2) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;
- (3) Is restricted by lung disease to such an extent that the person’s force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) Uses portable oxygen;
- (5) Has a cardiac condition to such an extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association; or

(6) Is severely limited in his or her ability to walk because of an arthritic, neurological or other orthopedic condition.

“Wheelchair” means a motorized or nonmotorized wheeled device, including a motorized scooter that is having a seat or saddle, and designed for, and or used by, a mobility-impaired person with disabilities.

Sec. 114-916. Prohibition of operation and Authorizing the use of motorized scooters.

The riding, operation, or other use of motorized Motorized scooters may be operated for transportation or recreational purposes within or upon the streets or alleys, parking lots, and other realty owned, leased, or controlled property by within the City of Charleston or any of its boards, authorities, or commissions, is unless otherwise prohibited. The operator of any motorized scooter shall obey and be subject to all traffic laws of the City of Charleston and the State of West Virginia, unless otherwise stated in this Article.

Sec. 114-917. Additional requirements for operation between sunset and sunriseExceptions.

Every motorized scooter operated after sunset and before sunrise shall be equipped with the following:

(1) A lamp emitting a white light which, while the motorized scooter is in motion, illuminates the roadway in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter.

(2) A red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) A white or yellow reflector on each side visible from the front and rear of the motorized scooter from a distance of 200 feet.

(4) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the motorized scooter, may be used in lieu of the lamp required by subsection (1) hereof.

(5) A red reflector, or reflectorized material meeting the requirements of subsection (2) hereof attached to the operator and visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of the reflector required by subsection (2) hereof.

Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use a motorized scooter upon a designated parade route, when such person is a duly registered and recognized participant in any such permitted parade, provided that such Motorized Scooter riding or operation occurs in conjunction with said parade.

Sec. 114-918. Prohibited Acts. Exemptions.

The federal government, the State of West Virginia, and its political subdivisions are exempt from the prohibitions contained herein, when any such motorized scooter is

used for government purposes.

Except as specifically authorized herein, no person shall:

(1) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(2) Operate a motorized scooter on a roadway with a speed limit in excess of 30 miles per hour.

(3) Operate a motorized scooter when the operator is under the age of 16 years of age.

(4) Operate a motorized scooter with any passengers in addition to the operator.

(5) Operate a motorized scooter carrying any package, bundle or article that prevents the operator from keeping at least one hand upon the handlebars.

(6) Operate a motorized scooter upon a sidewalk or on any roadway, path, or other surface that is closed to bicycle traffic.

(7) Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(8) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

(9) Attach the motorized scooter or themselves, by any means, while on the roadway to any other vehicle on the roadway.

(10) Operate a motorized scooter while in an impaired state, as defined in W. Va. Code § 17C-5-2.

Sec. 114-920. Penalties.

~~(a) Any person who violates section 114-916 sections 114-917, 114-918, or 114-919 of this article shall constitute the commission of a misdemeanor criminal offense, and the city is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 114-916 sections 114-917, 114-918, or 114-919. Any person convicted of a first offense established hereunder shall be fined not less than \$25.00 nor more than \$100.00. Any person convicted of a second or subsequent offense established hereunder shall be fined not less than \$250.00, nor more than \$500.00.~~

~~(b) Any person who violates section 114-919 of this article shall constitute the commission of a misdemeanor criminal offense, and any officer of the police department of the city or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of the city is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 114-919. Any person convicted of a first offense established hereunder shall be fined not less than \$25.00 nor more than \$100.00. Any person convicted of a second or subsequent offense established hereunder shall be fined not less than \$250.00.~~