

ORDINANCE NO. 42240

AN ORDINANCE to amend Section 36-2 to include a definition of motorized scooter; to add 36-146 to create the offense of Motorized Scooter Operation Violation; and to provide an effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA

Section 1. Due to the length of the affected ordinance, Omaha City Council Rule VII(B) requiring amending ordinances to recite the entire section is hereby waived solely for the purposes of this ordinance and only the underlined material to be added shall be recited herein.

Section 2. Section 36-2 of the Omaha Municipal Code is hereby amended to include the following definition and read as follows:

Sec. 36-2. Definitions

Motorized Scooter. A device with an electric motor designed to transport only one person with at least two wheels in contact with the ground, propelled or with the capability to propel exclusively or in combination with the application of human power and which cannot attain a speed of more than fifteen (15) miles per hour on a paved level surface without the application of human power.

Section 3. Section 36-146 of the Omaha Municipal Code is hereby created to read as follows:

Sec. 36-146. Motorized Scooter Operation Violation

It shall be unlawful for any person to purposely or knowingly operate a motorized scooter, as defined in Sec. 36-2, in violation of one or more of the following manners:

- (a) The operator of a motorized scooter shall obey all the traffic laws of the State of Nebraska and the City of Omaha;
- (b) A motorized scooter shall not be operated on any sidewalk;
- (c) A motorized scooter shall not, at any time, impede the free flow of pedestrian traffic;
- (d) No one under the age of eighteen (18) shall operate a motorized scooter;
- (e) Only one person may operate a motorized scooter;
- (f) An operator of a motorized scooter shall have a valid driver's license or state-issued identification;

- (g) A motorized scooter shall not operate on any street or highway where the speed limit is greater than thirty-five miles per hour;
- (h) Drivers are prohibited from operating a motorized scooter while consuming any alcoholic beverage and the results of a preliminary breath test (PBT) shall be sufficient evidence to presume consumption;
- (i) Refusal to submit to a preliminary breath test (PBT) constitutes a separate offense; or
- (j) A motorized scooter shall not be parked in a way that blocks:
 - (1) Railroad tracks;
 - (2) Handicapped or prohibited parking; or
 - (3) Vehicular driveways.
- (k) Children under the age of 18 and wearing a helmet are exempt from the restrictions stated in subsections (b), (d), (f) and (j)(3).
- (l) A person who violates any provision of this section shall be punished by a fine of one-hundred dollars (\$100.00) for each offense.

Section 4. This ordinance, being legislative in character, and in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, shall be in full force and take effect fifteen (15) days following the date of its passage.

INTRODUCED BY COUNCILMEMBER

Christopher Jerome

APPROVED BY:

Joe Stoltz 6/11/2020
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUN 09 2020 4-2

ATTEST:

Kimberly Hoising 6/11/2020
CITY CLERK OF THE CITY OF OMAHA DATE

DEPUTY

APPROVED AS TO FORM:

William M. Kline 6/10/2020
DEPUTY CITY ATTORNEY DATE