



**ORDINANCE NO. 4190-26**

**An ORDINANCE relating to electric-assist bicycles, micromobility devices, and other powered personal transporters, adding a new chapter to title 46 EMC and amending chapter 46.80 EMC, chapter 46.20 EMC, chapter 46.72 EMC, and chapter 9.06 EMC.**

**WHEREAS,**

- A.** There is a need to address the increased use of electric-assisted bicycles, the dangers they pose to the community, changes in state law, and to establish consistent regulations of sidewalks, paths, and roadways.
- B.** E-bike use in the United States is on a sharp upward trajectory, with annual sales increasing from approximately 325,000 in 2018 to over 1.1 million in 2022—nearly a fourfold rise—and projected to continue growing substantially.
- C.** Emergency department visits in the United States for e-bike–related injuries grew dramatically between 2017 and 2022, from just 751 cases to 23,493—doubling each year—while e-scooter injuries increased by over 45% per year.
- D.** Data reveals that head, neck, and upper/lower extremity injuries are the most common serious e-bike injuries, and that e-bikes impose a greater risk of high-impact trauma due to their speed and weight.
- E.** Risks to youth are especially concerning: e-bikes became in the United States the leading cause of pediatric trauma activations at one Level 1 hospital (surpassing motor vehicle crashes), with e-bike–related hospital activations jumping from 2% of cases in 2017 to 64% in 2023; e-bike injuries among children and teens increased by over 300% from 2019 to 2023, and are now four times more likely to involve fractures or head injuries than accidents involving traditional bicycles.
- F.** Helmet usage is notably lower in e-bike crashes—teens involved in e-bike trauma activations were significantly less likely to wear helmets than those in pedal-bike incidents—heightening preventable risk.
- G.** These trends are similar in Washington state. While pedal bike injuries still dominate total injuries, the rate of change has slightly decreased between 2020 and 2024. E-bike injuries have increased 483% during the same period, and hospitalizations increased from zero in 2020 to 149 cases in 2025. Everett ranks fifth for e-bike and third for electric scooter hospitalizations across Washington cities.

- H. EMS calls for e-bike and e-scooter injuries have tripled since 2020. The Everett Fire Department has responded to 49 (approximately 4 per month) electric device injury calls in the last 12 months, and that number likely does not include all related calls.
- I. For Washington State e-bike and e-scooter injuries between 2020 and 2024, riders were wearing a helmet only 30% of the time.
- J. The Washington State Legislature recently passed ESSB 6110 (Laws of 2026, ch. \_\_\_\_ ) amending RCW 46.04.169 to clarify that vehicles capable of exceeding 20 mph solely on their electric motor, or vehicles designed or intended by the manufacturer or seller to be easily configured so they no longer meet e-bike requirements, are excluded from the definition of “electric-assisted bicycle”; and the Legislature recognized the need for a regulatory framework for electric motorcycles.
- K. Washington law establishes a three-class system for electric-assisted bicycles (Class 1, Class 2, Class 3) and a maximum motor power of 750 watts (RCW 46.04.169).
- L. State law requires permanent class labeling on new e-bikes and prohibits tampering that alters speed capability unless the label is appropriately replaced (RCW 46.37.690).
- M. The operation of Class 3 electric-assisted bicycles on sidewalks is restricted unless authorized by local ordinance, and operators must be at least 16 years old (RCW 46.61.710; RCW 46.20.500).
- N. Because there are many new devices with electric motors that do not fall into any existing definition of e-bikes, motorized foot scooters, or electric motorcycle, and new devices capable of reaching high speeds continue to become available, it is necessary to create regulations to cover these devices based on their speed capacity.
- O. The City finds it necessary to amend its municipal code in a manner that promotes safe, equitable use of e-bikes, reduces conflicts in pedestrian-rich areas, and protects public health, safety, and welfare.
- P. The City has the authority and responsibility to provide for the punishment of all practices dangerous to public health or safety, and to make necessary for the preservation of public health, peace, and good order, and to provide for the punishment of all persons charged with violating any City ordinance.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** A new chapter is added to title 46 EMC as set forth in Exhibit A to this Ordinance. This new chapter will be codified as chapter 46.82 EMC.

**Section 2.** EMC 46.80.010 is amended as follows, with underlined text added and strike-out text deleted:

The provisions of this chapter shall apply to motorized foot scooters and other micromobility devices. The regulations of this chapter shall not apply to any vehicle used by a disabled person in accordance with Chapter 46.19 RCW



**Section 3.** EMC 46.80.020 is amended as follows, with underlined text added and strike-out text deleted:

A. "Central business district" ~~means the area in zone UM designated as "Parking Area A" in Chapter 19.34~~ has the same meaning as EMC 46.20.

B. "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof located within the city limits of the city of Everett.

C. "City property" means all property owned or controlled by the city, including without limitation, all city rights-of-way that are not a city street or sidewalk.

D. "Micromobility device" means personal or shared nonmotorized scooters, "motorized foot scooters" as defined in RCW 46.04.336, and "electric personal assistive mobility devices" (EPAMD) as defined in RCW 46.04.1695, and any powered personal transporter that has a maximum speed of no greater than twenty miles per hour on level ground.

~~D.~~ E. "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 twenty miles per hour on level ground. For the purposes of this definition, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

F. "Operator" means any person who rides or controls a motorized foot scooter or micromobility device.

G. "Powered personal transporters" means a small device, not otherwise defined in this chapter, that is designed to carry one or more person and propelled by an electric or other motor, including devices capable of speeds greater than 20 miles per hour solely on its electric or other motor. The term includes, but is not limited to: electric scooters, electric skateboards, self-balancing devices, and other similar powered mobility devices. It does not include electric-assisted bicycles (as defined in RCW 46.04.169 and in EMC 46.82.020); motorized foot scooters (as defined in RCW 46.04.336 and EMC 46.80.020); electric personal assistive mobility devices (EPAMDs) (as defined in RCW 46.04.1695); wheelchairs, power wheelchairs, or other medically necessary mobility aids used by persons with disabilities; or motor vehicles, mopeds, or motorcycles as defined in RCW 46.04.

~~E.~~ H. "Rules of the road" means all rules applicable to vehicles, bicycles, electric-assisted bicycles, micromobility devices, motorized foot scooters, powered personal transporters, or pedestrian traffic as set forth in state or local law, rule or regulation.

I. "Shared use path" means a public paved path designated for bicycle and pedestrian travel.

~~F.J.~~ "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property set aside and intended for the use of pedestrians, or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

**Section 4.** EMC 46.80.030 is amended as follows, with underlined text added and strike-out text deleted:

A. It is unlawful for any person to operate a motorized foot scooter or micromobility device:

1. In excess of twenty miles per hour on a city street;

2. In excess of fifteen miles an hour on a city ~~street~~, sidewalk, shared-use path, or other city property upon which this chapter authorizes the operation of motorized foot scooters or micromobility devices, and unless the operator complies with the following:

a. Be granted all of the rights and are subject to all the duties applicable to the pedestrian under RCW 46.61;

a. Yields the right of way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered devices;

c. Slows to ten (10) miles per hour or less when within fifty (50) feet of pedestrians or in congested areas.

23. On any city street, sidewalk, shared-use path, or other city property, as authorized by this chapter, unless such person:

a. is sixteen years of age or older;

b. is at least eleven years of age, is wearing a helmet, and in compliance with this chapter is operating a personal (not fleet, rental, or commercial shared) motorized foot scooter or micromobility device;

c. is under eleven years of age, is wearing a helmet, and in compliance with this chapter is operating a personal (not fleet, rental, or commercial shared) motorized foot scooter or motorized micromobility device under direct supervision by a person over the age of eighteen;

34. With a passenger in addition to the operator;

45. On any city street with a maximum speed limit above thirty miles per hour, unless the device is operated within a designated bicycle lane or unless reasonably necessary due to lack of sidewalk or other alternative route;

56. On any city property that is not a city street, sidewalk, or paved bicycle lane, except as otherwise expressly authorized by this chapter; provided, that it is

unlawful to operate a motorized foot scooter or micromobility device on any sidewalk within the central business district except, ~~as necessary to enter or leave adjacent property;~~

- a. as necessary to enter or leave adjacent property;
- b. upon any section of sidewalk designated, and indicated with clearly posted signs, as a trail or shared-use path consistent with this chapter; or
- c. upon any section of sidewalk designated by the Public Works Director and indicated with clearly posted signs as mobility corridors where use is permitted consistent with this chapter.

6. In any park, except as authorized under Chapter 9.06 EMC; or

7. On any private or public property posted to exclude or restrict motorized foot scooters or micromobility devices.

B. Any person operating a motorized foot scooter or micromobility device shall obey all the rules of the road, as well as the instructions of official traffic control signals, signs, and other control devices, unless otherwise directed by a police officer.

C. It shall not be a violation of this section to walk a motorized foot scooter or micromobility device in a location where operating that device is prohibited or to start and stop from the curb ramp of any sidewalk.

~~No motorized foot scooter or micromobility device shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For purposes of this section:~~

- ~~1. To operate in a negligent manner means the operation of a motorized foot scooter or other wheeled recreational device in such a manner as to endanger or be likely to endanger any person or property.~~
- ~~2. Operation of a motorized foot scooter in excess of fifteen miles per hour shall be prima facie evidence of operation in a negligent manner.~~

**Section 5.** EMC 46.80.060 is amended as follows, with underlined text added and strike-out text deleted:

- A. Unless otherwise established in the Everett Municipal Code, a violation of this chapter is a traffic infraction punishable by a fine of \$50 for the first offense and \$150 for each subsequent offense.
- B. It is unlawful for the parent or guardian of any person under the age of sixteen (16) to knowingly authorize or permit a person under the age of sixteen (16) to operate in violation of this chapter.

- C. The Everett Municipal Court has jurisdiction over operators who are 16 or 17 years old on the date of the alleged offense as authorized under RCW 13.04.030.
- D. For first time juvenile violations, completion of an approved safety course, if available, may substitute for civil penalties at the City's discretion.
- E. For operators under the age of sixteen (16) who violate any provision of this chapter, a law enforcement officer may release a regulated device to the parent or legal guardian instead of issuing a citation or impounding the device pursuant to EMC 46.82.130
- F. The court may also order a person found to have committed an infraction under this chapter to make restitution in an amount no greater than \$5,000.
- G. When an operator is cited for a violation of this chapter, a law enforcement officer may take custody of the device for public safety or evidentiary purposes according to EMC 46.82.130.
- H. Any person, or the parent or guardian of any person under the age of sixteen (16), requested to identify themselves to a law enforcement officer pursuant to an investigation under this chapter has a duty to provide name and current address.
- I. The Everett Police Department shall have the authority to enforce the provisions of this chapter, except as otherwise authorized herein. This authority does not supersede or preclude enforcement by other state or local authorities.

~~A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction.~~

~~B. In lieu of the penalty described above, any Everett police officer may utilize the following penalty provision for a person under sixteen years of age found operating a motorized foot scooter or other wheeled recreational device on city property:~~

- ~~1. The officer may take custody of the device. If the officer does not impound the device, he or she may release it only to an adult.~~
- ~~2. The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.~~
- ~~3. The procedure for reclaiming the device shall be promulgated by the chief of police.~~
- ~~4. Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.~~
- ~~5. A fifty dollar fee for costs of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this alternative penalty.~~
- ~~6. Any unclaimed devices may be disposed of in accordance with state law.~~



~~C. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this chapter~~

**Section 6.** A new section of Chapter 46.80 EMC is added as follows:

**EMC 46.80.070 Negligent Operation of a Motorized Foot Scooter or Micromobility Device.**

- (1) A person commits the offense of Negligent Operation of a Motorized Foot Scooter or Micromobility Device when such person operates a device in a manner that is both negligent and endangers or is likely to endanger any person or property.
  - a. It is an affirmative defense to Negligent Operation of a Motorized Foot Scooter or Micromobility Device that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.
  - b. Negligent Operation of a Motorized Foot Scooter or Micromobility Device is a traffic infraction and is subject to a penalty of two hundred fifty dollars.
- (2) For the purposes of this section, "negligent" means the failure to exercise ordinary care and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

**Section 7.** A new section of Chapter 46.80 EMC is added as follows:

**EMC 46.80.080 Reckless Endangerment with a Motorized Foot Scooter or Micromobility Device**

- (1) A person commits the offense of Reckless Endangerment with a Motorized foot Scooter or Micromobility Device when such person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
- (2) The Everett Municipal Court has jurisdiction over operators who are 16 or 17 years old on the date of the alleged offense as authorized under RCW 13.04.030.
- (3) A parent, guardian, institution, agency, or other person having a lawful right to physical custody of an operator, who knowingly provides an operator under the age of 16 with a motorized foot scooter or micromobility device is liable for any violation of this section by the operator under the age of 16 and is liable for a traffic infraction punishable by a fine of \$250.

- (4) Reckless Endangerment with a Motorized foot Scooter or Micromobility Device is a gross misdemeanor.

**Section 8.** EMC 46.20.010 is amended as follows, with underlined text added and strike-out text deleted:

## Chapter 46.20 CENTRAL BUSINESS DISTRICT ~~STREETS~~

The “Central Business District” as used in this chapter, except in section 46.28 PARKING, means the entire area bounded by Broadway Avenue in the East, West Marine View Drive in the West, Everett Avenue in the North, and Pacific Avenue in the South; EXCEPT, it does not include the sidewalks on either side of Broadway Avenue, West Marine View Drive, Everett Avenue, and Pacific Avenue.

~~The following streets or portions of streets in the city shall be designated as the streets within the central business district.~~

~~Beginning at the intersection of the east line of Broadway and the south line of Pacific Avenue, thence north on the east line of Broadway to the north line of Everett Avenue, thence west on the north line of Everett Avenue to the east line of the alley between Wetmore Avenue and Colby Avenue, thence north on the east line of the alley between Wetmore Avenue and Colby Avenue to the north line of 25th Street, thence west on the north line of 25th Street to the west line of the alley between Colby Avenue and Hoyt Avenue, thence south on the west line of the alley between Colby Avenue and Hoyt Avenue to the north line of Everett Avenue, thence west on the north line of Everett Avenue to the west line of Rucker Avenue, thence south on the west line of Rucker Avenue to the north line of California Street, thence west on the north line of California Street to the west line of Grand Avenue, thence south on the west line of Grand Avenue to the north line of Hewitt Avenue, thence west on the north line of Hewitt Avenue to the west line of Federal Street, thence southwesterly along the west line of Bond Street to the south line of Wall Street extending westerly, thence east on the south line of Wall Street to the east line of Bond Street, thence northeasterly along the east line of Bond Street, to the intersection of Federal Street and the South Line of Hewitt Avenue, thence east along the south line of Hewitt Avenue to the west line of Grand Avenue, thence south on the west line of Grand Avenue to the south line of Pacific Avenue, thence east along the south line of Pacific Avenue to the east line of Broadway Avenue, the point of~~

~~beginning.~~

**Section 9.** EMC 46.72.040 is amended as follows, with underlined text added and strike-out text deleted:

A. Whenever any person is operating or riding roller skates, in-line skates, a skateboard, coaster, toy vehicle or any device similar to the foregoing upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

B. No person shall operate or ride roller skates, in-line skates, a skateboard, coaster, toy vehicle or any device similar to the foregoing upon a public sidewalk or roadway in a the central business district as defined by 46.20 EMC now or hereafter amended.

C. Violation of any provision of this section is a traffic infraction.

~~D. "Business district," as used in this section, means any area designated by the Everett Zoning Code (Title 19) as now or hereafter amended, as Zone B-1, B-2(A), B-2(B), C-1, or C-2~~

**Section 10.** EMC 9.06.134 is amended as follows, with underlined text added and strike-out text deleted:

A. It is unlawful for any person to operate a motorized foot scooter, electric-assisted bicycle, micromobility device, powered personal transporter, or electric motorcycle e-bike in any park, except (1) Class I and Class II electric-assisted bicycles, micromobility devices, or powered personal transporters that have a maximum speed of no greater than twenty miles per hour on level ground, ~~upon such~~ may operate in areas designated on signs posted by the parks department as open to such operation and (2) upon such areas authorized for use by motor vehicles, such as parking lots.

B. Any person operating a powered personal transporter or a micromobility device ~~a motorized foot scooter~~ shall comply with the requirements of (1) Chapters 46.80 EMC and 46.82 EMC; (2) all signs posted by parks department; and (3) this chapter, including without limitation EMC 9.06.130.

C. Any person operating an electric-assisted bicycle ~~e-bike~~ shall comply with the following:

1. Every electric-assisted bicycle ~~e-bike shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean~~

pavement shall comply with the equipment and labeling requirements in EMC 46.82.030.

2. Except as otherwise provided in this chapter, electric-assisted bicycle e-bike operators riders shall have the same rights and duties as operators of bicycles.

3. At all times, electric-assisted bicycle e-bike operators riders shall yield the right-of-way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered device.

4. All electric-assisted bicycle e-bike operators riders shall comply with all signs posted by the parks department.

5. All electric-assisted bicycle e-bike operators riders shall comply with the requirements of this chapter, including without limitation EMC 9.06.130 and shall comply with the requirements of chapter 46.82 EMC.

6. For shared-use paths that pass through a park or extend continuously beyond park boundaries, operators shall comply with the rules for shared-use paths in EMC 46.82.040.

D. Unless otherwise established in the Everett Municipal Code, any person violating the provisions of this section shall be deemed to have committed an infraction punishable under EMC 9.06.210 as follows:

1. A violation of this section is an infraction punishable by a fine of \$50 for the first offense and \$150 for each subsequent offense.
2. It is unlawful for the parent or guardian of any person under the age of sixteen (16) to knowingly authorize or permit a person under the age of sixteen (16) to operate in violation of this section.
3. The Everett Municipal Court has jurisdiction over operators who are 16 or 17 years old on the date of the alleged offense as authorized under RCW 13.04.030.
4. For first time juvenile violations, completion of an approved safety course, if available, may substitute for civil penalties at the City's discretion.
5. For operators under the age of sixteen (16) who violate any provision of this chapter, a law enforcement officer may release a regulated device to the parent or legal guardian instead of issuing a citation or impounding the device pursuant to EMC 46.82.130
6. The court may also order a person found to have committed a civil infraction under this chapter to make restitution in an amount no greater than \$5,000.
7. The device may be impounded as established in EMC 46.82.130



E. The following exceptions apply to this section:

1. Police officers operating a bicycle, electric-assisted bicycle, micromobility device, or powered personal transporter in the performance of their duties may operate in any park or on any shared-use trail or trail.
2. The provisions of this chapter shall not apply to mobility devices used as reasonable accommodation under the ADA;
3. The provisions of this chapter shall not apply to devices operated under a City permit for special events.

F. The following definitions apply to this section:

1. "Electric-assisted bicycle" or "ebike" has the same meaning as EMC 46.82.20 (2).
2. "Electric-motorcycle" has the same meaning as EMC 46.82.20 (6)
3. "Micromobility device" has the same meaning as EMC 46.82.20 (7)
4. "Motorized foot scooter" is as defined in EMC 46.80.020
5. "Powered Personal Transporter" has the same meaning as EMC 46.82.20 (9)
6. "Operator" has the same meaning as EMC 46.82.20 (10)
7. "Shared-use path" has the same meaning as EMC 46.82.20 (12)

G. Negligent Operation Electric-assisted Bicycle or Powered Personal Transporter under EMC 46.82.080 and Negligent Operation of a Motorized Foot Scooter or Micromobility Device under EMC 46.80.070 applies to operators in all city parks.

H. Reckless Endangerment with an Electric-assisted Bicycle or Powered Personal Transporter under EMC 46.82.080 and Negligent Operation of a Motorized Foot Scooter or Micromobility Device under EMC 46.80.070 applies to operators in all city parks.

~~D. Any person violating the provisions of this section shall be deemed to have committed a traffic infraction. In lieu of the penalty described in the preceding sentence, any Everett park ranger may utilize the following penalty provisions for a person under sixteen years of age found operating a motorized foot scooter or e-bike in a park in violation of this section:~~

- ~~1. The ranger may take custody of the device. If the ranger does not impound the device, the ranger may release it only to an adult.~~
- ~~2. The ranger must provide the violator with a written notice setting forth the procedure for reclaiming the device.~~
- ~~3. The procedure for reclaiming the device shall be promulgated by the parks director.~~



~~4. Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other e-bike impounded pursuant to this section.~~

~~5. A fifty-dollar fee for costs of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this alternative penalty.~~

~~6. Any unclaimed devices may be disposed of in accordance with state law.~~

~~E. —The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this section.~~

~~F. The regulations of this section shall not apply to any vehicle used by a disabled person in accordance with Chapter 46.19 RCW.~~

~~G. "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 twenty miles per hour on level ground. For the purposes of this definition, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.~~

~~H. "E-bike" means an electric-assisted bicycle or tricycle that has a maximum speed of no greater than twenty miles per hour on level ground.~~

**Section 11.** The following is provided for reference and may not be complete:

| EMC Amended/Repealed by this Ordinance | Ordinance History of EMC Amended/Repealed by this Ordinance                                       |
|----------------------------------------|---------------------------------------------------------------------------------------------------|
| EMC 46.80.010                          | (Ord. 3743-20 § 1, 2020; Ord. 2784-04 § 1, 2004.)                                                 |
| EMC 46.80.020                          | (Ord. 3743-20 § 2, 2020; Ord. 3440-15 § 8, 2015; Ord. 3139-09 § 1, 2009; Ord. 2784-04 § 2, 2004.) |
| EMC 46.80.030                          | (Ord. 3891-22 § 4, 2022; Ord. 3743-20 § 3, 2020; Ord. 2784-04 § 3, 2004.)                         |
| EMC 46.80.060                          | (Ord. 2784-04 § 6, 2004.)                                                                         |
| EMC 46.20.010                          | (Ord. 460-77 § 8, 1977.)                                                                          |
| EMC 46.72.040                          | (Ord. 2543-01 § 5, 2001; Ord. 1934-93 § 6, 1993.)                                                 |
| EMC 09.06.134                          | (Ord. 3891-22 § 3, 2022.)                                                                         |

**Section 12.** The City Clerk and the codifiers of this Ordinance are 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 internal references.

**Section 13.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 14.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 15.** 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 or 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.



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Cassie Franklin, Mayor

ATTEST:



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Marista Jorve, City Clerk

PASSED: 07/22/2026

VALID: 07/23/2026

PUBLISHED: 07/25/2026

EFFECTIVE DATE: 08/06/2026



## EXHIBIT A

# Chapter 46.82 ELECTRIC ASSISTED BICYCLES

### **EMC 46.82.010 Purpose**

The purpose of this chapter is to establish regulations, civil penalties, and criminal penalties for the use of electric-assisted bicycles and powered personal transporters on City streets, sidewalks, paths, and trails.

### **EMC 46.82.020 Definitions**

- (1) "Bicycle," means every device propelled solely by human power, or an electric-assisted bicycle as defined in RCW 46.04.169, upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is twenty inches or more in diameter.
- (2) "City property" means all property owned or controlled by the city, including without limitation, all city rights-of-way that are not a city street or sidewalk.
- (3) "City street" has the same meaning as RWW 46.04.120 now or hereinafter amended.
- (4) "Electric-assisted bicycle" or "ebike" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 750 watts. The electric-assisted bicycle must meet the requirements of one of the following three classifications:
  - a. "Class 1 electric-assisted bicycle" provides assistance only when the rider is pedaling and ceases assistance at 20 miles per hour;
  - b. "Class 2 electric-assisted bicycle" may be propelled exclusively by the motor and is not capable of providing assistance at speeds of 20 miles per hour or greater;
  - c. "Class 3 electric-assisted bicycle" provides assistance only when the rider is pedaling, ceases assistance at 28 miles per hour, and is equipped with a speedometer.
- (5) "Electric-assisted bicycle," does not include:
  - a. Any vehicle capable of exceeding 20 miles per hour on solely its electric motor; or
  - b. Any vehicle designed, manufactured, or intended by the manufacturer or seller to be easily configured so that it does not meet the requirements of an electric-assisted bicycle, whether by means of a mechanical switch or button, a software setting, an online application, or other similar method intended to alter factory configuration.

These exclusions have the meaning provided in RCW 46.04.169, as amended by Laws of

2026, ch. \_\_\_\_ (ESSB 6110) or as amended in the future.

- (6) "Electric motorcycle" means a motor-powered vehicle excluded from the definition of "electric-assisted bicycle" under subsection (4) of this section and encompassed within "motorcycle" or "moped" definitions under chapter 46.04 RCW. If 46.04 RCW is hereafter amended to include a definition for "Electric motorcycle," it shall be adopted by reference.
- (7) "Micromobility device" means personal or shared nonmotorized scooters, "motorized foot scooters" as defined in RCW 46.04.336, and "electric personal assistive mobility devices" (EPAMD) as defined in RCW 46.04.1695, and any powered personal transporter that has a maximum speed of no greater than twenty miles per hour on level ground.
- (8) "Motorized foot scooter" is as defined in EMC 46.80.020.
- (9) "Powered personal transporters" means a small device, not otherwise defined in this chapter, that is designed to carry one or more person and propelled by an electric or other motor, including devices capable of speeds greater than 20 miles per hour solely on its electric or other motor. The term includes, but is not limited to: high-speed electric scooters, electric skateboards, self-balancing devices, and other similar powered mobility devices. It does not include electric-assisted bicycles as defined in RCW 46.04.169, and this section; motorized foot scooters as defined in RCW 46.04.336 and EMC 46.80.020; electric personal assistive mobility devices (EPAMDs) as defined in RCW 46.04.1695; wheelchairs, power wheelchairs, or other medically necessary mobility aids used by persons with disabilities; or motor vehicles, mopeds, or motorcycles as defined in RCW 46.04.
- (10) "Operator" means any person who rides or controls an electric-assisted bicycle or powered personal transporter.
- (11) "Rules of the road" means all rules applicable to vehicles, bicycles, micromobility devices, powered personal transporters, or pedestrian traffic as set forth in state or local law, rule or regulation.
- (12) "Shared-use path" means a public paved path designated for bicycle and pedestrian travel.
- (13) "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property set aside and intended for the use of pedestrians, or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

#### **EMC 46.82.030 Equipment and labeling**

- (1) Any electric-assisted bicycle sold, repaired, or operated in the City must comply with the Class label and anti-tampering requirements set out in RCW 46.37.690.
- (2) Class 3 electric-assisted bicycles shall be equipped with a speedometer (RCW 46.04.169).

- (3) Every electric-assisted bicycle must comply with the lighting requirements of RCW 46.61.780 when in use during the hours of darkness as defined in RCW 46.37.020.
- (4) Every electric-assisted bicycle shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (5) Equipment and labeling violations are punishable as traffic infraction.

**EMC 46.82.040 Operating rules**

- (1) Operators shall obey all applicable rules of the road and traffic laws.
- (2) Operators on any sidewalk or shared-use path shall operate in a careful and prudent manner and a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic control devices.
- (3) Operators may use electric-assisted bicycles on the shoulder of the roadway or any specially designated bicycle lane consistent with RCW 46.61.770.
- (4) Where the City posts speed limits on streets or bicycle lanes, electric-assisted bicycles and powered personal transporters shall not be operated in excess of the posted speed limits.
- (5) Class 3 electric-assisted bicycles and powered personal transporters may not be operated on a shared-use path consistent with RCW 46.61.710. Class 1 and Class 2 electric assist bicycles may operate on shared paths consistent with this chapter.
- (6) On shared-use paths and sidewalks (where permitted), operators shall:
  - a. Be granted all of the rights and are subject to all the duties applicable to the pedestrian under RCW 46.61;
  - b. Yield the right of way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered devices;
  - c. Not operate in excess of fifteen (15) miles per hour; and
  - d. Slow to ten (10) miles per hour or less when within fifty (50) feet of pedestrians or in congested areas.
- (7) Class 3 electric-assisted bicycles may not ride on the sidewalk and shared-use path unless there is no alternative to travel over the sidewalk or shared-use shared path as part of a city street.
- (8) No bicycle, any class of electric-assisted bicycle or powered personal transporter may ride on sidewalk in the “central business district” as defined by EMC 46.20; except,
  - a. as necessary to enter or leave an adjacent property; and

- b. Upon any section of sidewalk designated, and indicated with clearly posted signs, as a trail or shared-use path consistent with this chapter; and
  - c. Upon any section of sidewalk designated by the Public Works Director and indicated with clearly posted signs as mobility corridors where use is permitted consistent with this chapter.
- (9) No bicycle, any class of electric-assisted bicycle, micromobility device, or powered personal transporter may ride on any City property where it is restricted in other chapters of this code or by clearly posted signs.
- (10) It shall not be a violation of this section to walk a bicycle, electric-assisted bicycle, micromobility device, or powered personal transporter in a location where operating that device is prohibited or to start and stop from the curb ramp of any sidewalk.
- (11) Electric Motorcycles are motorcycles and may only operate as allowed under Title 46 RCW.

**EMC 46.82.050 Age and helmet requirement**

- (1) No driver's license is required for operation of an electric-assisted bicycle.
- (2) Persons under sixteen years of age may not operate a class 3 electric-assisted bicycle or a PPT capable of exceeding 20 miles per hour on solely its motor.
- (3) Persons under eleven years of age may not operate an electric-assisted bicycle or a powered personal transporter unless under direct supervision of a person over the age of eighteen.
- (4) Helmets are mandatory for operators of Class 3 electric-assisted bicycles, powered personal transporters capable of exceeding 20 miles per hour on solely its motor, and for all operators under the age of sixteen (16) years on any class of electric-assisted bicycle, or powered personal transporter.

**EMC 46.82.060 Parking and storage; obstruction of public spaces.**

- (1) No person shall park or leave an electric-assisted bicycle in a manner that blocks building entrances, bus stops, ramps, or reduces sidewalk clearance below three (3) feet; violations are subject to removal or relocation.
- (2) No person may connect a battery charger for an electric-assisted bicycle, micromobility device, or powered personal transporter to any public outlet for the purpose of charging, powering, or supplying electricity to such device unless the outlet is specifically designated for such purpose.

**EMC 46.82.070 Exemptions**

- (1) Police officers operating a bicycle, electric-assisted bicycle, micromobility device, or powered personal transporter in the performance of their duties may operate on any sidewalk and multi-use trails including operating on sidewalk in the “central business



district” as defined by EMC 46.20;

- (2) The provisions of this chapter shall not apply to mobility devices used as reasonable accommodation under the ADA;
- (3) The provisions of this chapter shall not apply to devices operated under a City permit for special events.

**EMC 46.82.080 Negligent Operation of an Electric-Assisted Bicycle or Powered Personal Transporter.**

- (1) A person commits the offense of Negligent Operation of an Electric-assisted Bicycle or Powered Personal Transporter when such person operates a device in a manner that is both negligent and endangers or is likely to endanger any person or property.
  - a. It is an affirmative defense to Negligent Operation of an Electric-assisted Bicycle or Powered Personal Transporter that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the device on private property with the consent of the owner in a manner consistent with the owner's consent.
  - b. Violation of this section is a traffic infraction and is subject to a penalty of two hundred fifty dollars.
- (2) For the purposes of this section, "negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

**EMC 46.82.090 Reckless Endangerment with an Electric-Assisted Bicycle or Powered Personal Transporter.**

- (1) A person commits the offense of Reckless Endangerment with an Electric-Assisted Bicycle or Powered Personal Transporter when such person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
- (2) Reckless Endangerment with an Electric Assisted Device or Powered Personal Transporter is a gross misdemeanor.
- (3) A parent, guardian, institution, agency, or other person having a lawful right to physical custody of an operator, who knowingly provides an operator under the age of 16 with an electric-assisted bicycle or powered personal transporter is liable for any violation of this section by the operator under the age of 16 and is liable for a traffic infraction punishable by a fine of \$250.

**EMC 46.82.100 Tampering with Electric-assisted bicycle.**

- (1) No person may intentionally modify, tamper with, alter, or disable any component of an electric-assisted bicycle, including but not limited to the motor, controller, software,

gearing, or sensors, for the purpose of changing the bicycle's class designation or increasing its maximum assisted speed beyond the manufacturer's specifications.

- (2) A person who intentionally modifies an electric-assisted bicycle in a manner that changes its class designation, or maximum assisted speed shall not operate or permit operation of the device until the class label accurately reflecting the modification has been replaced in accordance with RCW 46.37.690.
- (3) An electric-assisted bicycle that provides assisted speeds in excess of the limits established in RCW 46.04.169 for Class 1, Class 2, or Class 3 electric-assisted bicycles is presumed to have been unlawfully modified unless the operator produces documentation from the manufacturer or a certified technician verifying the bicycle's compliant configuration.
- (4) It is unlawful to knowingly operate an electric-assisted bicycle that has been modified in violation of this section on any public roadway, sidewalk, shared-use path, trail, or other facility where bicycles or electric-assisted bicycles are permitted.
- (5) A violation of this section is a traffic infraction punishable by a fine of \$250, plus any restitution or assessments authorized by law.

#### **EMC 46.82.110 Penalty**

- (1) Unless otherwise established in the Everett Municipal Code, a violation of this chapter is a traffic infraction punishable by a fine of \$50 for the first offense and \$150 for each subsequent offense.
- (2) It is unlawful for the parent or guardian of any person under the age of sixteen (16) to knowingly authorize or permit a person under the age of sixteen (16) to operate in violation of this chapter.
- (3) The Everett Municipal Court has jurisdiction over operators who are 16 or 17 years old on the date of the alleged offense as authorized under RCW 13.04.030.
- (4) For first time juvenile violations, completion of an approved safety course, if available, may substitute for civil penalties at the City's discretion.
- (5) For operators under the age of sixteen (16) who violate any provision of this chapter, a law enforcement officer may release a regulated device to the parent or legal guardian instead of issuing a citation or impounding the device pursuant to EMC 46.82.130
- (6) The court may also order a person found to have committed an infraction under this chapter to make restitution in an amount no greater than \$5,000.

#### **EMC 46.82.120 Enforcement**

- (1) The Everett Police Department shall have the authority to enforce the provisions of this chapter, except as otherwise authorized herein. This authority does not supersede or preclude enforcement by other state or local authorities.



- (2) Any person, or the parent or guardian of any person under the age of sixteen (16), requested to identify themselves to a law enforcement officer pursuant to an investigation under this chapter has a duty to provide name and current address.

#### **EMC 46.82.130 Impound**

- (1) When an operator is cited for a violation of this chapter, a law enforcement officer may take custody of an electric-assisted bicycle, micromobility device, or powered personal transporter for public safety or evidentiary purposes.
- (2) For operators under the age of 16, if the officer does not impound the device, the officer may release it only to the parent or legal guardian.
- (3) The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.
- (4) The procedure for reclaiming the device shall be promulgated by the chief of police.
- (5) Only the parent or legal guardian of a violator or an adult owner can reclaim a device impounded pursuant to this section.
- (6) A fifty-dollar fee for the cost of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this provision.
- (7) Any unclaimed devices may be disposed of in accordance with state law.

#### **EMC 46.82.140 Administrative rules**

The Police Chief or Public Works Director, or both, may adopt administrative rules, consistent with this chapter and state law, to implement speed signage, facility designations, conspicuity requirements, and battery safety/charging protocols.

# ORD 4190-26\_AMENDED CB 2606-34 - electric-assisted bicycles and other electric mobility devices (002)

Final Audit Report

2026-07-28

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