

COMMISSION-DEFINED OPTION —“DOCKLESS” DEFINITION REVISED AND
DISPOSITION OF UN-CLAIMED UNITS ADDED

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **SHAREABLE DOCKLESS MOBILITY DEVICES**, AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Findings. Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have suddenly and unexpectedly appeared in municipalities throughout the country, including Athens-Clarke County, and have rapidly proliferated in an unregulated environment without adequate safeguards for the individual users or the greater community. Frequently, they are abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable and disabled pedestrians. Due to the spontaneous appearance of these rentals and their appeal to young people, shareable dockless mobility devices are nearly always operated by users—often minors—without helmets, in contravention of state law, which has resulted in injuries to operators of these devices. For the immediate preservation of the public peace, health, and safety, the Mayor and Commission has initiated emergency legislation to address the hazards posed by shareable dockless mobility devices placed in and operated on public property until a more permanent solution involving a pilot franchise program may be put in place to safeguard the traveling public and ensure compliance with all local and state laws.

SECTION 2: Chapter 3.3, Parking, Motor Vehicles, and Traffic, of Title 2, Public Safety, of the Code of Athens-Clarke County, Georgia is hereby amended by inserting a new Section 3-3-67 entitled “Shareable Dockless Mobility Devices”, as follows:

Section 3-3-67. Shareable Dockless Mobility Devices.

(a) Purpose. The purpose of this ordinance is to prohibit Shareable Dockless Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in Athens-Clarke County, for a maximum period of twelve (12) months. This will allow for adequate pedestrian traffic flow and will protect the traveling public until additional regulations can be put in place through a franchise or licensing system to safeguard the community and establish a pilot program to test the operation of these devices within Athens-Clarke County in a controlled and safety-conscious manner that ensures compliance with all local and state laws.

(b) Definitions. For purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section.

- (1) “Shareable Dockless Mobility Device” means any dockless wheeled device, whether it be human-powered, electric, or otherwise motorized, that permits an individual to move or be moved freely, including but not limited to a bicycle, scooter, or skateboard; is accessed via an on-demand portal, whether a smartphone application, membership

card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

- (2) “Dockless” means that the device does not require ~~or allow~~ the individual user to return and lock the device to an authorized fixed station with locking mechanisms that are designed to charge and/or store the devices once the user has completed their use of the device.

(c) General Requirements. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to operate a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to provide or offer for use a shareable dockless mobility device anywhere within Athens-Clarke County.

(d) Notice. Notice shall be mailed by certified mail to the registered agents of any and all companies currently operating shareable dockless mobility devices within Athens-Clarke County upon the adoption of this ordinance. Said companies shall be given 10 days to remove all shareable dockless mobility devices, after which, any such devices found in the public right-of-way or on public property shall be in violation of this ordinance.

(e) Violations; Impoundment. Violations of this ordinance shall be punishable as provided for in Title 1, Chapter 1, Section 1-1-5 of this Code. Police officers, parking enforcement officers, code enforcement officers, those county officials otherwise designated by the Manager, and any party contracted by the Athens-Clarke County to specifically impound shareable dockless mobility devices are authorized to impound any shareable dockless mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this ordinance. The impoundment shall be subject to an initial impound fee of \$40.00 and a daily storage and administration fee, as applicable, of \$5.

- (1) Once a shareable dockless mobility device has been impounded as provided for in subsection (e), Athens-Clarke County or a designated officer shall make a good-faith attempt to determine the name and address of the owner of such device by serial number, vehicle identification number (VIN), or such other means as are reasonably ascertainable through inspection of the exterior of such device. In those cases where the name and address of the owner of the subject vehicle are determined, written notice shall be sent to said owner by certified mail, return receipt requested, or by personal service acknowledged by signature of the registered owner or other responsible party. Notice by certified mail as described herein shall be deemed given as of the postmark date. The written notice required by this section shall contain the following:

- a. A description of the subject vehicle, including serial numbers, vehicle identification number, or other identifying information;
- b. The name and address of the owner of such vehicle;

- c. The dates and descriptions of the parking violations that establish the grounds for impoundment, the unpaid amounts of the civil penalties for each violation, and the process by which the device(s) may be reclaimed. A copy of each parking ticket or other document providing the required information attached to the notice shall be sufficient to satisfy this requirement. Where multiple devices owned by the same company are impounded on a single day, a single notice listing all impounded devices is sufficient;
 - d. A date and time at least seven days from the postmark date of the notice in which the registered owner or other responsible party may appear in Athens-Clarke County Municipal Court to demand a bench trial to contest the impoundment.
- (2) Vehicles towed and impounded under sub-paragraph ~~section~~ (e) may be released from such impoundment only upon payment in full of all impound and storage fees ~~accrued as set by the Manager~~. After paying such fees, a registered owner or other responsible person may contest the validity of the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Towing and Impoundment Fees to the Athens-Clarke County Administrative Hearing Officer on a form available from the Clerk of the Athens-Clarke County Municipal Court. Such notice shall either be filed in person at the office of the Clerk of Athens-Clarke County Municipal Court, or sent by certified mail, return receipt requested, in either case no later than 30 days following the release from impoundment of his or her vehicle. Only requests for reimbursement of impoundment fees meeting the requirements of this section shall be adjudicated by the Administrative Hearing Officer. If the Administrative Hearing Officer finds in accordance with the procedures set forth in Section 1-5-1 of this Code that the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.
- (3) Shareable dockless mobility devices that are not reclaimed within 120 days of impound pursuant to the procedures outlined in sub-paragraph (2) shall be deemed at that time to be abandoned and discarded by the owner thereof and shall thereafter be disposed of pursuant to written policies established by the Manager.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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SECTION 2: That Chapter 3.3, Parking, Motor Vehicles, and Traffic, of Title 2, Public Safety, of the Code of Athens-Clarke County, Georgia (2018) be amended by inserting a new Section 3-3-67 entitled “Shareable Dockless Mobility Devices”, as follows:

Section 3-3-67. Shareable Dockless Mobility Devices.

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- (2) “Dockless” means that the device does not require or allow the individual user to return the device to a fixed station with locking mechanisms that are designed to charge and/or store the devices once the user has completed their use of the device.

(c) General Requirements. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to operate a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to provide or offer for use a shareable dockless mobility device anywhere within Athens-Clarke County.

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- a. A description of the subject vehicle, including serial numbers, vehicle identification number, or other identifying information;
- b. The name and address of the owner of such vehicle;
- c. The dates and descriptions of the parking violations that establish the grounds for impoundment, the unpaid amounts of the civil penalties for each violation, and the process by which the device(s) may be reclaimed. A copy of each parking ticket or other document providing the required information attached

to the notice shall be sufficient to satisfy this requirement. Where multiple devices owned by the same company are impounded on a single day, a single notice listing all impounded devices is sufficient;

- d. A date and time at least seven days from the postmark date of the notice in which the registered owner or other responsible party may appear in Athens-Clarke County Municipal Court to demand a bench trial to contest the impoundment.

(2) Vehicles towed and impounded under sub-paragraph (e) may be released from such impoundment only upon payment in full of all impound and storage fees accrued. After paying such fees, a registered owner or other responsible person may contest the validity of the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Towing and Impoundment Fees to the Athens-Clarke County Administrative Hearing Officer on a form available from the Clerk of the Athens-Clarke County Municipal Court. Such notice shall either be filed in person at the office of the Clerk of Athens-Clarke County Municipal Court, or sent by certified mail, return receipt requested, in either case no later than 30 days following the release from impoundment of his or her vehicle. Only requests for reimbursement of impoundment fees meeting the requirements of this section shall be adjudicated by the Administrative Hearing Officer. If the Administrative Hearing Officer finds in accordance with the procedures set forth in Section 1-5-1 of this Code that the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Legislative Review Committee
Commission Report**

SUBJECT: LRC report - prohibition of dockless shareable mobility devices on public property

DATE: ~~November 15, 2018~~ November 28, 2018

PURPOSE: This report provides the Mayor and Commission with a recommendation from the Legislative Review Committee's (LRC) review of shareable dockless mobility devices (e-scooters) on public property.

HISTORY:

1. On March 6, 2018, Mayor Denson assigned the above subject to the LRC for review.
2. On August 23, 2018, staff and the LRC discussed the influx of e-scooters to the community. LRC members expressed their desire for staff to prepare education materials about safely riding the devices and issue citations for riding on sidewalks.
3. On September 20, 2018, staff presented a matrix of existing state law and local ordinances that apply to non-traditional transportation devices. The LRC and staff further discussed the enforcement of such laws and legislative options in response to the number of e-scooters in Athens.
4. On October 18, 2018, staff presented legislative options that the M&C can implement in response to the influx of non-traditional vehicles, particularly dockless devices that are rented by private companies. The options included a permanent ban, a temporary ban, authorizing their use but regulating via ordinance, establishing an interim agreement with a company, a permitting procedure, and establishing a pilot program via a request for proposal process. The LRC requested staff to draft a 12 month temporary ban ordinance with the intent to establish a pilot program to allow further analysis of this business and transportation model.
5. On November 15, 2018, staff presented a draft ordinance for review and the members present agreed to move it forward to the M&C for consideration. Staff will continue to research an appropriate fee to cover expenses of the impoundment process and communicate such prior to the December 2nd Voting Meeting.

6. Staff researched other communities who have adopted similar ordinances and they generally have a both an impound fee and a daily storage fee. Staff recommends establishing a \$40 impound fee which equates to the estimated time needed for Code Enforcement Officers to perform this task and a \$5 per day administrative and storage fee.

RECOMMENDATION:

That the Mayor and Commission approve the attached ordinance to prohibit shareable dockless mobility devices from being placed or operated in public right-of-way or on public property. **(Attachment #1).**

ADDITIONAL INFORMATION/COMMENTS:

If the ordinance is approved, staff will develop a request for proposal in order to establish a pilot program with an e-scooter business(es) to allow opportunity to form a partnership, which will assist with informing a future ordinance and permit procedure.



Jerry NeSmith, Chair
Legislative Review Committee

November 16, 2018

Date:

ATTACHMENTS:

Attachment #1 - Ordinance