

ORDINANCE 2019-11

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE  
AMENDMENT OF THE CODE OF ORDINANCES, CHAPTER 98, TRAFFIC AND  
VEHICLES, ARTICLE II, VEHICLE IMPOUNDMENT, BY ADDING SECTION 98-41,  
SHARABLE POWDERED MOBILITY DEVICES

**WHEREAS**, shareable powered mobility devices, electric scooters and bicycles, available to be rented on demand from unstaffed locations, have suddenly and unexpectedly appeared in cities throughout the country, and have rapidly proliferated in an unregulated environment; and

**WHEREAS**, these privately-owned devices are frequently stored on publicly owned rights-of-way without the consent of the local government jurisdiction. As they are not secured to a bike rack or other infrastructure, dock less electric scooters and bicycles are frequently abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable pedestrians; and

**WHEREAS**, the City has a substantial interest in regulating how private operators of Shareable Mobility Devices operate on the public rights-of-way to promote public safety, and to ensure the public right-of-way remains free of obstructions and hazardous operations; and

**WHEREAS**, for the immediate preservation of the public peace, health, and safety, the City Council has decided to proactively address the hazards posed by Shareable Powered Mobility Devices, electric scooters and bicycles being of specific public safety concern, operated on public rights of way and placed in and operated on public property.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL  
OF THE CITY OF SMYRNA, GEORGIA:**

**SECTION 1:** That Chapter 98 Traffic and Vehicles of the Code of the City of Smyrna, Georgia be amended by inserting a new Section 98-41 entitled “Shareable Powered Mobility Devices”, as follows:

Section 98-41. Shareable Powered Mobility Devices.

- (a) Purpose. The purpose of this ordinance is to prohibit Shareable Powered 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, so as to allow for adequate pedestrian traffic flow and to promote public safety.
- (b) Definition. For purposes of this ordinance, *Shareable Powered Mobility Device* means an electric/motorized or human-powered device that permits an individual user to move or be moved freely, is not registered with the state of Georgia, Cobb County or the City

of Smyrna, is available for rent to certain members of the public via an on-demand portal, whether a smartphone application, membership card, or similar method at unstaffed, self-service locations provided by a party other than the City or vender of the City. Such devices shall include but not be limited to bicycles/e-bicycles, scooters/e-scooters, and other similarly operated vehicles.

(c) General Provisions.

1. It is unlawful to provide or offer for use a Shareable Powered Mobility Device anywhere within the City.
2. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a Shareable Powered Mobility Device in a public right-of-way or on public property anywhere within the City.
3. It is unlawful to operate a Shareable Powered Mobility Device in a public right-of-way or on public property anywhere within the City.

- (d) Violations; Impoundment. Devices violating Section (c) 2 of this ordinance shall be considered a safety or traffic hazard and may be immediately removed from the right-of-way. The City of Smyrna, GA Police Department's Property and Evidence Unit or its designee will attempt to notify any *identifiable* owner of an impounded mobility device within 48 hours of impoundment. The costs associated with the recovery of an impounded device will be posted in the City of Smyrna, GA Schedule of Fees and Charges and will be the responsibility of the owner of the device. Any person violating any provision of this section may be punished as provided in Section 1-8 of the

Smyrna

Code of Ordinances.

SECTION 2: 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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

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SHARABLE POWDERED MOBILITY DEVICES

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 17<sup>th</sup> day of June 2019.

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A. Max Bacon, Mayor

Attest:

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Terri Graham, City Clerk

SEAL

As to form:

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Scott Cochran, City Attorney