

ORDINANCE NO. 7802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTERS 16-3 (TRAFFIC) AND 16-5 (CENTRAL BUSINESS DISTRICT PARKING AND TRANSPORTATION); TO AMEND THE DEFINITION OF CYCLES PROHIBITED ON SIDEWALKS; TO PROHIBIT SCOOTERS AND OTHER MOTOR ASSISTED DEVICES ON PUBLIC SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT; TO PROHIBIT SHARED MOBILITY SERVICES; PROVIDING FOR REMOVAL AND SALE OF ABANDONED DEVICES; PROVIDING AMENDMENT MECHANISM; PROVIDING FOR SEVERABILITY, REPEALER, PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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WHEREAS, the City of Amarillo's central business district (or, downtown) is undergoing a renaissance of redevelopment; and

WHEREAS, the City Council is aware of the current entrepreneurial fad of low cost personal transportation devices (rental bicycles and certain motor assisted devices sometimes called, "scooters") appearing upon sidewalks in many cities; and,

WHEREAS, while such devices offer some environmental, convenience, or health benefits, the experience of other cities nationwide and in Texas is marked by recorded injuries, death, and even lawsuits against municipalities due to the acts and omissions of both the companies that own the devices and the operators of such devices upon public sidewalks and streets; and,

WHEREAS, other Texas cities have experienced nuisance complaints concerning both docked and dockless scooters, bicycles, and similar devices being left unattended and abandoned on public sidewalks causing a hazard to pedestrians and property owners; and,

WHEREAS, the City of San Diego, California, embraced this exciting entrepreneurial fad, but has now been sued in federal court by disabled persons claiming the City's ordinance allowing such devices on public sidewalks violates the public accommodation duty of the City under the Americans with Disabilities Act, due to the obstructions and danger posed by these devices to disabled persons needing (and assured by the ADA of) at least 36" width of unobstructed travel upon public sidewalks; and,

WHEREAS, at this time: (i) best municipal management practices and legal boundaries are in flux and evolving; (ii) existence of traffic congestion on Amarillo's downtown streets; (iii) increasing pedestrian traffic on downtown sidewalks; (iv) the City's urban design standards requiring installation of trees, lights, and benches upon downtown sidewalks with no expansion of existing sidewalks or street capacities; and, (v) the generally narrow character and inconsistent

maintenance quality of downtown sidewalks—all combine to produces an environment that is currently incompatible with the safe operation of motor-assisted devices (“scooters”) and similar vehicles downtown, and until such time as the City Council may determine that changed conditions in downtown are more conducive to the safe operation of such vehicles on downtown sidewalks and streets; and

WHEREAS, the City Council finds this ordinance is necessary to promote public health and safety;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. The Amarillo Municipal Code, Chapter 16-3 (Traffic), Article VIII, is hereby re-titled to read as follows:

**ARTICLE VIII. BICYCLES, SCOOTERS AND SIMILAR DEVICES**

SECTION 2. The Amarillo Municipal Code, Chapter 16-3 (Traffic), Article VIII, Section 16-3-330 be and hereby is amended to read as follows:

**Sec. 16-3-330. - Riding on sidewalks.**

(a) No person shall ride a bicycle, tricycle, quadcycle, or unicycle upon a Sidewalk within the Central Business District.

(b) No person shall ride a motor-assisted device, as defined herein, upon a sidewalk or street within the Central Business District, also sometimes known as “downtown.” This subsection does not prohibit the use of a wheelchair or motorized mobility device designed to transport one person with physical disability, as described in Texas Transportation Code, section 542.009, as amended; or (ii) a vehicle that is duly equipped and registered or licensed to be lawfully operated upon a public street by a legally qualified operator upon a street. A person may lawfully operate a motor assisted device in and upon a dedicated bike path or marked bike lane upon a public street with a posted speed limit of 30 miles per hour or lower.

For purposes of this section, “motor assisted device” means a self-propelled device (variously configured and sometimes called a “scooter” or a “sedgeway”) regardless of name, maker or model, has: (i) at least two wheels in contact with the ground during operation; (ii) a braking system capable of stopping the device under typical operating conditions; (iii) a deck designed to allow one person to sit or stand while operating the device; (iv) either a gas motor with a displacement not exceeding 40 cubic centimeters, or an electric motor with a power output not exceeding 1,000 watts, or a propulsion system powered by compressed gas, air or mechanical

energy; and, (v) is also capable of being operated by human power alone. It does not include a pocket bike or minimotorbike as defined by state law.

(c) Whenever any person is riding a bicycle or motor assisted device upon a Sidewalk in an area outside of the Central Business District, such person shall yield the Right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(d) Any device described in (a) or (b) of this section that may be found unattended (meaning, no operator standing or seated upon it) upon any public sidewalk, curb, street or alley is hereby deemed to be abandoned property and may be summarily removed by the police to be kept in storage until the City conducts a sale of obsolete, surplus, or abandoned property. If an owner is notified or claims any such vehicle, the police are authorized to collect the reasonable and necessary cost incurred, including but not limited to: removal of the vehicle, any notices that may have been sent, warehousing at a set rate per day or part thereof.

(e) Any proposed amendments to this section shall first be submitted to the Traffic Advisory Board for a public hearing, study, and a recommendation to the City Council for its consideration.

SECTION 3. The Amarillo Municipal Code, Chapter 16-5 (Central Business District Parking and Transportation), Article IV. (Special Traffic Control Measures) is hereby amended to read as follows:

#### **ARTICLE IV. - SPECIAL TRAFFIC CONTROL MEASURES**

**Sec. 16-5-51.** [NO TEXT CHANGE]

#### **Section 16-5-52 – Prohibition on Shared Mobility Services.**

(a.) No person or entity shall provide a “shared mobility service” that allows for the use of a motor-assisted device as defined in Chapter 16-3, electric bicycles, and bicycles, equipped with global positioning systems (GPS) on any public sidewalk or public rights-of-way within the city limits. Included in this prohibition is the operation of any personal transportation device listed in this article that was acquired through a shared mobility service.

For purposes of this section a “shared mobility service” shall mean any

service that displays, offers or places for rent on a public way or public property one or more motor-assisted devices, electric bicycles, bicycles, or other similar personal transportation devices equipped with GPS that may be locked and unlocked with or without a docking station.

(b.) Any proposed amendments to this section shall first be submitted to the Traffic Advisory Board for a public hearing, study, and a recommendation to the City Council for its consideration.

**SECS. 16-5-~~52~~ 53 – 16-5-99. – Reserved.**

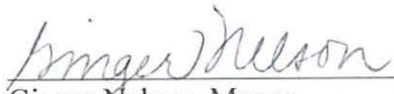
SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.


SECTION 6. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

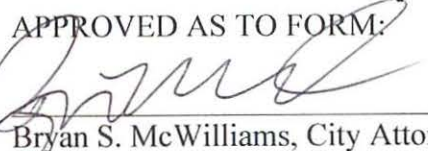
SECTION 7. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 6<sup>th</sup> day of August, 2019; and PASSED on Second and Final Reading the 20<sup>th</sup> day of August, 2019.

  
Ginger Nelson, Mayor

ATTEST:

  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:  
  
Bryan S. McWilliams, City Attorney

**Hibbs, Frances**

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**Subject:** Legal Notice

Please print the following once a week for two consecutive weeks:

**NOTICE OF PASSAGE OF ORDINANCE**

Ordinance No. 7802 passed on August 20, 2019, amending the Amarillo Municipal Code, Chapters 16-3 (Traffic) and 16-5 (Central Business District Parking and Transportation); to amend the definition of cycles prohibited on sidewalks; to prohibit scooters and other motor assisted devices on public sidewalks in the Central Business District; to prohibit shared mobility services; providing for removal and sale of abandoned devices; providing amendment mechanism; providing for severability, repealer, penalty; providing for publication and effective date.

It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

This ordinance shall become and be effective on and after ten (10) days following the date of its second publication as required by the Charter of the City of Amarillo but in no event later than August 20, 2019.

Frances Hibbs, City Secretary



601 South Buchanan Street  
P.O. Box 1971  
Amarillo, TX 79105-1971

Ofc. (806) 378-3014  
Fax. (806) 378-9394

[www.amarillo.gov](http://www.amarillo.gov)

**Frances Hibbs, TRMC**  
City Secretary  
[frances.hibbs@amarillo.gov](mailto:frances.hibbs@amarillo.gov)



AFFP  
NOTICE OF PASSAGE OF

**Affidavit of Publication**

STATE OF TEXAS }  
COUNTY OF POTTER } SS

Heather Contreras, being duly sworn, says:

That she is Legal Clerk of the Amarillo Globe-News, a daily newspaper of general circulation, printed and published in Amarillo, Potter County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

August 23, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
Legal Clerk

Subscribed to and sworn to me this 30th day of August 2019.

Rose O'Rand Miller, Notary Public, Potter County, Texas

My commission expires: September 06, 2021



00002911 16060213

FRANCIS HIBBS/CITY SECRETARY  
CITY OF AMARILLO  
P.O. BOX 1971  
AMARILLO, TX 79105

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AFFP

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FRANCIS HIBBS/CITY SECRETARY  
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P.O. BOX 1971  
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