

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.* The Mayor and Commission initiated emergency legislation on December 4, 2018, to temporarily prohibit all shareable dockless mobility devices, including electric scooters and bicycles, in order to address concerns related to public peace, health, and safety due to the sudden and unexpected influx of shareable dockless mobility devices until a more permanent solution could be put in place to safeguard the traveling public and ensure compliance with all local and state laws. Staff of the Unified Government of Athens-Clarke County, Georgia, have worked diligently since the moratorium was put in place to research the impacts of shareable dockless mobility devices, to explore regulations that would ensure that they could be operated safely within our community, and to propose a structure for the proposed pilot program. However, due to the complexity of the issues surrounding shareable dockless mobility devices and the need to carefully consider the potential impacts of these devices upon our community, the Unified Government requires additional time to finish developing the proposed pilot program and implement the RFP process. Given the serious concerns raised by the deployment of shareable dockless mobility devices regarding public safety and accessibility, it is essential that the moratorium be extended in order to continue to protect the community and to ensure compliance with all state and local laws. Additionally, since the passage of the moratorium, the State of Georgia has passed legislation, codified at O.C.G.A. §§ 40-6-300 through 40-6-303, to recognize different classes of electric assisted bicycles and to authorize their operation in much the same way that standard bicycles may be operated, subject to certain exceptions for Class III electric assisted bicycles. Furthermore, preliminary evidence suggests that electric assisted bicycles tend to be safer than other forms of micromobility, they integrate more effectively into already existing bicycle infrastructure, and users are less likely to violate local ordinances and state laws regarding sidewalk use and reckless driving as electric assisted bicycles operate similarly to a regular bicycle. Evidence also suggests that riding Class I electric assisted bicycles, which only provide assistance while the user is pedaling, has significant health benefits for the user, perhaps even more so than riding a regular bicycle, and that there are greater environmental benefits as well, both because users are more likely to use electric assisted bicycles and tend to take longer and more frequent trips than they would on a regular bicycle. For all of these reasons, and in order to reaffirm our commitment to healthy, safe, and environmentally-friendly alternative transportation options, the Commission intends through this ordinance to modify the moratorium on all shareable dockless mobility devices to exclude Class I electric assisted bicycles as defined in O.C.G.A. § 40-6-300, as well as traditional bicycles, and to extend the moratorium by six months to provide additional time for the development of the Unified Government's pilot program.

SECTION 2: Section 3-3-68 of the Code of Athens-Clarke County, Georgia, entitled "Shareable dockless mobility devices," is hereby amended by deleting from sub-section (a) the phrase "twelve (12) months" and replacing said phrase with "eighteen (18) months from the date that the original moratorium ordinance was passed. This moratorium shall automatically expire on June 4, 2020, unless extended or terminated sooner by Athens-Clarke County's Board of Commissioners," so that said paragraph now reads as follows:

“Sec. 3-3-68. – 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 eighteen (18) months from the date that the original moratorium ordinance was passed. This moratorium shall automatically expire on June 4, 2020, unless extended or terminated sooner by Athens-Clarke County’s Board of Commissioners. 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.”

SECTION 3. Section 3-3-68 of the Code of Athens-Clarke County, Georgia, entitled “Shareable dockless mobility devices,” is hereby amended by deleting from paragraph (1) of sub-section (b) the phrase “including but not limited to, a bicycle, scooter, or skateboard” and replacing said phrase with “which shall include but not be limited to e-scooters and Class II or Class III electric assisted bicycles and shall exclude bicycles and Class I electric assisted bicycles as defined in Section 3-10-4,” so that said paragraph now reads as follows:

“Sec. 3-3-68. – Shareable dockless mobility devices.

(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, which shall include but not be limited to e-scooters and Class II or Class III electric assisted bicycles and shall exclude bicycles and Class I electric assisted bicycles as defined in Section 3-10-4; 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.”

SECTION 4: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.