

ORDINANCE NO. 17-2018

AN ORDINANCE TO AMEND CHAPTER 66,  
ARTICLE 1, OF THE CODE OF THE CITY OF  
TYBEE ISLAND SO AS TO PROHIBIT SHARED  
MOBILITY DEVICES FROM BEING PLACED IN ANY  
PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY,  
OPERATED IN ANY PUBLIC-RIGHT-OF-WAY, OR OFFERED  
FOR USE ANYWHERE IN THE CITY; TO REPEAL ALL  
ORDINANCES IN CONFLICT HERewith; AND FOR OTHER  
PURPOSES.

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the Mayor and Council finds that dockless 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. Frequently, they are abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable pedestrians. Due to the spontaneous appearance of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors—without helmets, in contravention of state law. For the immediate preservation of the public peace, health, and safety, the City Council has initiated urgency legislation to proactively address the hazards posed by shared mobility devices placed in and operated on public property.

NOW, THEREFORE, It is hereby ordained by the Mayor and Council of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, that Chapter 66, Article 1, be amended so as to read as indicated below.

**SECTION 1**

The Code of the City of Tybee Island, Georgia, Section Chapter 66, Article 1, be amended so as to include the following provisions:

## **Sec. 66-11. Shared Mobility Devices/Dockless Scooters/Vehicles.**

(a) Purpose. The purpose of this ordinance is to prohibit Shared 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 the City, so as to allow for adequate pedestrian traffic flow and to promote public safety.

(b) Definition. For purposes of this ordinance, "shared mobility device" means any wheeled device, other than an automobile, motorcycle, electric personal assistive mobility device, electric assisted bicycle, electric personal transportation vehicles, moped, golf cart, or personal transportation vehicle as those devices are defined by state law, that is powered by a motor; 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.

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

(d) Violations/Impoundment. Violations of this ordinance shall be punishable as provided for in Sec. 1-8 of this Code. Police officers, parking enforcement officers, deputy city marshals, those city officials otherwise designated by the City Manager, and any party contracted by the City to specifically impound shared mobility devices are authorized to impound any shared 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 impound and storage fee as established by the City Council and on file with the Clerk of Council and the office of the City Marshall.

(e) 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 2**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

### SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

### SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

### SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS 11 DAY OF Oct, 2018.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FIRST READING: 10/11/18  
SECOND READING: 10/11/18  
ENACTED: 10/11/18