

ORDINANCE NO. 21-07

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES BY REPEALING IN IT'S ENTIRETY SECTIONS 18.31 THROUGH AND INCLUDING SECTION 18.36, AND BY ADDING NEW SECTIONS 18.37 THROUGH 18.44 PROHIBITING THE RENTING, ALLOWING, OR MAKING AVAILABLE THE USE OF MOTOR-ASSISTED SCOOTERS AND ELECTRIC BICYCLES AND THE PLACEMENT AND USE, OPERATION AND RIDING OF MOTOR-ASSISTED-SCOOTERS AND ELECTRIC BICYCLES ON PUBLIC PROPERTY, STREETS, HIGHWAYS, RIGHT-OF-WAYS AND SIDEWALKS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PORTIONS OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation; and

WHEREAS, cities around the state and country have seen the rapid introduction and implementation of motor-assisted scooters and similar equipment, and operators, and these cities have found it necessary to pass ordinances prohibiting motor-assisted scooter and similar equipment operators within their jurisdictions due to the public safety concerns that the widespread use of motor-assisted scooters and similar equipment creates; and

WHEREAS, numerous studies, including a CDC sponsored study have found motor-operated scooters and similar equipment to be dangerous, a major safety concern, and a rise and surge in serious injuries, including severe head injuries related to incidents involving motor-assisted scooters, and similar equipment; and

WHEREAS, the City of South Padre Island has seen a major increase of the renting and use of motor-assisted of scooters, and similar equipment, and there has been reports of many instances of unsafe operation and unsafe placement of the motor-assisted-scooters causing dangerous and unsafe conditions; and

WHEREAS, the City of South Padre Island is a small beach resort community

with, at times, a major influx of thousands of tourists including families and “spring breakers”; and

WHEREAS, the City of South Padre Island only has three major roadways, and congested traffic at times, and has limited sidewalks for pedestrians and limited bike lanes, and an influx of motor-assisted scooters and similar equipment have created and will continue to create an unsafe condition to the general public; and

WHEREAS, the City of South Padre Island finds that the above recitals are true and correct and that this ordinance is in the best interest of the public health, welfare and safety of all the City’s residents and many visitors and is necessary in the interest of safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Chapter 18 of the City Code of Ordinances is hereby amended by repealing in its entirety Sections 18.31 through and including Section 18.36.

Section 3. Chapter 18 of the City Code of Ordinances is hereby amended by now adding new Sections 18.37- 18.44, Motor Assisted Scooters and Electric Bicycles, as set forth below in its entirety.

MOTOR-ASSISTED-SCOOTERS AND ELECTRIC BICYCLES

Sec. 18-37 Purpose.

This article is necessary in the interest of public safety and is established to enhance public safety by restricting the widescale placement and use of motor-assisted scooters and electric bicycles within public areas of the city and on city-owned property.

Sec. 18-38 Applicability.

This article does not apply to:

- (1) a moped or motorcycle.
- (2) a motorized mobility device designed for transportation of

persons with physical disabilities as defined under Section 552A.010 of the Texas Transportation Code.

Sec.18-39 Definitions.

Impoundment or impound as used in this article means removal by the city of a motor-assisted scooter or electric bicycle to a temporary storage location or designated impound facility.

Motor – assisted scooter means a self-propelled device with at least two wheels in contact with the ground during operation, a breaking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; or an electric motor with a power output not exceeding 2,000 watts; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone.

Scooter company means any person, business organization or entity that operates a scooter sharing business or service by which motor-assisted scooters or electric bicycles are made available to the public for short-term use or rental.

Electric Bicycle has the meaning assigned by Section 664.001 of the Texas Transportation Code.

Sec. 18-40 Offenses.

(a). Placement on public property prohibited. It is an offense for any person, scooter company, or any employee, contractor, agent or other representative acting on behalf of a scooter company, to abandon, place, or leave behind any motor-assisted scooter, or electric bicycle on any public property, public park (including natural areas, the public beach and open spaces), public sidewalk, public right of way, public street, or public highway within the city, or on any city-owned property. A violation of this subsection is a misdemeanor offense punishable by a fine up to \$2,000.00.

(b). Use prohibited. It is an offense for any person to operate a motor-assisted scooter or electric bicycle, that is owned, controlled, or managed by, or on behalf of, a scooter company on any public property, public park (including natural areas, the public beach and open spaces), public sidewalk, public right of way, public street, or public highway within the city, or on any city-owned property. A violation of this subsection is a misdemeanor offense punishable by a fine up to \$500.00.

(c). Each violation under this section constitutes a separate offense.

Sec. 18-41 Impoundment.

(a). The city may impound any motor-assisted scooter or electric bicycle found unattended on any public property, public park (including natural areas, the public beach and open spaces), public sidewalk, public right of way, public street, or public highway within the city, or on any city owned property.

(b). The city will attempt to provide notice of any impoundment to the person who owns the motor-assisted scooter or electric bicycle, or the scooter company, or agent of the scooter company, responsible for the motor-assisted scooter or electric bicycle, as disclosed by the contact or other identifying information on the motor-assisted scooter or electric bicycle. The notice may be attempted by telephone, electronic mail, U.S. mail, hand-delivery or publication, in the city's discretion. The notice shall outline the impoundment and redemption process, including the requirement to pay impoundment fees. If the owner or scooter company responsible for the impounded motor-assisted scooter or electric bicycle, or any employee, contractor, agent or other representative acting on behalf of the scooter company, contacts the city about an impounded motor-assisted scooter or electric bicycle before notice of the impoundment is sent by the city, such contact shall be deemed notice of the impoundment. If the city is unable to readily identify the owner or other party responsible for the impounded motor-assisted scooter or electric bicycle, then notice of the impoundment need not be provided.

(c). Each motor-assisted scooter or electric bicycle impounded under this section shall be subject to an impoundment fee of \$100.00.

Sec. 18-42 Rules for Operating and Riding of Motor-Assisted Scooters

- A). Riders must obey all state and city traffic laws.
- B). Riders must always yield to pedestrians.
- C). Riders must use bike lanes when available.
- D). When bike lanes are not available, must be operated on a street with a 35mph or less posted speed limit. (Tx Transportation Code Sec. 551.351).
- E). Riders must be at least 16 years of age.
- F). Riders 18 years of age or younger must wear a safety helmet.
- G). Riders may not have any passengers. Only one person may be on the vehicle when it is being operated.
- H). Riders may not use portable wireless communication devices while operating.
- I). Motors Assisted Scooters may not be operated at nighttime unless equipped with:
 - 1). A lamp on the front of the vehicle that emits a white light visible from a distance of at least 500 feet in front of the vehicle; and
 - 2). A red reflector that is visible when directly in front the of lawful upper beams of a motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the vehicle, or a lamp that emits a red light visible from a distance of 500 feet to the rear of the vehicle; and

- 3). A working bell, horn or other sound mechanism.

Sec. 18-43 Parking of Motor -Assisted – Scooters and Electric Bicycles

A). Motor-Assisted Scooters and Electric Bicycles may not be parked on City sidewalks streets, or right of ways.

Sec. 18-44 Rules for Operating and Riding of Electric Bicycles

- A). Operators and Riders must comply with all provisions of the Texas Transportation Code.
B). Operators and Riders must obey all State and City traffic laws.
C). Operators and Riders must always yield to pedestrians.
D). Cannot be operated on any sidewalk or on the beach.
E). Riders may not use portable wireless communication devises while operating.

SECTION 3. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the South Padre Island City Code.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance will take effect after its passage, approval and adoption on second reading and publication in caption form.

PASSED AND APPROVED on first reading on April 7, 2021.

PASSED, APPROVED AND ADOPTED on second reading on April 21, 2021.


Patrick McNulty, Mayor

Attest:


Angelique Soto, City Secretary



