

**ORDINANCE NO. 19-13**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS DEFINING DOCKLESS VEHICLES AND MOTOR-ASSISTED SCOOTERS; ESTABLISHING REGULATIONS PROHIBITING THE RENTAL AND/OR LEASING OF DOCKLESS VEHICLES ON CITY PROPERTY; PROVIDING REGULATIONS FOR USE; PROVIDING FOR IMPOUND OF IMPROPERLY PARKED DOCKLESS VEHICLES; PROVIDING PENALTY FOR VIOLATION; PROVIDING FOR CUMULATIVE AND CONFLICTS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, new transportation options have recently been offered for a fee, including dockless motor-assisted scooters; and

**WHEREAS**, City Council finds that the regulation of new transportation options is necessary to establish the rules for the safe operation of these vehicles and to protect the safety and convenience of pedestrians and others who might be impacted by the use of these vehicles; and

**WHEREAS**, City Council, pursuant to Texas Transportation Code Sections 551.352 and 551.354, is authorized to regulate the use of Dockless Vehicles and Motor-Assisted Scooters on City roadways; and

**WHEREAS**, the City Council finds that the regulations provided for herein promote the health, safety and welfare of the City.

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

**Section one. Findings.** The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**Section two. Definitions.** Chapter 18 of the South Padre Island Code of Ordinances is adopted to read as follows:

***Sec. 18-31 Definitions:***

*Dockless Vehicle* means a motor-assisted scooter, bicycle equipped with GPS, electric bike or similar type of equipment that is available for use for a fee.

*Motor-assisted scooter* means

- (A) a self-propelled device with:
  - (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 gas motor with a displacement not exceeding 40 cubic centimeters or an electric motor with a power output not exceeding 2,000 watts;
  - (iv) a deck designed to allow a person to stand or sit while operating the device; and
  - (v) the ability to be propelled by human power alone; and
- (B) does not include:
- (i) a pocket bike or a minimotorbike.
  - (ii) a moped or motorcycle;
  - (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;
  - (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;
  - (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or
  - (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

*Shared motor-assisted scooter* means a motor-assisted scooter that is rented for a fee.

***Sec. 18-32 Rental and/or Leasing of Motor-assisted Scooter Temporarily Prohibited***

The rental or leasing of Dockless Vehicles within the public right-of-ways or on municipally owned property is prohibited. For purposes of this ordinance the rental or leasing of Dockless Vehicles means any service that displays, offers or places for rent on a public right-of-way or municipally owned property one or more motor-assisted scooters or similar Dockless Vehicles.

***Sec. 18-33 Dockless Vehicle Business***

The rental or leasing of Dockless Vehicles as a commercial business is permitted within any district zoned for commercial or business uses or other districts if the use is compatible with the permitted uses for the district. Any such business is subject to all City business registration and license requirements. City staff is authorized to develop an application and registration/permitting process for the business and inventory.

***Sec. 18-34 Operation Dockless Vehicles***

- (A) Riders must obey state and city traffic laws.
- (B) Riders must always yield to pedestrians.
- (C) Riders must use bike lanes when available.
- (D) Riders on a Shared Motor-Assisted Scooter must be at least 16 years of age.
- (E) Riders on a Shared Motor-Assisted Scooter must wear a safety helmet.
- (F) Riders may not have any passengers. Only one person may be on the vehicle when it is being operated.
- (G) Riders may not use portable wireless communications devices while operating.
- (H) Dockless Vehicles may not be operated at nighttime unless equipped with:
  - i. 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

- ii. A red reflector that is visible when directly in front of lawful upper beams of 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
- iii. A working bell, horn or other sound mechanism.

***Sec. 18-35 Parking of Dockless Vehicles***

- (A) Dockless Vehicles may not be parked on City sidewalks, streets, rights-of-way or on municipally owned property.
- (B) Dockless Vehicles must be returned to the rental or leasing location.

***Sec. 18-36 Dockless Vehicles Impound***

- (A) A Dockless Vehicle improperly parked on City sidewalks, streets, rights-of-way or on municipally owned property may be impounded by the City.
- (B) The owner of an impounded Dockless Vehicle shall provide proof of ownership and pay a \$100.00 administrative fee before the Dockless Vehicle is released.
- (C) Any Dockless Vehicle not claimed within seven (7) days amount of time will be considered abandoned and the City may dispose of the vehicle consistent with city and state law requirements for abandoned property.

**Section three. Enforcement**

- (A) The Office of the Chief of Police and any appointed designee shall enforce the provisions of this ordinance.
- (B) Authorized designees may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this Ordinance and other applicable laws.

**Section four. Penalty.** A person commits an offense if the person violates or attempts to violate a provision of this Ordinance. A culpable mental state is not required for the commission of an offense under Ordinance. Violation of this ordinance shall be a Class C misdemeanor and upon conviction for such violation, the defendant shall be subject to a fine not less than \$1.00 and not more than \$500.00.

**Section five. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of South Padre Island, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section six. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality

shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section seven. Publication.** The City Secretary is authorized and directed to publish a caption of this ordinance.

**Section eight. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED ON FIRST READING THIS THE 21ST DAY OF AUGUST 2019.

PASSED AND APPROVED ON SECOND READING THIS THE 4TH DAY OF SEPTEMBER 2019.

  
Patrick McNulty, Mayor

ATTEST:

  
Susan Manning, City Secretary

