

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: June 19, 2023

Agenda Item: 6C	Prepared by: Chris Noury, City Attorney
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: June 12, 2023
Subject: Amendment to Chapter 21, Traffic, regarding the regulation of shared mobility devices	Division: Legal

**Background:**

Dockless electric scooters available to be rented on demand from unstaffed locations can arrive unexpectedly and proliferate rapidly. These devices are often left by their users (when the user has reached his/her destination) in the middle of the sidewalk or on other areas of the ROW, resulting in obstructions and creating dangerous conditions on the City's streets, sidewalks, parks, beach access ways, and other public places.

In addition, on two prior occasions, the companies that own the scooters did not apply for a business license or other authorization from the City prior to offering the scooters for lease within the City.

The purpose of the proposed code is to enhance public safety by prohibiting shared mobility devices, including motorized scooters, from being placed in the middle of the sidewalk or on other areas of the ROW, resulting in obstructions and creating dangerous conditions on the City's streets, sidewalks, parks, beach access ways, and other public places.

**Recommended Action:**

Approve or deny the ordinance on second reading

Reviewed by City Manager		Reviewed by City Attorney
--------------------------	--	---------------------------

Council Action: Motion By _____ 2 <sup>nd</sup> By _____ To _____
--

## AN ORDINANCE

### **AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH REGARDING THE REGULATION OF SHARED MOBILITY DEVICES INCLUDING, BUT NOT LIMITED TO, DOCKLESS ELECTRONIC SCOOTERS AND BICYCLES, AND/OR MOTORIZED RENTAL SCOOTERS NOT AUTHORIZED VIA FRANCHISE AGREEMENT**

Sec. 21-16. – Findings and purpose.

Dockless electric scooters and bicycles available to be rented on demand from unstaffed locations have been shown to arrive unexpectedly and proliferate rapidly. These devices are unregulated, often abandoned by their users in unapproved parking, resulting in obstruction and danger on our streets, sidewalks, parks, beach access ways, and other public places. This results in a serious public safety concern, especially for the city’s most vulnerable pedestrians, and those areas under the protections of the Americans with Disabilities Act. The users often operate without training or safety equipment, such as helmets. The business rarely applies for a franchise, which is required, and avoids business licensing.

The purpose of these sections is to preserve public safety by prohibiting shared mobility devices or motor scooters from being placed in the public right-of-way or on public property, so as to allow for adequate pedestrian traffic flow and to promote public safety.

Sec. 21-17. – Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Motorized scooter* shall mean a two-wheeled or multi-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding and is powered by an electric motor or by a source other than electric power.

*Shared mobility device* means any wheeled device, other than an automobile or motorcycle, 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, except for those locations which are authorized by the city under a franchise agreement.

Sec. 21-18. – General requirements.

- (a) It is unlawful to place and/or make available for rent, use, park, leave standing, leave lying, or abandon a shared mobility device and/or motor scooter which has not been authorized via a franchise agreement, in a public right-of-way or on public property anywhere within the city.
- (b) Law enforcement officers, parking enforcement officers, those city code officials designated by the City Manager or designee, and any party contracted by the city to specifically impound shared mobility devices and/or motor scooters not authorized by franchise agreement are authorized to impound the device.
- (c) Any shared mobility device and/or motor scooter, rented or otherwise, left physically unattended on public property may be removed and held by the city for forty-eight (48) hours. A confiscated motorized scooter shall be released upon proof of ownership and payment of a \$100.00 fee for removal and storage. Motorized scooters held for over forty-eight (48) hours may be disposed of by discarding, donation, auction, or any other manner deemed appropriate by the city. The city shall bear no responsibility to the motorized scooter owner or operator for loss of or damage to a confiscated motor scooter, including any chain or locking mechanism, in its enforcement of this section.

Sec. 21-19. – Penalties.

Violations of this chapter shall be punishable as a misdemeanor as provided for in Chapter 1, Section 1-6 of the Code of Ordinances of North Myrtle Beach.

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager

FIRST READING: 6.8.2023

SECOND READING: 6.19.2023

ORDINANCE: 23-44