

AN ORDINANCE

AMENDING Chapter 9-4 – General Traffic Regulations to add section 9-4-120 regulating the storage and use of Shareable Dockless Mobility Devices on Public right-of-way.

WHEREAS, 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; and

WHEREAS, these privately-owned devices are frequently stored on publicly owned rights-of-way without the consent of the local government jurisdiction. As they are not secured to a bike rack or other infrastructure, dockless electric scooters and bicycles are frequently abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable pedestrians; and

WHEREAS, the City has a substantial interest in regulating how private operators of Shareable Dockless Mobility Devices operate on the public rights-of-way to promote public safety, and to ensure the public right-of-way remains free of obstructions; and

WHEREAS, for the immediate preservation of the public peace, health, and safety, the City Council has decided to proactively address the hazards posed by Shareable Dockless Mobility Devices placed in and operated on public property.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

SECTION 1: That Chapter 9-4 General Traffic Regulations of the Code of the City of Marietta, Georgia be amended by inserting a new Section 9-4-120 entitled “Shareable Dockless Mobility Devices”, as follows:

Section 9-4-120. 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 the City, so as to allow for adequate pedestrian traffic flow and to promote public safety.

(b) Definition. For purposes of this ordinance, *Shareable Dockless Mobility Device* means an electric/motorized or human-powered device that permits an individual user to move or be

moved freely, is not registered with the state of Georgia or Cobb County, is available for rent to the general public via an on-demand portal, whether a smartphone application, membership card, or similar method at unstaffed, self-service locations. Such devices shall include but not be limited to bicycles/e-bicycles, scooters/e-scooters, and other similarly operated vehicles.

(c) General Provisions.

1. It is unlawful to provide or offer for use a Shareable Dockless Mobility Device anywhere within the City.
2. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a Shareable Dockless Mobility Device in a public right-of-way or on public property anywhere within the City.
3. It is unlawful to operate a Shareable Dockless Mobility Device in a public right-of-way or on public property anywhere within the City.

(d) Applicability. The provisions stipulated within 9-4-120(c) shall not limit the ability of the City to offer Shareable Dockless Mobility Devices to the general public and their usage on public right-of-way.

(e) Violations; Impoundment. Devices violating this ordinance shall be considered a traffic hazard and immediately removed from right-of-way subject to the procedures and fines stipulated in 9-12 of the city code of ordinances.

SECTION 2: 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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor subject to Georgia laws 1983, page 4119.

DATE: February 13, 2019

APPROVED: _____


R. Steve Tumlin, Mayor

ATTEST: _____


Stephanie Guy, City Clerk

APPROVED AS TO FORM: _____


Douglas R. Haynie, City Attorney