



Legislation Details (With Text)

File #: Ord. 2020-28 **Version:** 1 **Name:**
Type: Ordinance **Status:** Individual Consideration
File created: 4/23/2020 **In control:** City Council
On agenda: 5/5/2020 **Final action:**
Title: Consider approval of Ordinance 2020-28, on the first of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Presentation, 2. Ordinance, 3. Memo regarding Motor-Assisted Scooter Ordinance - April 29, 2020.pdf

Date	Ver.	Action By	Action	Result
5/5/2020	1	City Council	approved	Pass
5/5/2020	1	City Council	amended	Pass

AGENDA CAPTION:

Consider approval of Ordinance 2020-28, on the first of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

Meeting date: May 5, 2020

Department: General Services / Legal

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

City Council Strategic Initiative: [Please select from the dropdown menu below]

Multi Modal Transportation

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☒ Transportation - Choose an item.
- ☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

- Texas Transportation Code Chapter 551.352. (b) states: *“a county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.”*
- During the Council work session on April 2, 2019, the City Council (7-0) directed staff to draft an ordinance prohibiting the use of a motor-assisted scooter in the public right-of-way, including sidewalks and streets
- On December 17, 2019, Council approved the first reading of an ordinance prohibiting the use of motor-assisted scooters in the public right-of-way, including sidewalks and streets, and provided direction for staff as follows:
 - Add a delayed enforcement period to the ordinance
 - conduct a public outreach campaign
 - Reduce the maximum fine for violations of the ordinance from \$500 to \$25 for private use
- On January 7, 2020, during consideration of the (amended per direction above) ordinance on second reading, the City Council postponed this item.
- On March 24, 2020 a Work Session was held and Council provided direction to staff to bring an Ordinance forward that includes the following elements:
 - Prohibits Commercial Scooter Dumping or use
 - Allow Private Scooter ownership and use
 - Considers a future pilot program

The attached ordinance:

- Prohibits the placement, abandonment or use of motor-assisted scooters owned by commercial scooter companies on public property, streets and sidewalks;
- Establishes the City's impoundment authority and penalties for illegal motor-assisted scooters;
- Remains silent on privately-owned scooters and use;
- Makes an exception for commercial scooters provided under a city-approved pilot program
- Requires two (2) readings
- Takes effect after second reading approval and publication

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of the ordinance.