

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES TO ALLOW FOR THE SALE OF UNCLAIMED IMPOUNDED PERSONAL TRANSPORT VEHICLES; AMENDING CHAPTER 70 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES OF THE CODE OF ORDINANCES ADDING ARTICLE VII, DIVISION 2. PERSONAL TRANSPORT VEHICLES; PROVIDING A DEFINITION; PROVIDING FOR THE PERMITTING OF PERSONAL TRANSPORT VEHICLE SHARING SERVICES IN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR IMPOUNDMENT FEES FOR UNPERMITTED PERSONAL TRANSPORT VEHICLES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Transportation Code Section 311.001, the Town of Addison (the “Town”) maintains and regulates the streets and alleys within the City; and

WHEREAS, pursuant to Texas Transportation Code Section 316.021, cities may grant permission and prescribe the consideration and terms for the use of a portion of a municipal street or sidewalk for a private purpose if it does not interfere with the public use of the street or sidewalk or create a dangerous condition on the street or sidewalk, and

WHEREAS, bicycle and scooter sharing service companies now possess GPS, 3G, and self-locking technology such that the bicycles and scooters may be locked and opened by users with a smart phone application and tracked to provide for operations and maintenance; and

WHEREAS, the goals of the Town are to provide safe and affordable multimodal transportation options to all residents and visitors, increase mobility across the town, maintain all current uses of streets and sidewalks, and regulate the placement and proliferation of bicycles and scooters in the Town’s right-of-way; and

WHEREAS, bicycle and scooter sharing services are a component to help the Town achieve its transportation goals and the Town desires to make bicycle and scooter sharing services available to residents, employees and visitors in the City, while maintaining the right-of-way for use by the public for passage and maintaining or enhancing property values; and

WHEREAS, the Town desires to create a pilot program to allow the Town to evaluate the regulations of bicycle and scooter sharing services in the Town’s right-of-way; and

WHEREAS, at the end of the term of the pilot program, the City may re-evaluate the conditions for granting permits to bicycle and scooter sharing services or this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ADDISON, TEXAS:

Section 1. Chapter 2, Administration, of the Code of Ordinances is hereby amended by amending Section 2-301. – Authority to sell; deposit of cash, subsection (a) to read in its entirety as follows.

CHAPTER 2, Administration

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ARTICLE VI. – DISPOSAL OF UNCLAIMED OR SURPLUS PROPERTY

Sec. 2-301. – Authority to sell; deposit of cash.

(a) The following property may be sold by the Town in the manner provided in this article:

- (1) Abandoned, stolen or recovered property, except motor vehicles or perishable property which may be sold immediately, that remains unclaimed with the Town for 60 days, whether or not the owner is known; and
- (2) Abandoned, stolen or recovered motor vehicles that remain unclaimed with the town for 30 days, whether or not the owner is known; and
- (3) Impounded Personal Transport Vehicles, as defined in Section 70-335 of this Code, that remain unclaimed with the Town for 30 days, whether or not the owner is known; and
- (4) Personal property owned by the Town that has been declared surplus, obsolete, worn out or useless by the head of a department and that is no longer needed for public use.

Section 2. Chapter 70, Streets, Sidewalks, and Other Public Places, of the Code of Ordinances is hereby amended by adding a new Article VII – License for Use of Public Right of Way, Division 2, Personal Transport Vehicles, which shall read in its entirety as follows:

CHAPTER 70, Streets, Sidewalks, and Other Public Places

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ARTICLE VII. – LICENSE FOR USE OF PUBLIC RIGHT OF WAY

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DIVISION 2. Personal Transport Vehicles

Sec. 70-335. – Definitions.

Personal Transport Vehicle means bicycles, scooters and other similar devices which may or may not be motorized.

Sec. 70-336. – Personal transport vehicle sharing services permit.

- (a) It shall be an offense for a company or person that provides personal transport vehicles for use on a short term basis in exchange for compensation, to place such personal transport vehicles in the Town's right-of-way without a permit.
- (b) Permits may be issued and amended by the director of Infrastructure Services, or their designee and shall regulate the use of the Town's right-of-way to allow sufficient access for pedestrians, comply with the American's with Disabilities Act, ensure no significant adverse effect on the property rights of third parties, and avoid creating conditions that are a threat to public health and safety.
- (c) Where other sections of the Code of Ordinances conflicts with this division relating to the regulation of Personal Transport Vehicles, this division shall apply.

Sec. 70-337. – Personal transport vehicle impoundment.

If a company or person places Personal Transport Vehicles in the Town's right-of-way without a permit, the Town may remove and impound the Personal Transport Vehicle. If a Personal Transport Vehicle is impounded in accordance with this section, an impoundment fee shall be assessed against and collected from the owner as a condition for the redemption of such Personal Transport Vehicle in accordance with the following:

Number of Personal Transport Vehicles Impounded	Fee per Personal Transport Vehicle
1	\$25.00
2	\$50.00
3	\$75.00
4 or more	\$100.00

Section 3. Any violation of the provisions or terms of this ordinance by any person, firm, or corporation shall be a misdemeanor offense and shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 4. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That this Ordinance shall take effect on _____, 2019 and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the ____ day of _____, 2019.

Joe Chow, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

PUBLISHED ON: _____