

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**ORDINANCE NO: G-19-08**

**AN ORDINANCE** concerning shareable, dockless electric low speed scooters

**FOR** the purpose of prohibiting certain actions with respect to shareable, dockless electric low speed scooters for a maximum period of 6 months

**BY** adding

Chapter 22

Article VI

The Code of the City of Frederick, 1966 (as amended)

**BACKGROUND**

Recent transportation and technology innovations and public interest in new mobility options have created a new market for micromobility devices such as shareable, dockless electric low speed scooters. While these vehicles offer a new low-emission transportation option, the use of this technology results in shared vehicles being placed or left virtually anywhere in the public rights of way and being operated by users in a manner that is unsafe to the operator or other users of public spaces. The sudden proliferation of these vehicles in other cities has created nuisance and safety concerns that are not adequately addressed by existing state or local law. Shareable, dockless electric low speed scooters left on sidewalks when users are done with them create a tripping hazard, make the sidewalks inaccessible to the disabled, and create a cluttered environment. These and other concerns, based on the operation of shareable, dockless electric low speed scooters in other cities, make it clear that adequate mechanisms are not yet in place to prevent nuisance conditions and ensure safe operation. Therefore, it is necessary, for the immediate preservation of the public health, safety, and welfare, that the City prohibit the operation of shareable, dockless electric low speed scooters on public property for 6 months to allow time for the adoption of regulations to address the significant issues associated therewith.

**SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that Chapter 22, Article VI of The Code of the City of Frederick, 1966 (as amended) is hereby added to read as follows:

**Article VI. Shareable, dockless electric low speed scooters.**

**Sec. 22-58. Purpose.** The purpose of this article is to prohibit shareable, dockless electric scooters 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, for a maximum period of 6 months. This will allow for adequate pedestrian traffic flow and will protect the traveling public until additional regulations can be put in place through a franchise or licensing system to safeguard the community and ensure compliance with all local and state laws.

**Sec. 22-59. Definitions.**

(a) **In general.** For purposes of this article, the following terms have the meanings indicated:

- (b) **Dockless.** "Dockless" means that a vehicle does not require an individual user to return and lock the vehicle to an authorized fixed station once the user has completed use of the vehicle.
- (c) **Electric low speed scooter.**
- (1) "Electric low speed scooter" means a vehicle that:
- (A) is designed to transport only the operator;
  - (B) weighs less than 100 pounds;
  - (C) has single wheels in tandem or a combination of one or two wheels at the front and rear of the vehicle;
  - (D) is equipped with handlebars and a platform designed to be stood on while riding;
  - (E) is solely powered by an electric motor and human power; and
  - (F) is capable of operating at a speed of up to 20 miles per hour.
- (2) "Electric low speed scooter" does not include:
- (A) an electric personal assistive mobility device; or
  - (B) an electric wheelchair or other mobility aid used by a disabled individual.
- (d) **Officer.** "Officer" means a sworn officer of the Frederick Police Department.
- (e) **Shareable.** "Shareable" means that a vehicle 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.

**Sec. 22-60. Prohibitions and penalties.**

- (a) **Parking.**
- (1) A person may not park, leave standing, leave lying, abandon, or otherwise place a shareable, dockless electric low speed scooter in a public right-of-way or on public property.
- (2) An officer who discovers a shareable, dockless electric low speed scooter parked or otherwise placed in violation of this subsection may issue a parking citation, in the amount of \$30, in accordance with the Maryland Code, Transportation Article, § 26-302.
- (b) **Operating.**

- (1) A person may not operate a shareable, dockless electric low speed scooter in a public right-of-way or on public property.
- (2) An officer may charge a person with a violation of this subsection, if the officer has probable cause to believe that the person has committed or is committing the violation. An officer who charges a person under this subsection shall issue a traffic citation, in the amount of \$60, in accordance with the Maryland Code, Transportation Article, § 26-201.

**(c) Offering.**

- (1) A person may not provide or offer for use a shareable, dockless electric low speed scooter anywhere within the City.
- (2) Violation of this subsection is a municipal infraction punishable by a fine of \$ 400. Each day a violation continues will be deemed a separate offense.

**Sec. 22-61. Impoundment.**

- (a) **In general.** In addition to the penalties set forth in Sec. 22-60 of this article, a shareable, dockless electric low speed scooter parked or operated in violation of this article may be impounded by an officer.
- (b) **Fees.** The owner of a shareable, dockless electric low speed scooter may reclaim the vehicle upon payment of an initial impound fee of \$40 and a daily storage and administration fee of \$5.
- (c) **Notice - issuance.** Once a shareable, dockless electric low speed scooter has been impounded, the Frederick Police Department shall make a good-faith attempt to determine the name and address of the owner of such device by serial number, vehicle identification number (VIN), or such other means as are reasonably ascertainable through inspection of the exterior of such vehicle. In those cases where the name and address of the owner of the subject vehicle are determined, written notice shall be sent to the owner by certified mail, return receipt requested, or by personal service acknowledged by signature of the registered owner or other responsible party.
- (d) **Notice – contents.** The written notice required by this section must contain:
  - (1) a description of the subject vehicle, including serial numbers, vehicle identification number, or other identifying information;
  - (2) the name and address of the owner of the vehicle; and
  - (3) the dates and descriptions of the violations that establish the grounds for impoundment, the unpaid amounts of the civil penalties for each violation, and the process by which the vehicle may be reclaimed. A copy of each citation or other document providing the required information attached to the notice is sufficient to satisfy this requirement. Where multiple vehicles owned by the same person are impounded on a single day, a single notice listing all impounded devices is sufficient.

- (e) **Failure to reclaim.** Any vehicle not reclaimed within 45 days of impound will be deemed abandoned and discarded by the owner thereof and disposed in accordance with Chapter 17, Article III of this Code.

**Sec. 22-62. Sunset.** Sec. 22-60 of this article shall remain effective until October 1, 2019 and as of that date, with no further action required by the Board of Aldermen, shall be abrogated and of no further force and effect.

**SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

**SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that this ordinance shall take effect on April 1, 2019 and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

**PASSED:**

**DATE:**



**Michael C. O'Connor, President,  
Board of Aldermen**

**March 21, 2019**

**APPROVED:**

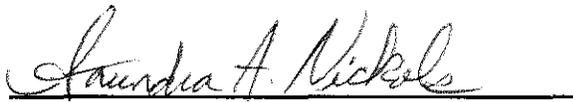
**DATE:**



**Michael C. O'Connor, Mayor**

**March 21, 2019**

**Approved for Legal Sufficiency:**



**City Attorney**