

# CITY COUNCIL REPORT



Meeting Date: January 19, 2021  
General Plan Element: **Community Mobility**  
General Plan Goal: ***Provide for the safe, efficient, and affordable movement of people and goods***

## ACTION

### **Bicycle and Related Devices Ordinance and Parks, Recreation and Cultural Affairs Ordinance.**

1. Adopt Ordinance No. 4486 amending Sections 17-76, 17-78, 17-80 through 17-87, 17-89 through 17-91, 17-93 through 17-97 and 17-99 to the Scottsdale Revised Code relating to Bicycles and Related Devices, including Electric Bicycles and Scooters.
2. Adopt Ordinance No. 4488 amending Sections 20-31, 20-117 and 20-132 of Chapter 20, Parks, Recreation and Cultural Affairs regulating the use of electric bicycles, electric scooters and similar devices.
3. Provide possible direction on whether to conduct additional public outreach on a device sharing licensing ordinance and schedule for possible adoption by the City Council at a later date.

## BACKGROUND

Dockless sharing companies have been operating in Scottsdale since Fall 2017. On November, 13, 2018, City Council adopted Ordinance 4372 amending the Scottsdale Revised Code relating to bicycles and related devices, including electric bicycles and scooters. The updated ordinance took effect December, 13, 2018. The City Manager was directed to share a full report following the end of the tourism season (Attachment 1). This report was reviewed at the Transportation Commission's January 16, 2020 meeting and has been posted on the city's website (<https://www.scottsdaleaz.gov/codes/bike-scooters>) since January 10, 2020.

The data report contains information from December 13, 2018 – December 12, 2019 including:

- Restricted areas
- Bicycle rack locations in Old Town
- Timeframes of mobility companies' involvement in Scottsdale
- Issues and concerns
- Public feedback
- Impact to public safety

- Rider data
- Fiscal considerations
- Recommendations
- Licensing fees
- Summary of valley cities with devices

A staff team has been evaluating operations and has listened to citizen and business feedback about some of the challenges associated with operations. Staff have also continued to meet with device sharing companies and coordinate by email since November 2018.

## **ANALYSIS & ASSESSMENT**

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Staff is proposing revisions to the bicycle and related devices ordinance and the parks, recreation and cultural affairs ordinance.

The following are the recommendations from City staff for the update to Chapter 17 of the Scottsdale Revised code that include:

- Updates to conform with state law: the name and definition of devices was changed to “electric scooter” from “stand-up electric mini-scooter”. In addition, a new definition for electric miniature scooter was added.
- Prohibit riding by scooters, bicycles and similar devices on sidewalks within the City’s Transportation Safety Zone. For reference, the Transportation Safety Zone boundary is: 68<sup>th</sup> Street, Osborn Road, Miller Road, and Camelback Road
- Prohibit riding rental devices within the Transportation Safety Zone between the hours of 11:30 p.m. and 5 a.m.
- Clarify that devices are to be parked in bicycle racks or designated areas
- Require parental and guardian permission for those under the age of 16
- Allow for relocation and impoundment fees of \$25 and \$50
- Miscellaneous changes

Additionally, staff are proposing a new shared mobility device provider licensing ordinance for discussion, further development, public outreach, and future possible action (Attachment 4). The draft ordinance would require companies to obtain a shared mobility device license, pay licensing and annual fees, carry insurance and indemnification, and share data with the city.

The revised ordinances are attached and available for review on the city’s website at <https://www.scottsdaleaz.gov/codes/bike-scooters>, where they have been posted since January 10, 2020. It is anticipated that additional updates to the parks, recreation and cultural affairs ordinance will be proposed when design and circulation modifications to the Civic Center Plaza funded through Bond 2019 are completed.

## **RESOURCE IMPACTS**

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City staff will enforce the ordinance within its current budget and personnel. The Police Department will remain responsible for enforcing aspects of the ordinances that involve device operation such as speeding or riding under the influence. However, the ordinance allows the City Manager to authorize other city departments to enforce ordinance sections relating to illegally parked devices.

## **OPTIONS & STAFF RECOMMENDATION**

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Staff recommends the adoption of Ordinance Nos. 4486 and 4488 as the multi-disciplinary committee believes the proposed changes provide the best balance between a free market and necessary regulation of health, safety and welfare.

If the efforts proposed in Ordinance Nos. 4486 and 4488 are not enough to resolve most community concerns, there remain two options the city could consider to address those concerns. These are alternatives that the City Council may wish to consider and provide different direction to staff.

- a. *Licensing or permitting process for shared devices* - The City Council could direct the City Manager to continue drafting the ordinance that provides regulatory or revocable licenses for shared bicycle or shared electric scooter and similar device use on public property. For example, the city could consider regulatory business licensing (such as required for valet parking) or a revocable license agreement or permit to use city property or right-of-way (such as an outdoor dining license agreement or an encroachment permit), or a competitive process which may allow the city to select one or more providers. If any of these options are pursued, staff would still recommend the adoption of Ordinance Nos. 4486 and 4488.
- b. *Prohibition from public property and rights-of-way* - Another option would be to prohibit the placement of these devices for leasing on city properties and rights-of-way. If this is the direction, staff will need to come back with an alternative ordinance draft for consideration by the City Council.

The Transportation and Streets Department will continue to monitor this situation and will take additional action or make additional recommendations to the City Council as needed.

## **COMMISSION RECOMMENDATIONS**

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The Transportation Commission on January 16, 2020 voted 7 to 0 to recommend the City Council adopt Ordinance No.4440 and 4442 now renumbered as 4486 and 4488 respectively with the following noted concerns: private property use, hours of operation and Transportation Safety Zone.

## **RESPONSIBLE DEPARTMENTS**

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Transportation and Streets, City Attorney, Police



## STAFF CONTACT(S)

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## APPROVED BY

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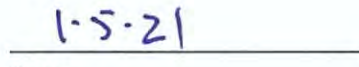
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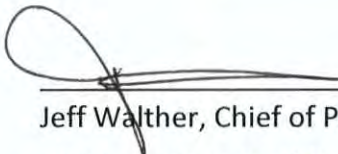
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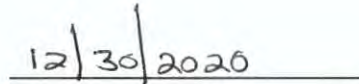


Date



Jeff Walther, Chief of Police

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Date

## ATTACHMENTS

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1. Scooters in Scottsdale Policy Review One Year After Implementation
2. Ordinance No. 4486
3. Ordinance No. 4488
4. Draft Shared Mobility Device Provider Licensing Ordinance

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A photograph of a scooter dock in an urban setting. In the foreground, a black scooter dock with a red vertical post is visible. A white sign with a black border is attached to the dock, reading "NOTICE" in black, "SCOOTER" in red, "PARKING" in red, and "ONLY" in red. The background shows a paved plaza with palm trees and a building under a clear sky.

**NOTICE**  
**SCOOTER**  
**PARKING**  
**ONLY**

The logo for the City of Scottsdale, featuring a blue silhouette of a person riding a horse and holding a torch.

**CITY OF**  
**SCOTTSDALE**

# **Scooters in Scottsdale**

## **Policy Review One Year**

## **After Implementation**



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# Background

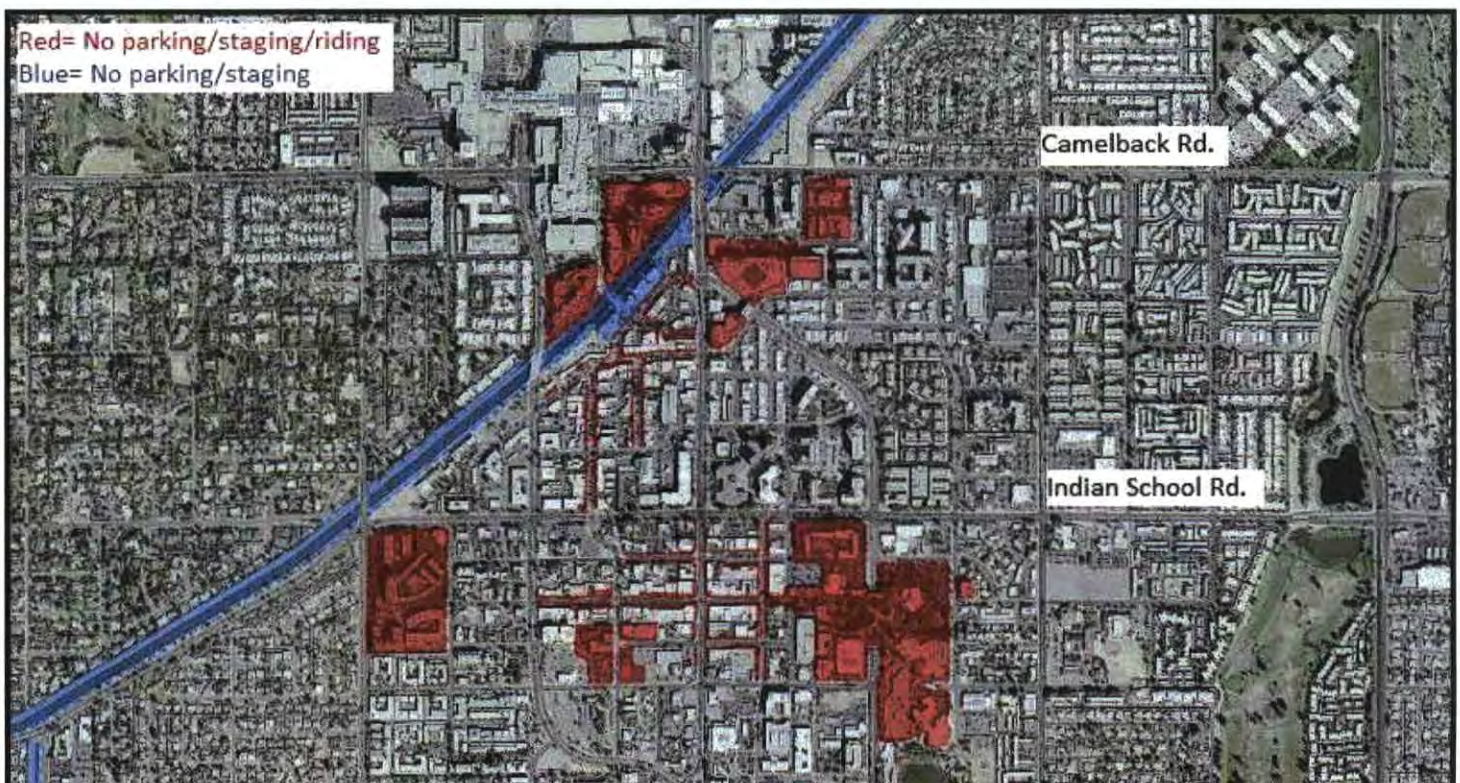
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On Nov. 13, 2018, City Council adopted Ordinance No. 4372 amending the Scottsdale Revised Code in sections pertaining to bicycles and related devices. The ordinance took effect on Dec. 13, 2018, and specifically regulates the parking and operation of bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, and electric scooters. In Old Town Scottsdale the most common of these devices are shared electric scooters. The ordinance defined where these devices could and could not be parked and operated. The City Manager's Office was asked to provide follow-up reports and suggestions for further regulation if necessary.

Staff have continued to meet with device sharing companies and coordinate through email throughout the year. Staff's outreach has included pre-launch communications, follow-up meetings to assess problem areas and violations, and communications regarding particular issues and events.

Staff has also worked with residents, merchants and property owners to address unique situations caused by device sharing companies. City transportation staff developed a map of restricted device areas and bicycle rack locations to aid companies in proper placement and operations of devices. These maps are available on the city's Open Data Portal:

- Bicycle rack locations: <http://data.scottsdaleaz.gov/dataset/bike-rack-locations>
- Restricted areas: <http://data.scottsdaleaz.gov/dataset/restricted-bike-and-scooter-areas>

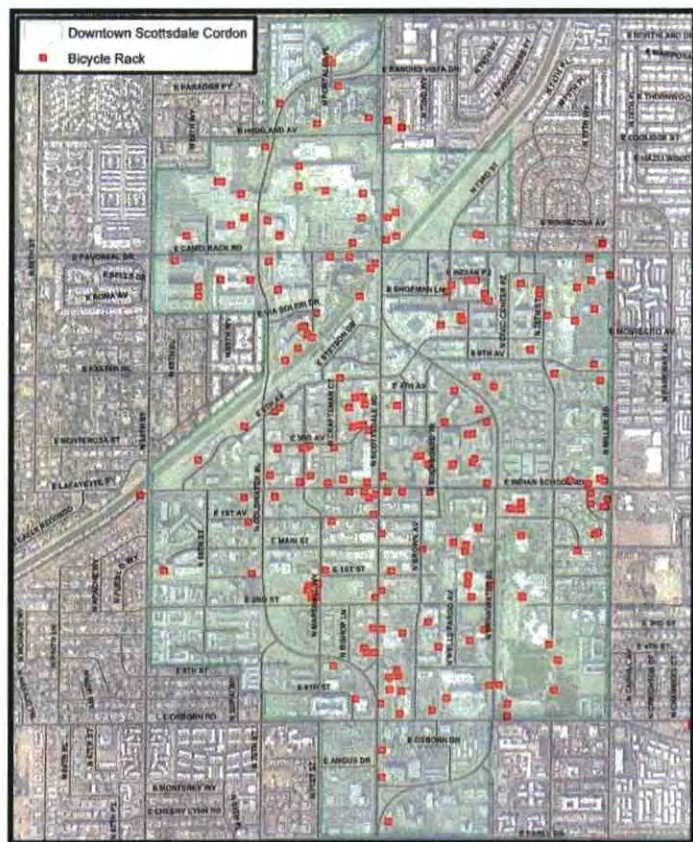


**Image One:** Restricted scooter use in Old Town Scottsdale



Transportation staff originally created an inventory of bicycle parking in the downtown area in 2009. The data includes location, number of racks, capacity for bicycles, design style, whether it is private or public, and condition of each bike rack. As new bicycle parking is added in Old Town, it is added into the inventory record. In Dec. 2016 staff completed a gap analysis for bike parking to see where there is a additional need.

Currently there are 255 locations in Old Town with bicycle racks able to accommodate 2100 bicycles. Electric scooters and related devices can also park in these locations. The map of such locations is located below and to the left (Image Two).



**Image Two:** Bicycle rack locations in Old Town Scottsdale

Bird	May 2018	Ongoing
Lime	Nov. 2018	Jan. 2020
Jump	Jan. 2019	April 2019
Lyft	Feb. 2019	Nov. 2019
Spin	Feb. 2019	Ongoing
Old Town Rides	April 2019	Ongoing
Wheels	Oct. 2019	Ongoing
Baus	Oct. 2019	Feb. 2020
Boost	Jan. 2020	Ongoing
Razor	Has been in and out, planning formal launch	

**Image Three:** Timeframes of mobility companies' involvement in the City of Scottsdale

This report serves as an update. With the City of Scottsdale having a full year of experience in regulating shared mobility devices, much more detailed and localized information is available than one year ago. After the information is presented several new regulatory suggestions are provided on pages fourteen and fifteen.

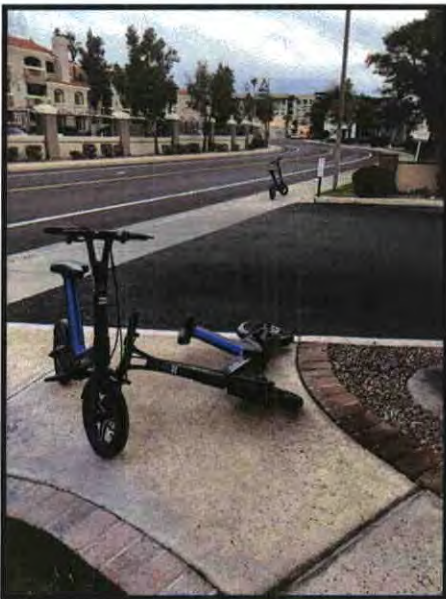
Above and to the right (Image Three), a timeframe of companies' arrivals into and departures from the Scottsdale scooter market is provided. This timeframe may be helpful for reference throughout the report.



# Current Activity

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The majority of issues and concerns surrounding scooters are related to the parking of the devices. Below several examples of current parking practices are shown with explanations of the issues they can create. The Scottsdale Revised Code currently delineates where these devices cannot park. While several examples include currently illegal actions, some clarity and uniformity could be provided if the Scottsdale Revised Code instead explained where devices could be parked.



**Image Four:** Three scooters illegally parked on sidewalks along 75th Street. The parking of these devices could disrupt any person or group walking down the street, but would be especially problematic should somebody using a mobility device such as a wheelchair be attempting to navigate the area.

**Image Five:** Six scooters illegally parked within 200 feet of one another and in landscaping in Historic Old Town Scottsdale. Merchants in this area have voiced concerns over the impact scooters may have on the area's beauty. This is an example of unsightly parking which could also damage existing landscaping.







**Image Six:** A scooter illegally parked in a handicapped parking space. This space needs to be reserved to provide handicapped individuals reasonable access to the building in the background of the picture.



**Images Seven, Eight and Nine:** In all three images above the scooters are parked neatly and orderly in bicycle racks. Bicycle racks provide a built out infrastructure of acceptable parking locations which include walkable routes to nearby destinations.

Image seven includes a bicycle rack at a bus stop on Indian School Road, locations such as this are ideal for intermodal transportation.

Image eight is located at a bicycle rack in the Entertainment District. These racks provide for orderly parking by multiple devices and are closer than the cars in the background to local attractions.

Image nine shows a bicycle rack placed at a multi-family housing unit which is tucked back into the building to keep pedestrian traffic routes clear.

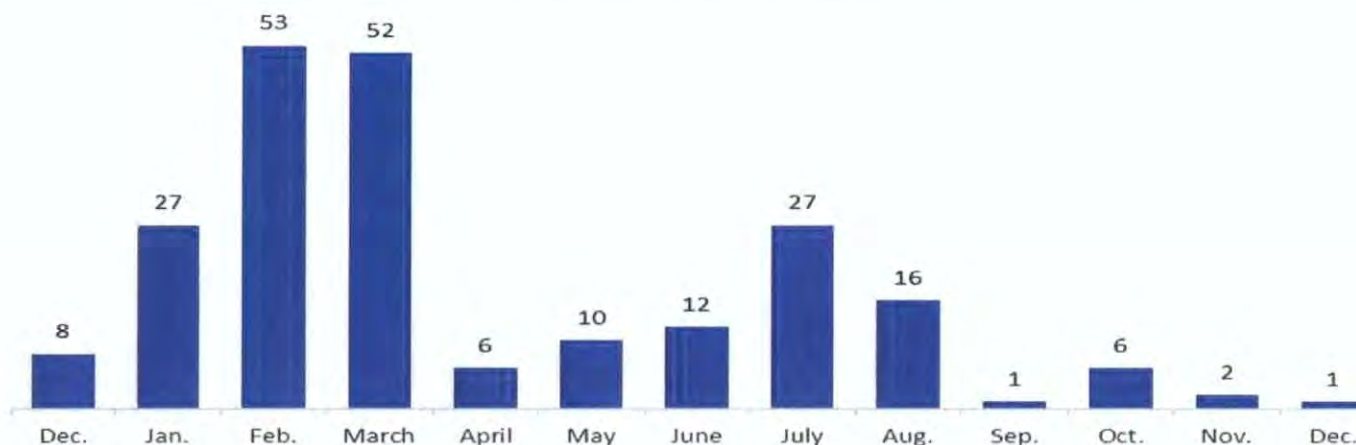
Bicycle racks are purposefully placed in a way which accommodates and integrates with other methods of transportation.



# Public Feedback

## Emails to Council and Mayor

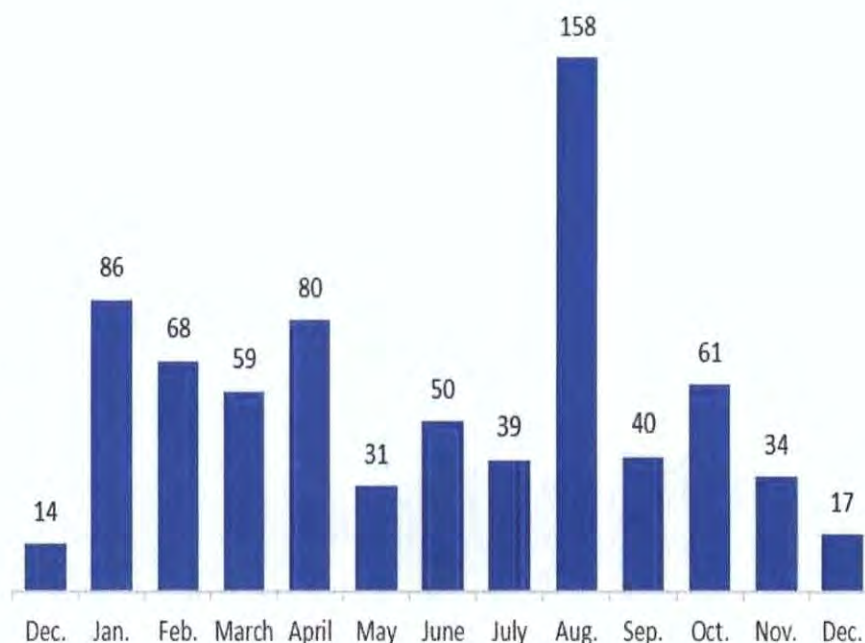
The Mayor and City Council received 221 emails regarding scooters between Dec. 13, 2018 to Dec. 12, 2019. The 221 emails were sent by 37 individuals. In the accompanying chart (Image Ten) received emails are grouped by the month in which they were received.



**Image Ten:** Email communications regarding scooters to Mayor and Council by month

## ScottsdaleEZ

The City of Scottsdale has an online mobile-optimized web application for individuals to report various issues to city staff, known as [ScottsdaleEZ](#). This system received 737 reports pertaining to shared mobility devices between Dec. 13, 2018, and Dec. 12, 2019. The chart (Image Eleven) in this section separates those 737 reports by month. Continued complaints over the past year on ScottsdaleEZ indicate that despite education efforts and periodic enforcement, noncompliance is persistent.



**Image Eleven:** Monthly breakdown of scooter related ScottsdaleEZ reports



## Public Sentiment (Captured Through Social Media)

The “score” below (Image Twelve) represents frequency of conversations over time regarding scooters based on social media interactions occurring within the City of Scottsdale. Spikes in score represent increases in social media activity regarding scooters. Significant score increases coincide with either newsworthy events or posts made by “influencers.” Social media data and analysis for this report has been produced using Zencity, an analytics tool which uses online communications to gauge public opinion.

SCORE OVER TIME

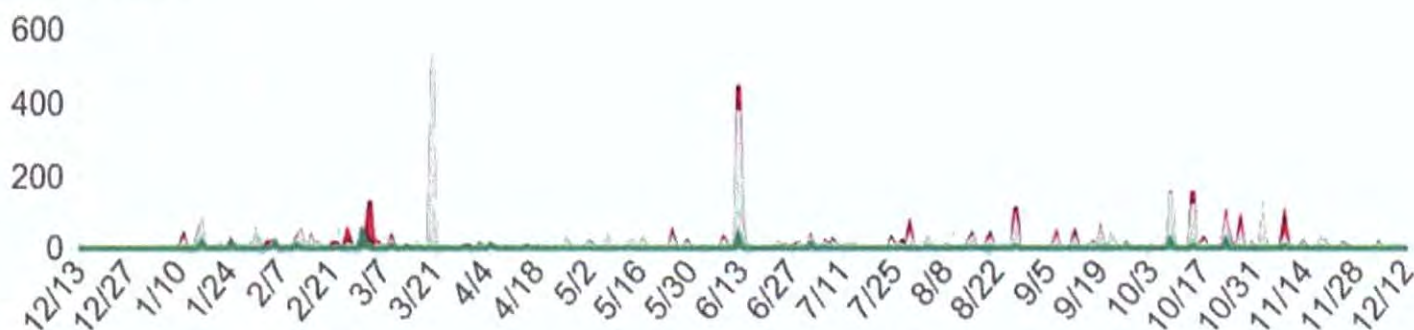


Image Twelve: Zencity social media “score” between Dec. 13 2018– Dec. 12, 2019

Zencity also provides an overview of the sentiment of online public conversation. As can be seen in the chart to the right (Image Thirteen), the majority (70 percent) of Scottsdale social media interactions pertaining to scooters has been neutral. Still, some (21 percent) social media interactions have been negative towards scooters and fewer (9 percent) have been positive.

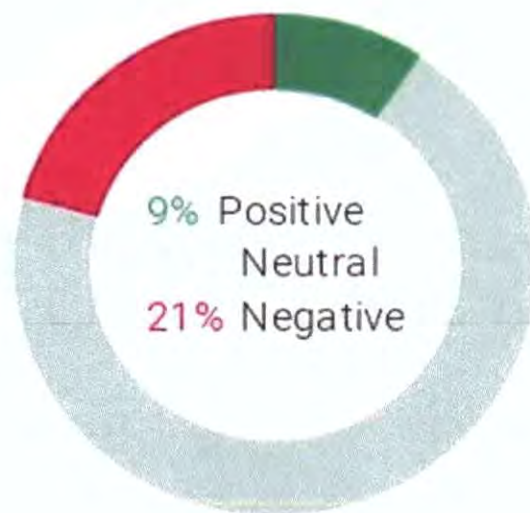


Image Thirteen: Zencity social media sentiment of scooters



# Impact to Public Safety

## HonorHealth

HonorHealth provided a summary of trauma patients with scooter related injuries. 112 such injuries occurred and the information within the summary highlighted several trends. In 66 of the 112 incidents alcohol was involved, representing 58.9 percent of cases. Males made up the majority of patients, there were 70 males compared to 42 female patients. The average age of the injured was 24 years old, ranging from 14 years old to 66 years old. None of the individuals accounted for by HonorHealth were wearing a helmet at the time of their injury.

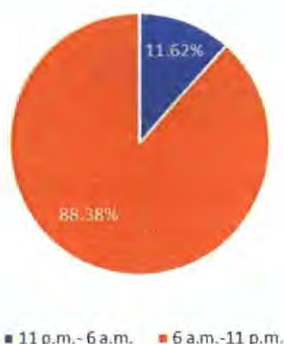
## Fire and Emergency Services Response

When introducing new methods of transportation, concerns of public safety naturally follow. Safety enters the conversation regarding both the impact on public welfare and the cost that emergencies can bring to public services. From Dec. 13, 2018 to Dec. 12, 2019 the Scottsdale Fire Department responded to 138 scooter related emergency calls. Scooter related incidents accounted for 0.5 percent of all EMS (Emergency Medical Services) traffic in Scottsdale during that time.

Late night use of scooters, e-bikes and similar devices continues to be a safety concern as conditions are generally less safe in late night and early morning hours. The two charts below (Images Fourteen and Fifteen) represent the share of rides which occur between 11 p.m. and 6 a.m. and the share of scooter related emergencies occurring between 11 p.m. and 6 a.m.. Riders operating devices between 11 p.m. and 6 a.m. are more than twice as likely to be involved in an emergency incident as riders operating within the other 17 hours of the day.

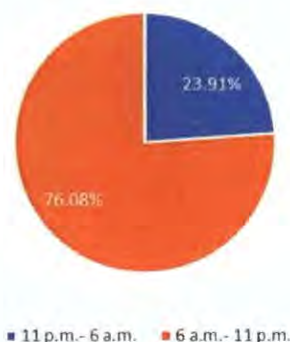
One death occurred while an individual was riding an electric scooter in Scottsdale. The cause of death however was not related to the scooter usage.

Late Night Ridership



**Image Fourteen:** Portion of ridership using mobility devices at different times of day

Late Night Emergencies



**Image Fifteen:** Portion of scooter related emergencies requiring response occurring at different times of day



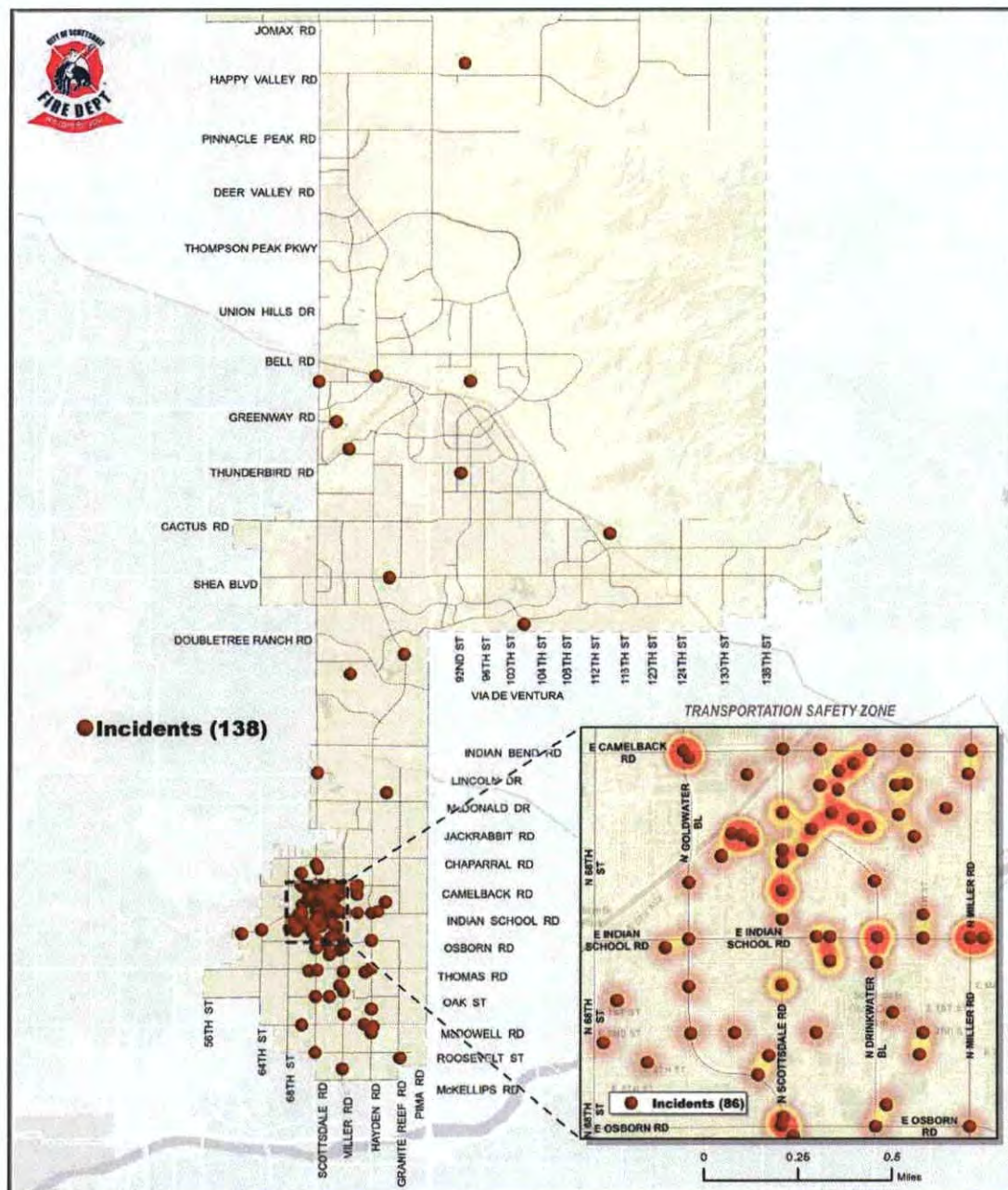


Image Sixteen: Mapped locations of scooter related emergencies responded to by EMS

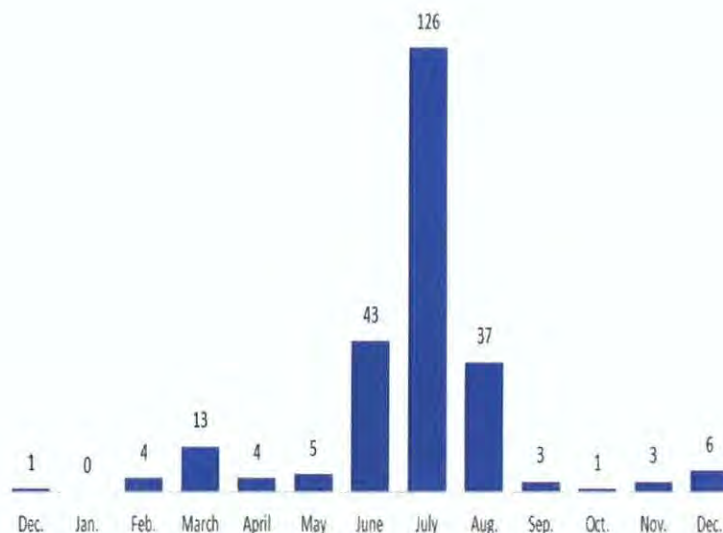
EMS responses to scooter related incidents are not only able to be grouped by the time of day at which they occurred, but also by their location. Old Town Scottsdale is the area with the greatest concentration of scooter related emergencies. The city does have a Transportation Safety Zone which can be used as an overlay to frame and understand the imbalance of geographical locations.

The accompanying map (Image Sixteen) represents the location of the 138 scooter related emergencies which EMS responded to. 86 of the 138, or 62.3 percent occurred within the city's Transportation Safety Zone. The prevalence of scooter related emergencies within the more condensed area of the city is not surprising. However, the concentration of emergencies does illustrate a possible need to address these issues in a geographically focused manner.



## Police Response

The Scottsdale Police Department issued at least 246 citations related to scooters between Dec. 13, 2018 and Dec. 12, 2019. Roughly 90 percent (221) of those citations were for parking violations, the remaining citations were written for moving violations. Additionally, seven scooter related arrests were made. The accompanying chart (Image Seventeen) indicates the months in which citations were given with Dec. 2018 on the left and Dec. 2019 on the right. The summer surge in citations was caused by a directed enforcement effort by the Scottsdale Police Department.



**Image Seventeen:** Scooter related citations by month (Dec. 2018-Dec. 2019)

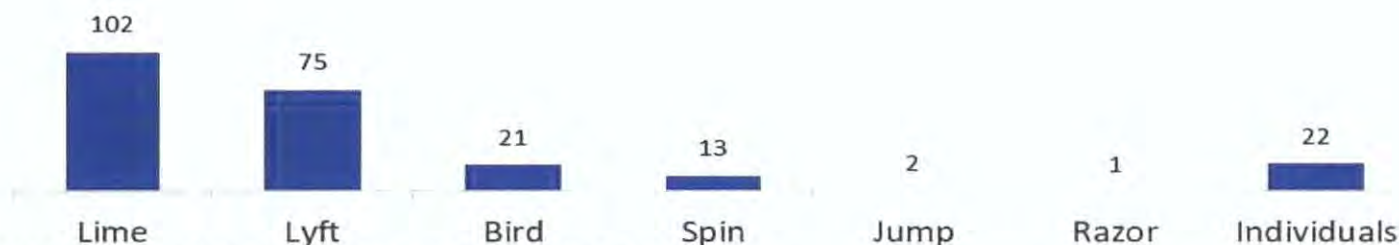
## Prosecution and Litigation

Three notice of claims have been filed against the City of Scottsdale relating to electric scooter usage. The three events occurred on March 26, April 6 and May 5 of 2019. As of yet no lawsuits have been filed.

As of Dec. 13, 2019, 236 citations have been filed in the Scottsdale City Court, with four of those cases pending final action. Fines of \$40,147.60 had been assessed whereas \$26,404.80 had been collected. Assessed fines include all fines the City Court has ordered to be paid to the city and collected fines represent only the dollar amount actually collected as of Dec. 12, 2019. The chart below (Image Eighteen) represents the defendants in the various cases; in most (91 percent) cases scooter companies have been the defendant.

The chart does not indicate whether specific companies have higher rates of compliance or noncompliance. Multiple factors lead to varying citation totals including quantity of scooters in Scottsdale, length of time in the Scottsdale market and activity in Scottsdale during directed enforcement efforts by the Scottsdale Police Department.

Individual defendants have been cited for riding under the influence, reckless riding, failure to yield, speed greater than prudent and failure to obey traffic signals. Scooter companies have been cited for parking violations.



**Image Eighteen:** Citations filed in Scottsdale City Court by defendant



# Rider Data

The chart below (Image Nineteen) shows by month, various statistics for shared electric scooters, e-bikes and similar devices in Scottsdale in 2019. These statistics have been pulled from the City's mobility dashboard. Within Scottsdale in 2019 these devices provided 276,090 rides with the average ride lasting 13.57 minutes and covering a distance of 1.1 miles. The total miles ridden equals 304,336.18, equivalent to more than 55 round-trips to Portland, ME from Scottsdale. The total time spent on shared mobility devices in Scottsdale adds up to 62,451.69 hours, or 7.12 years.

Depending upon the method of data collection these figures can vary. A previous report cited data the companies had aggregated themselves. This report reflects live data released by scooter companies to the City of Scottsdale through the Information Technology Department. This data is expected to be more accurate than data previously reported, but is still unlikely to be exact because of some reporting difficulties.

	Total Rides	Ride Time (Min)	Total Time (Hours)	Ride Distance (Miles)	Total Miles
Jan.	31,973	11.05	5,888.36	1.22	39,007.06
Feb.	27,886	16.49	7,664.00	1.14	31,790.04
March	37,404	17.46	10,884.56	1.25	46,755.00
April	25,792	16.48	7,084.20	1.25	32,240.00
May	30,530	16.02	8,151.51	1.17	35,720.10
June	21,154	14.88	5,246.19	1.04	22,000.16
July	21,160	12.99	4,581.14	1.12	23,699.20
Aug.	20,626	13.08	4,496.47	1.06	21,863.56
Sep.	19,972	8.90	2,962.51	0.82	16,377.04
Oct.	18,369	8.25	2,525.74	0.86	15,797.34
Nov.	14,025	8.33	1,947.14	0.94	13,183.50
Dec.	7,199	8.50	1,019.86	0.82	5,903.18
<b>Totals</b>	<b>276,090</b>	<b>13.57</b>	<b>62,451.69</b>	<b>1.10</b>	<b>304,336.18</b>

**Image Nineteen:** Rider data on shared mobility devices in Scottsdale in 2019 (December data partial)

# Fiscal Considerations

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While regulating a new industry and reacting to the community impacts of a new product there are fiscal considerations to be made. Many new costs have been created by the introduction of scooters to Scottsdale, but the financial impacts have not been entirely negative.

The largest cost to the city from scooters comes through a loss of right-of-way space, which is occasionally rented out for events at a cost of \$0.50 per day per square foot. To reasonably park or ride an electric scooter roughly eight square feet of space is used, four feet in length by two feet in width. These numbers extrapolate to \$4 per day per device in right-of-way usage, or \$146,000 per 100 devices per year. In 2019 the lightest monthly count of devices occurred in June at 1,560 devices. Many of these devices were likely in and out of the city as well as in and out of service. Still, the \$146,000 figure could still reliably be multiplied six or more times over to find the true cost of right-of-way usage.

The next largest cost which can be estimated is the cost of 138 EMS responses to scooter related incidents. The Fire Department figures each call for service reflects about \$1,070 in costs to the city. Responding to scooter related emergencies cost Scottsdale about \$147,660 over the course of the year.

Still, other costs continue to accrue. Between the ScottsdaleEZ system and emails to Mayor and Council, 958 total complaints or concerns were received by the city, each requiring valuable staff time for response. Between community tours upon market entry, occasional briefings and special events planning, the companies themselves have garnered countless hours of attention from all levels of staff. Furthermore, 246 citations had to be written and processed by Scottsdale police officers then handled by city attorneys and courts.

Although substantially smaller than the costs, notable fiscal contributions have been made by the presence of scooters in Scottsdale. By tallying the number of rides provided within the city and estimating scooter revenues it was estimated that scooters paid about \$24,5000 to the city in privilege tax. Fines of \$26,404.80 were also paid to the city through the court system resulting in a total fiscal contribution of roughly \$51,000.

Overall the financial contributions of scooters to the city have been minimal compared to the costs associated with regulating and governing the impacts of these devices. The collection of fines represent an example of incoming scooter-related revenue, but the costs associated with enforcing current code likely surpass that revenue boost. Bringing costs and revenues closer to balance would likely require greater compliance coupled with the implementation of fees upon the companies providing scooters and similar devices.



# Recommendations

Several changes to the Scottsdale Revised Code are recommended by staff. The catalysts for such changes are recurring problems, continued concerns among residents and changes to Arizona State Law. In the table below (Image Twenty) suggested changes can be found alongside the reasoning behind the change.

Change	Purpose
Require written parental/guardian permission for scooter riders under the age of 16	Decrease potential for injured youth riders and encourage parental/guardian involvement in safe practices
Prohibit electric scooter rental between 11:00 p.m. and 6:00 a.m.	Increase the likelihood of safe usage and reduce occurrences of intoxicated usage
Prohibit the riding of scooters, e-bikes and similar devices on sidewalks within the City Transportation Safety Zone	Reduce the likelihood of scooter/pedestrian collisions in high traffic areas of Old Town Scottsdale
Limit the parking of scooters, e-bikes and similar devices to bike racks and designated parking areas	Decrease blockage for pedestrians on sidewalks and reduce unsightly parking practices
Assess fees of \$50 for impoundment of scooters, e-bikes and similar devices or a \$25 fee for relocation	The city is currently taking on staffing and resource burdens for relocation, these fees share that burden and disincentivize illegal scooter parking
Restrict riding of devices within parks to roadways and multi-use paths	Maintain mobility to and through parks while also limiting pedestrian collision opportunities
Prohibit the riding of electric scooters and e-bikes within Pinnacle Peak Park	Protect the natural state of the park for the enjoyment of residents and visitors
Create a licensing structure for scooter companies	Further encourage compliance and share burden of costs of regulation

**Image Twenty:** Regulatory recommendations made by staff

# Licensing Fees

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Staff recommends the Mayor and City Council institutes a tiered fee schedule to assist in covering the costs of needed additional infrastructure and enforcement of scooter and e-bike ordinances. The tiers of the fee schedule are represented in the chart below (Image Twenty-one). The lowest tier of licensing would provide a mobility company the opportunity to deploy up to 100 devices and would come at a cost of \$10,000. The next tier would provide a mobility company the opportunity to deploy up to 500 devices at a cost of \$50,000. The top tier would provide a mobility company the opportunity to deploy up to 1,000 devices at a cost of \$100,000. Included in the aforementioned cost is an annual, non-refundable, \$1,000 application fee. The required fees work out to a total cost of \$100 per device per year.

Number of Devices Allowed	Licensing Fee	Application Fee	Total Cost
100	\$9,000	\$1,000	\$10,000
500	\$49,000	\$1,000	\$50,000
1000	\$99,000	\$1,000	\$100,000

**Image Twenty-one:** Licensing options for scooters, e-bikes and similar devices in Scottsdale

These recommended fees have been developed to recoup the cost of regulation for the City of Scottsdale without hindering the ability of companies to conduct business. The tiered licenses align the cost of a license to the portion of the burden which a company may place upon city staff and resources. The City of Scottsdale has taken on costs through meeting with company representatives, relocating devices, providing emergency services, responding to requests for information, conducting policy reviews and planning for scooter involvement in special events.



# Other Valley Cities

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## **Chandler**

On Dec. 12, 2019 Chandler City Council approved a one-year pilot program allowing shared electric scooters. The program includes a \$3,000 one-time application fee, user fees of \$0.10 per ride and penalties of \$50, \$250 and \$500 for first, second and third offenses.

The maximum speed of devices will be 15 miles per hour. Fleets are required to be made up of 75 to 150 devices, with the maximum increasing to 300 after three months. Parking restrictions include clustering prohibitions, designated parking areas downtown and requirements for orderly parking. Companies must collect or dock vehicles each night, share trip data with the city, correct improperly parked devices within two hours of notification, maintain insurance and accept indemnification language.

## **Gilbert**

On March 7, 2019 Gilbert Town Council approved a pilot program with no set expiration allowing shared micro-mobility devices. Fees include a one-time \$2,500 program fee, user fees of \$0.10 per ride and various penalties of \$50, \$100, \$250, \$500 and \$1,000.

Riders are allowed on sidewalks, multi-use paths and roads with speed limits of 25 miles per hour or less. Scooters cannot be operated where signage prohibits operations or in designated bicycle lanes. Devices may not be parked in the middle of the sidewalk, on sidewalk ramps or against signs, bicycle racks are considered to be preferred parking locations. Companies are required to hold insurance, accept indemnification and share ride data with the city.

## **Mesa**

Mesa City Council approved a one-year pilot program for electric scooters on Oct. 7, 2019. The only fees associated with the program are a \$400 company license fee and a \$50 impoundment fee when applicable.

Devices are not allowed to be ridden on sidewalks or in roadways with a speed limit greater than 30 miles per hour. Riding is also forbidden before the later of 7 a.m. and sunrise, and the earlier of 8 p.m. and sunset. No riders are allowed under the age of 14, riders between the ages of 14 and 18 must wear a helmet and have notarized parental/guardian permission. All other applicable traffic laws apply to scooters.

## **Phoenix**

Phoenix City Council approved a six-month pilot program which launched on Sep. 16, 2019. On Feb. 19, 2020 the pilot program was extended for another six months. Fee increases are set to be considered on or after March 18, 2020. New fees would include a \$500 application fee, a \$7,500 permit fee per six-month term, a \$0.25 per ride surcharge and a device relocation fee of \$100.

Devices are not to exceed 15 miles per hour and are restricted to a geofenced area in Downtown Phoenix. Riders must be 18 years old and possess a valid driver's license. Parking is restricted to designated areas.

## **Surprise**

On Nov. 1, 2019 the City of Surprise launched a 180-day pilot program for electric scooters. The program limited the total device count across all companies to 100 devices.

In Surprise rider speed is limited to 12 miles per hour and riders must be over the age of 18. Sidewalk riding is only allowed along roads with higher speed limits, and sometimes that allowance is subject to a lack of bicycle lanes. Companies cannot have more than five parked together, or have any devices parked in places that block pedestrian traffic. Devices can be staged after 5 a.m. and must be picked up each night by 10 p.m.

## **Tempe**

The Tempe City Council passed a scooter licensing ordinance on Jan. 10, 2019. Fees in Tempe include an annual application fee of \$7,888, a right of way use fee of \$1.06 per vehicle per day and a \$100 relocation fee.

Riders in Tempe must be at least 16 years old and wearing a helmet when under the age of 18. Scooters must be ridden with the flow of traffic, using a bicycle lane when one is provided. Riding on the street is required when the speed limit for automobile traffic is 25 miles per hour or less. When the speed limit exceeds 25 miles per hour and no bicycle lane is present sidewalk riding is allowed. Restaging of devices is required every 24 hours, with no more than ten devices parked within 150 feet of one another. 20% of devices must be placed south of Broadway Road.

## **Devices Banned**

Several cities in the valley, such as Glendale and Peoria have banned electric scooters altogether.



# **Staff Acknowledgements**

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The information within this document was researched and reported by a team comprised of,

Assistant City Manager Brent Stockwell

Deputy City Attorney Luis Santaella

Commander Joseph Leduc

Senior Transportation Planner Susan Conklu

Citizen Service Supervisor Joy Racine

Management Associate to the City Manager Shane Stone

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ORDINANCE NO. 4486

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE,  
MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 20-31, 20-117  
AND 20-132 OF CHAPTER 20, PARKS, RECREATION AND CULTURAL  
AFFAIRS REGULATING THE USE OF ELECTRIC BICYCLES,  
ELECTRIC SCOOTERS AND SIMILAR DEVICES

BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Scottsdale Revised Code, Chapter 20, Section 20-31(b)(1) is hereby amended by adding the highlighted provisions, as follows:

(1) No person shall ride or operate a bicycle, electric bicycle, motorized bicycle, electric scooter or similar device within a city park except on park roadways and multi-use paths unless authorized by city permit. This subsection shall not apply to city, police or fire employees in the scope and course of their duties.

Section 2. Scottsdale Revised Code, Chapter 20, Section 20-117(a), is hereby amended by adding the highlighted provisions, as follows:

(a) Use of the mall is restricted to pedestrians, except as expressly provided in this section. Horses, horse drawn carriages, automobiles, carts, motorized skateboards, skateboards, bicycles, electric bicycle, motorized bicycle, electric scooter, electric miniature scooter, pedicabs, motorbikes, motorized play vehicles, self-balancing personal transportation devices, all-terrain vehicles and similar devices are prohibited, unless approved by the coordinator in writing for use in a specific event or attraction. Manual or motorized wheelchairs and electric personal assistive mobility devices as defined under state law may be used on the mall by individuals needing mobility assistance. This subsection shall not apply to city, police or fire employees in the scope and course of their duties.

Section 3. Scottsdale Revised Code, Chapter 20, Section 20-132(c)(11) is hereby amended by adding the highlighted provisions, as follows:

(c)(11) No bicycles, electric bicycles, electric miniature scooters, electric scooters, motorized bicycles, motorized skateboards, motorized play vehicles, or similar devices shall be permitted on the trail or any climbing access route.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Maricopa County, Arizona this 19<sup>th</sup> day of January 2021.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

David D. Ortega, Mayor

ATTEST:

Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

Luis E. Santaella

Sherry R. Scott, City Attorney

By: Luis E. Santaella, Deputy City Attorney



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ORDINANCE NO. 4488

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 17-76, 17-78, 17-80 THRU 17-86, 17-89 THRU 17-91, 17-93 THRU 17-97 AND 17-99 TO THE SCOTTSDALE REVISED CODE RELATING TO BICYCLES, SKATEBOARDS AND MOTORIZED SKATEBOARDS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. The Article 4, Division 1 and Division 2 Catchlines of Chapter 17 the Scottsdale Revised Code are hereby amended as follows:

**ARTICLE IV. - BICYCLES, ~~ELECTRIC BICYCLES~~, ~~ELECTRIC SCOOTERS~~, ~~ELECTRIC MINIATURE SCOOTERS~~, ~~ELECTRIC SKATEBOARDS~~, ~~MOTORIZED SKATEBOARDS~~, ~~MOTORIZED PLAY VEHICLES~~, ~~SIMILAR DEVICES~~ AND MULTIUSE PATHS**

**DIVISION 1. - ~~BICYCLES~~, ~~ELECTRIC BICYCLES~~, ~~ELECTRIC SCOOTERS~~, ~~MOTORIZED BICYCLES~~ AND ~~SIMILAR DEVICES~~ ~~SKATEBOARDS~~**

**DIVISION 2. - ~~ELECTRIC MINIATURE SCOOTERS~~, ~~MOTORIZED PLAY VEHICLES~~ AND ~~MOTORIZED SKATEBOARDS~~**

Section 2. Sections 17-76 of the Scottsdale Revised Code is hereby amended as follows:

**Sec. 17-76. - Definitions.**

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

*Bicycle* means every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen (16) inches in diameter or having three (3) wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

*Electric bicycle* means a bicycle or tricycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts and that meets the requirements of one of the following classes:

- (a) *Class 1 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.



- (b) *Class 2 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle or tricycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.
- (c) *Class 3 electric bicycle* means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight miles per hour.

*Electric personal assistive mobility device* means a self-balancing device with one wheel or two nontandem wheels and an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person.

Electric scooter means a device that weighs less than seventy-five pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, is powered by an electric motor or human power, or both, has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion, on a paved level surface and does not include an electric miniature scooter.

*Owner* means any person holding the legal title of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter or stand-up electric mini-scooter or any person who is a lessee, conditional vendee or mortgagor of a bicycle, electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, electric miniature scooter, or stand-up electric mini-scooter or similar device with a right to immediate possession.

*Motorized bicycle* means a motorized gas powered bicycle or tricycle that is equipped with a helper motor that has a maximum piston displacement of forty-eight cubic centimeters or less, that may also be self-propelled and that is operated at speeds of less than twenty miles per hour.

~~*Pedestrian through zone* is the portion of the sidewalk used primarily by pedestrians for travel, accessing transit or buildings.~~

*Skateboard* means every device propelled by human power which any person may ride, having a deck and at least two (2) tandem wheels in contact with the ground.

~~*Stand-up electric mini-scooter* means a self-propelled device which has an electric motor, a deck on which a person may ride, at least two (2) tandem wheels in contact with the ground, handle bars, brakes and does not exceed 20 miles per hour and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," or "motor-driven cycle."~~

Section 3. Section 17-78 of the Scottsdale Revised Code is hereby amended as follows:

#### **Sec. 17-78. - Impoundment.**

- (a) If a Scottsdale police officer is unable to ascertain the true identity of any person deemed in violation of this article, the police officer shall be empowered to impound any vehicle or device used in the commission of the violation. The vehicle or device shall be returned to the person or his parents upon furnishing of satisfactory identification.
- (b) Unlawfully parked, inoperable or abandoned bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters or ~~stand-up~~

electric mini-scooters ~~or similar devices~~ may be impounded or relocated by city employees as necessary to protect the health, safety and welfare of the public or as otherwise authorized by law.

- (c) ~~The City may impose on an owner a fifty-dollar (\$50) impoundment fee and/or a twenty-five dollar (\$25) relocation fee for every impoundment and/or relocation conducted pursuant to this section. The impoundment fee shall be due prior to the release of the impounded bicycle, electric bicycle, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters, electric scooters or similar devices. It is the responsibility of the responsible owner to pay all relocation and other fees due pursuant to this article in a timely manner. Unpaid fees will be due upon receipt of billing and fees not paid within thirty (30) days of initial billing shall be deemed delinquent.~~
- (d) ~~Any owner owing money due for the fees imposed by this section shall be liable in an action brought in the name of the City for recovery of such amount, including reasonable attorney fees.~~
- (e) ~~The City may contract with private entities to assist in the impoundment and processing of bicycles, electric bicycles, motorized bicycles, motorized skateboards, motorized play vehicles, electric miniature scooters or electric scooters or similar devices. Such entities may only perform such duties pursuant to a formal contract with the City and only at the direction of the City personnel specified in section 17-85(i).~~

Section 4. Sections 17-80 thru 17-86 of the Scottsdale Revised Code are hereby amended as follows:

**Sec. 17-80. - Application of traffic laws.**

Every person riding a bicycle, electric bicycle, motorized bicycle] ~~or stand-up electric mini-scooter or similar device~~ upon a roadway in the city shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application.

**Sec. 17-81. - Obedience to traffic-control devices.**

- (a) Any person operating a bicycle, electric bicycle, motorized bicycle] ~~or stand-up electric mini-scooter or similar device~~ shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways.
- (b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, electric bicycle, motorized bicycle] ~~or stand-up electric mini-scooter or similar device~~ shall disobey the direction of any such sign, except where such person dismounts from the bicycle, electric bicycle, motorized bicycle ~~or stand-up electric mini-scooter or similar device~~ to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.



**Sec. 17-82. - Emerging from alley or driveway.**

- (a) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
- (b) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk shall yield the right-of-way to pedestrians using the sidewalk.
- (c) The operator of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk shall yield the right-of-way to vehicles while crossing a driveway or intersection.

**Sec. 17-83. - No riding or parking signs.**

The chief of police or designee ~~or the city streets and transportation director or designee~~ may erect signs on any sidewalk, pathway, public area, bicycle or electric scooter rack, bicycle ~~or electric scooter designated parking area~~, or roadway prohibiting the riding or parking of bicycles, electric bicycles, motorized bicycles, ~~or stand-up electric mini-scooters, skateboards or similar devices~~ thereon by any person, and, when such signs are in place, no person shall disobey the same.

**Sec. 17-84. - Speed.**

A person shall not operate a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ on a sidewalk, multi-use path or roadway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. A person shall control the speed of a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ as necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

**Sec. 17-85. - Parking.**

- (a) A ~~No~~ person shall park, place or leave a bicycle, electric bicycle, motorized bicycle, ~~or stand-up electric mini-scooter or similar device~~ except in an upright position in a bicycle or electric scooter rack or in designated bicycle or electric scooter parking areas, or any place where it is not otherwise prohibited by ordinance, state law, federal law, signs or by a property owner.
- (b) ~~No person shall park a bicycle, electric bicycle, motorized bicycle or stand-up electric mini-scooter in any of the following places:~~
  - (1) ~~Where prohibited by official signs or where the curb is painted red.~~
  - (2) ~~Within a designated public transit stop, except in designated bicycle racks or designated bicycle parking areas.~~
  - (3) ~~On a public sidewalk obstructing the pedestrian through zone, multiuse path or trail.~~

- ~~(4) On those roadways without curbs in a manner so as to force a pedestrian to walk in the traveled portion of the roadway.~~
- ~~(5) Within a designated handicapped parking stall and adjoining clear zones.~~
- ~~(6) In front of or within a public or private driveway or the entrance to an alley.~~
- ~~(7) Within any portion of a sidewalk, street, trail, or building entrance or exit that provides access to disabled persons pursuant to the American With Disabilities Act.~~
- ~~(8) Within fifteen (15) feet of a fire hydrant.~~
- ~~(9) In a pedestrian crosswalk.~~
- ~~(10) Within twenty (20) feet of the driveway entrance to any fire station or on the side of the street opposite the entrance to any fire station within seventy five (75) feet of the entrance when properly posted.~~
- ~~(11) Within a designated turn or bicycle lane.~~
- ~~(12) Within the traveled portion of a roadway, including an intersection and pedestrian crossing.~~
- ~~(13) Within a designated no parking zone.~~
- ~~(14) Within a landscaped or planted area.~~
- ~~(15) Within a roadway median.~~
- ~~(16) In front of public art.~~
- ~~(c) The chief of police or designee may designate or limit public areas or streets available for parking bicycles, electric bicycles, motorized bicycle or stand up electric mini-scooters.~~
- ~~(d) (b) No bicycle, electric bicycle, motorized bicycle, or stand up electric mini-scooter or similar device shall be placed on private property without permission of the owner of that property. For those properties that are not required by the City to provide bicycle parking pursuant to the zoning ordinance, such permission must be in writing.~~
- ~~(e) (c) The property owner of any non-residential property open to the public is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, or stand up electric mini-scooter or similar device parking by the general public in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Scottsdale Revised Code, state or federal law. The property owner of any non-residential property open to the public may develop its own rules and regulations as to abandoned or unlawfully parked, including but not limited to violations of subsection (a) above, bicycles, electric bicycles, motorized bicycles, or stand up electric mini-scooter or similar devices on the owners' property and may contract with private parties for the removal and impoundment of such bicycles, electric bicycles, and motorized bicycles, electric scooters or similar devices. It shall not be the City's responsibility to either enforce parking violations or impound devices on private non-residential property.~~
- ~~(f) (d) The property owner of any multi-family residential property is deemed to have given consent to unrestricted bicycle, electric bicycle, motorized bicycle, or stand up electric mini-scooter or similar device parking by residents and authorized visitors in designated bicycle parking areas or racks, unless such parking is otherwise restricted under the Scottsdale Revised Code, state or federal law. The property owner of any multi-family residential property may develop its own rules and regulations as to abandoned or unlawfully parked, including but not limited to violations of subsection (a) above, bicycles, electric bicycles, or~~



motorized bicycles, electric scooters or similar devices and may contract with private parties for the removal and impoundment of such bicycles, electric bicycles, motorized bicycles, or stand-up electric mini-scooters or similar devices. It shall not be the City's responsibility to either enforce parking violations or impound devices on private multi-family residential property.

(g)(e) It is unlawful for an owner to allow a bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device owned by the owner to remain parked in a manner not in accordance with this section on publicly owned property after receiving notification from any person of such violation.

(h)(f) It is unlawful for an owner to allow a bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device owned by the owner to remain parked in the same location on publicly owned property for seventy-two (72) hours or more.

(i)(g) It is unlawful for any person including an owner to leave an inoperable bicycle, electric bicycle, motorized bicycle, or stand-up electric mini-scooter or similar device on public property for more than two (2) hours after receiving notification from any person of such violation.

(j)(h) Except as authorized by city permit, no person or owner shall place or park on publicly owned property more than five (5) lawfully parked bicycles, electric bicycles, motorized bicycles, or stand-up electric mini-scooters or similar devices owned by the same owner within two hundred (200) feet of each other for more than two (2) hours after receiving notification from any person of such violation.

(k)(i) Any employee authorized to issue a notice of violation for parking violations pursuant to section 17-104(d) or the City Manager or designee may issue notices of violations and civil complaints for the enforcement of this section. Nothing in this subsection shall be construed to limit a Scottsdale police officer or the City Attorney from enforcing any other section of this Division.

(l)(j) For purposes of this section, notification to an owner or anyone acting on the behalf of an owner is deemed complete upon sending an email to or calling a phone number belonging to the owner or its agents.

(k) In addition to any other means authorized by Rule 3 of the Arizona Rules of Procedure for Civil Traffic & Civil Boating Cases, service of a civil complaint issued for a violation of this section may be accomplished and will be deemed proper and complete by mailing a copy of the complaint to the person charged by both regular mail and certified or registered mail, return receipt requested, to the person's last known address. The citation is deemed served on the date it is deposited in the United States Mail.

**Sec. 17-86. - Riding in prohibited areas; class 3 electric bicycles prohibited on sidewalks; stand-up electric mini-scooters prohibited on streets greater than thirty-five miles per hour with exceptions; hours of operation, age restrictions and Transportation Safety Zone dismounting.**

(a) No person shall ride, park or operate a bicycle, electric bicycle, motorized bicycle, stand-up electric mini-scooter, skateboard, electric miniature scooter, roller skates or any other nonself-propelled vehicle or device, except wheelchairs or an electric personal assistive mobility device, in or upon any area having posted signs expressly prohibiting said vehicles or devices.

- (b) No person shall ride, park or operate a class 3 electric bicycle on any sidewalk or multi-use path within the city.
- (c) No person shall ride or operate an ~~stand-up~~ electric mini-scooter on a street when the street has a posted speed limit of forty (40) miles per hour or greater, except for crossing that street.

(d) No child under the age of sixteen (16) years shall operate an electric scooter without written permission from a parent or guardian.

(e) Every person shall dismount and walk a bicycle, electric bicycle, motorized bicycle, electric scooter, skateboard or similar device while on a sidewalk within a City Transportation Safety Zone.

(f) No person shall operate an electric bicycle, motorized bicycle, electric scooter or similar device not personally owned by that person within a City Transportation Safety Zone between the hours of 11:30 PM and 5:00 AM.

Section 5. Sections 17-89 thru 17-91 of the Scottsdale Revised Code are hereby amended as follows:

**Sec. 17-89. - Refusing to provide truthful name and date of birth when lawfully detained; penalty.**

- (a) It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to state the person's true full name and date of birth on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed a violation of ~~this chapter the Scottsdale Revised Code~~. A person detained under this section shall state the person's true full name and date of birth, but shall not be compelled to answer any other inquiry of a peace officer.
- (b) A person who violates this section is guilty of a class 2 misdemeanor.

**Sec. 17-89.1. - Riding, operating or actual physical control while under the influence; presumptions; admissible evidence; sentencing.**

- (a) It is unlawful for a person to ride, operate or be in actual physical control of an electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device under any of the following circumstances:
  - 1. While under the influence of intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.
  - 2. If the person has an alcohol concentration of 0.08 or more within two hours of riding, operating or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter,~~ electric miniature scooter or similar device.



3. While there is any drug defined in Arizona Revised Statutes Section 13-3401 or its metabolite in the person's body.
- (b) It is not a defense to a charge of a violation of subsection (a), paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.
- (c) A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.
- (d) A person using a drug as prescribed by a medical practitioner who is licensed pursuant to Arizona Revised Statutes Title 32 and who is authorized to prescribe the drug is not guilty of violating subsection (a), paragraph (3) of this section.
- (e) In a trial, action or proceeding for a violation of this section, the defendant's alcohol concentration within two hours of the time of riding, operating or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:
  1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.
  2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, that fact shall not give rise to a presumption that the defendant was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
  3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.
- (f) Subsection (e) of this section does not limit the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.
- (g) A person who is convicted of a violation of this section:
  1. Shall be sentenced to serve not less than five (5) consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
  2. Shall pay a fine of not less than two hundred fifty (250) dollars.
3. May be ordered by a court to perform community restitution.
- (h) Notwithstanding subsection (g), paragraph 1 of this section, at the time of sentencing the judge may suspend all but twenty four hours (24) of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

**Sec. 17-89.2. - Reckless riding; sentencing.**

- (a) It is unlawful for a person to ride or operate an electric bicycle, motorized bicycle, motorized skateboard, motorized play vehicle, ~~or stand-up electric mini-scooter, electric miniature scooter or similar device~~ with reckless disregard for the safety of persons or property.

(b) A violation of this section is a class two misdemeanor.

**Sec. 17-89.3. ~~Stand-up electric mini-scooter required equipment.~~**

- (a) A ~~stand-up~~ electric mini-scooter that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a red reflector on the rear and that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle. An ~~stand-up~~ electric mini-scooter may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.
- (b) A person shall not operate an ~~stand-up~~ electric mini-scooter that is equipped with a siren or whistle except that a stand-up electric mini-scooter may be equipped with an anti-theft alarm.
- (c) An ~~stand-up~~ electric mini-scooter shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

**Sec. 17-90. - Definitions.**

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

*Child* means a person who is under the age of eighteen (18) years.

*Custodian* means a person who has lawful custody of a child.

*Electric miniature scooter* means a device that weighs less than thirty pounds, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding, and is powered by an electric motor or human power, or both, has a maximum speed that does not exceed ten miles per hour, with or without human propulsion, on a paved level surface.

*Motorized skateboard* means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

*Motorized play vehicle* means a coaster, any other alternatively fueled device (excluding battery-operated toy carts designed for children under the age of eight (8) years to ride in or on), or other motorized vehicle that is self-propelled by a motor or engine, and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," "motorized wheelchair," or "electric personal assistive mobility device".

*Motorized wheelchair* means a self-propelled vehicle that is designed for and used by a physically challenged, injured or incapacitated person.

*Multiuse path* means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

*Vehicle* means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**Sec. 17-91. - Application of traffic laws.**

Every person operating a motorized skateboard, electric miniature scooter or motorized play vehicle upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application. ~~This section shall not be construed to require the licensing or registration of motorized skateboards or motorized play vehicles, the licensing of motorized skateboard or motorized play vehicle operators, or the carrying of insurance covering accidents involving motorized skateboards or motorized play vehicles.~~

Section 6. Sections 17-93 thru 17-97 of the Scottsdale Revised Code are hereby amended as follows:

**Sec. 17-93. - Prohibited operation.**

- (a) No person shall ride, operate, place or park a motorized skateboard, electric miniature scooter or motorized play vehicle:
- (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
  - (2) In any city parking structure, city park, or other public property except for use on public roadways within a city park.
  - (3) On any private property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."
  - (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.
  - (5) On any private property of another, without the written permission of the property owner, the person entitled to immediate possession of the property, or the authorized agent of either.
  - (6) On any sidewalk, or any designated bicycle lane, unpaved trail or multiuse path.
- (b) It is a civil offense subject to the penalties specified in section 17-88 for an owner to allow a motorized skateboard, electric miniature scooter or motorized play vehicle owned by the owner to remain unlawfully parked on publicly owned property after receiving notification from any person of such violation.

**Sec. 17-94. - General operating restrictions.**

- (a) No child under the age of fourteen (14) years shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without written permission from a parent or guardian.
- (b) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle at a speed greater than is reasonable and prudent under the circumstances then existing.
- (c) The operator of a motorized skateboard, electric miniature scooter or motorized play vehicle, approaching a street, sidewalk, bicycle lane, unpaved trail or multiuse path in order to cross such, shall yield the right-of-way to all other users. The operator shall dismount and



walk the motorized skateboard, electric miniature scooter or motorized play vehicle across the street, sidewalk, bicycle lane, unpaved trail or multiuse path.

- (d) No operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall allow passengers when the motorized skateboard, electric miniature scooter or motorized play vehicle is in operation or motion.
- (e) No person operating or riding upon a motorized skateboard, electric miniature scooter or motorized play vehicle shall attach themselves or the motorized skateboard, electric miniature scooter or motorized play vehicle in any manner to any other vehicle.
- (f) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- (g) No person, other than the owner, shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without the written permission of the owner.
- (h) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle that has been altered from the original manufacturer's design.
- (i) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle in a crosswalk.
- (j) No operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This prohibits physically attaching fuel packs or containers to the operator's person.
- (k) Motorized skateboards, electric miniature scooter and motorized play vehicles may only be operated between the hours of 8:00 a.m. and 8:00 p.m.

**Sec. 17-95. - Operating restrictions on roadway.**

- (a) A person operating a motorized skateboard, electric miniature scooter or motorized play vehicle on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:
  - (1) If overtaking and passing a bicycle or vehicle proceeding in the same direction.
  - (2) If preparing for left turn at an intersection or into a private roadway or driveway.
  - (3) If reasonably necessary to avoid hazardous conditions ahead in the roadway.
  - (4) If the lane in which the person is operating the motorized skateboard, electric miniature scooter or motorized play vehicle is too narrow for a motorized skateboard, electric miniature scooter or motorized play vehicle and a bicycle or another vehicle to travel safely side by side within the lane.
- (b) Persons operating motorized skateboards, electric miniature scooter or motorized play vehicles on the roadway shall not ride more than two (2) abreast.

**Sec. 17-96. - Required safety equipment.**

- (a) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without a head lamp and rear lamp emitting the following beams anytime after

sunset, or any other time when there is insufficient light to operate the motorized skateboard or motorized play vehicle safely:

- (1) A head lamp shall emit a white light visible from the front at a distance no less than five hundred (500) feet.
- (2) A rear lamp shall emit a red light visible from the back at a distance no less than five hundred (500) feet.
- (b) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on the pavement.
- (c) Any child operator of a motorized skateboard, electric miniature scooter or motorized play vehicle shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall be certified for motorcycle use by the federal motor vehicle safety standard known as FMVSS 218 (49 CFR 571.218).
- (d) No person shall operate a motorized skateboard, electric miniature scooter or motorized play vehicle without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

**Sec. 17-97. - Responsibilities of sellers.**

Any person who sells a new motorized skateboard, electric miniature scooter or a new motorized play vehicle in the city shall post the following in a conspicuous manner at the place of sale:

- (1) Sections 17-92, 17-93, 17-94, 17-95 and 17-96 of this article, and
- (2) Notice that some insurance policies will not cover liability claims involving motorized skateboards, electric miniature scooter and motorized play vehicles.

Section 7. Sections 17-99 of the Scottsdale Revised Code is hereby amended as follows:

**Sec. 17-99. - General; right-of-way; use of multiuse path.**

- (a) Multiuse paths are for the exclusive use of pedestrians, human-powered vehicles or devices, class 1 and 2 electric bicycles and ~~stand-up~~ electric mini-scooters.
- (b) A user who is operating a class 1 or 2 electric bicycle, a ~~stand-up~~ electric mini-scooter or a human-powered device or vehicle upon a multiuse path shall yield the right of way to any pedestrian. A user operating a bicycle shall yield to skaters and pedestrians, and skaters shall yield to pedestrians.
- (c) All users of multiuse paths shall:
  - (1) Travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, and condition of surface. In every event, the user shall control speed as may be necessary to avoid colliding with other users.
  - (2) Obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multiuse path, unless otherwise directed by a peace officer, police aide or other person vested with the authority to direct traffic on public highways, including, without limitation: speed limit, stop, yield, caution, warning and dismount signs.

- (3) Exercise due care and caution to avoid colliding with any other users.
- (4) Refrain from entering any portion of the multiuse path when it is flooded or contains standing water.
- (5) Travel in a consistent and predictable manner.
- (6) Travel as near to the right side of the path as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction.
- (7) Occupy only the right half of the multiuse path, measured from the right side, so as not to impede the normal and reasonable movement of other path users.
- (8) Pass other users on the left and only when it can be done safely, returning to the right only when safely clear of the user being passed.
- (9) Give an audible warning signal (e.g. voice, bell, or mechanical or electrical signaling device), in sufficient time to allow response, before passing any user.
- (10) Remove themselves and any equipment at least three (3) feet off the pathway when stopping, standing or parking.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this 19<sup>th</sup> day of January 2021.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
David D. Ortega, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sherry R. Scott, City Attorney

By: Luis E. Santaella  
Deputy City Attorney



X

**DRAFT SHARED MOBILITY DEVICE PROVIDER LICENSING ORDINANCE**  
**ORDINANCE NO. 4443**

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLE XXIII, SECTIONS 16-700 THRU 16-720 TO CHAPTER 16 OF THE SCOTTSDALE REVISED CODE RELATING TO SHARED MOBILITY DEVICE PROVIDER LICENSING

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article XXIII, Sections 16-700 thru 17-720 of the Scottsdale Revised Code are hereby added as follows to Chapter 16:

**ARTICLE XXIII. – SHARED MOBILITY DEVICE PROVIDER LICENSING**

**Sec. 16-700. - Purpose.**

- (a) Shared mobility device providers benefit the community and public by providing additional transportation options. However, unregulated shared mobility device providers may cause traffic flow stoppages, unanticipated traffic movements, parking violations and unauthorized use of public property. A primary purpose of this article is to regulate shared mobility device providers where its undesirable effects significantly affect public areas or public safety.
- (b) This article is necessary to protect the health, safety and welfare of the public.

**Sec. 16-701. - Definitions.**

- (a) The following terms, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person making an application for a license issued pursuant to the provisions of this article.

*City* means the City of Scottsdale.

*Director* means the director whose responsibilities include licensing and revenue functions, or the director's designee.

*License* means a license to which this article applies, including a renewed license.

*Licensee* means a person who has been issued a license pursuant to the provisions of this article.

*Person* means an individual, firm, partnership, joint venture, association, company, corporation, estate, trust, receiver, syndicate, broker, the federal government, this state, and any group acting as a unit, including any governmental entity, or any political subdivision or agency of this state. For the purposes of this chapter, a person shall be considered a distinct and separate person from any general or

limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation.

*Shared mobility device* means any bicycle, electric bicycle, motorized bicycle, electric scooter or similar device that is displayed, offered, parked or placed for rent or use by the public in any public area or public right-of-way.

*Shared mobility device provider* means any person in the business of providing shared mobility devices.

**Sec. 16-702. - Administration and approvals.**

The city manager and/or designee shall administer this article, except as otherwise specifically provided. The city treasurer, or designee, and chief of police, or designee, shall assist in connection with license applications and enforcement.

**Sec. 16-703. - Shared mobility device license required; types of licenses.**

- (a) No person shall display, offer, place, park or use a shared mobility device on public property without first obtaining a shared mobility device provider license issued pursuant to the provisions of this article.
- (b) There shall be three types (A, B and C) of shared mobility device provider licenses issued pursuant to the provisions of this article based on the number of devices a licensee wishes to deploy within the city at any given moment as follows:
  - (1) Type A no more than one thousand shared mobility devices.
  - (2) Type B no more than five hundred shared mobility devices.
  - (3) Type C no more than one hundred shared mobility devices.
- (c) No licensee shall deploy within the city on public property more than the maximum number of shared mobility devices authorized by the licensee's license.

**Sec. 16-704. - Licenses non-transferable.**

All licenses issued under this article are non-transferable between persons.

**Sec. 16-705. - Information required for shared mobility device provider license applications.**

- (a) Applications to obtain a shared mobility device license shall be made by the owner of the shared mobility device operation or an authorized agent on forms developed by the director. The form shall be filled out completely, signed by the applicant and submitted to the director. The authority of an agent to act on behalf of the shared mobility device operation owner shall be in writing, signed by the owner and presented at the time the application is filed.

(b) The forms shall include the following information:

- (1) The applicant's name, the applicant's business name, legal structure including the name and address of the person who is authorized to accept service of process including citations on behalf of the business, business location, business mailing address, business email and business phone number.
- (2) A phone number that shall be answered in person twenty-four (24) hours a day by the applicant or the applicant's agent.
- (3) The maximum number of shared mobility devices the applicant wishes to deploy within the city. The maximum number shall not exceed one thousand (1,000) shared mobility devices.
- (4) Proof of insurance coverage and indemnification form as required by section 16-708.
- (5) A shared mobility device user education and safety plan.
- (6) A written plan outlining how data sharing will be provided as required by section 16-712.
- (7) Proof that the applicant's user mobile application is capable of notifying riders that are attempting to park or end their trip outside of legal parking areas.
- (8) In addition to the information specified above, the applicant shall provide supplemental information as the director reasonably determines is necessary to evaluate fully the application.

**Sec. 16-706. - Changes in information.**

An applicant or licensee shall submit, in writing, to the director, any changes in or additions to the information required under section 16-705, within ten (10) days of the change or addition.

**Sec. 16-707. – Fees; duration.**

(a) The fees related to shared mobility device licenses are:

- (1) Annual application fee and late application renewal fee: One thousand dollars (\$1,000.00) and additional fees to be assessed annually as follows:

- (a) Ninety-nine thousand dollars (\$99,000.00) for a class A license.
- (b) Forty-nine thousand dollars (\$49,000.00) for a class B license.
- (c) Nine thousand dollars (\$9,000.00) for a class C license.

(b) Payment of all applicable fees is due with the application submission.



- (c) If a shared mobility device license is not issued, the license fee will be refunded. Otherwise, fees are not prorated, transferable or refundable, except as provided by state law.
- (d) All licenses issued pursuant to this article shall be for a period of one (1) year and shall be renewable under the terms and conditions of this article.

**Sec. 16-708. - Insurance and indemnification required for licensees.**

- (a) The licensee shall be responsible for all liability imposed by law for personal injury, death or property damage arising out of or related in any way to the licensee's shared mobility devices. If any claim of such liability is made against the city, its officers or employees, the licensee shall defend, indemnify and hold them harmless from such claim, including claims alleging the negligence of the city, its officers or employees. The licensee shall sign an indemnification form before receipt of the licensee's shared mobility device license.
- (b) The applicant shall submit to the director certificates of insurance evidencing the applicant's insurance coverage for the term of the shared mobility device license. The licensee shall purchase and maintain minimum insurance as required below.
- (c) The insurance shall:
  - (1) Name the City of Scottsdale, its departments, elected and appointed officials, agents, officers, employees and volunteers as additional insureds;
  - (2) Specifically contain a severability of interest provision and a waiver of subrogation against the city, its departments, elected and appointed officials, agents, officers, employees and volunteers as additional insureds;
  - (3) Be primary with respect to the city, its departments, elected and appointed officials, agents, officers, employees and volunteers as additional insureds;
  - (4) Provide commercial general liability coverage with a limit of not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) aggregate, including coverage for bodily injury, broad form property damage, personal injury, products/completed operations, and blanket contractual;
  - (5) Provide that coverage cannot be canceled or expire without providing the city at least ten (10) days prior written notice'
  - (6) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance and have an A.M. Best rating of at least B++6.
  - (7) Be approved by the city's risk management director.
- (d) No person shall provide, place, use or park shared mobility devices within or on a public area without the insurance required by this section.

**Sec. 16-709. - Conditions for issuance of a shared mobility device license.**

The director shall issue a shared mobility device license to an applicant or renew a shared mobility device license, if applicable, when the following conditions are fully satisfied:

- (a) The application is complete, signed and submitted as required in section 16-705.
- (b) All fees specified in section 16-707 are paid in full.
- (c) The applicant is not delinquent in the payment of any city taxes, fees or other payments due.
- (d) The applicant submits the insurance documents and signed indemnification form required in section 16-708.
- (e) The applicant has provided proof that the applicant's user mobile application is capable of notifying riders that are attempting to park or end their trip outside of legal parking areas.
- (f) The applicant has complied with the provisions of sections 16-4(a), (b) and (c) of this chapter and which are made applicable to this article by this section.
- (g) No grounds for denial exist including those within section 16-4(d) of this chapter, which are made applicable to this article by this section, except for sections 16-4(d)(1) and (d)(4) which shall not be applicable to this article.

**Sec. 16-710. - License timeframes.**

- (a) The license timeframes set forth in article I of this chapter apply to this article.
- (b) To avoid a lapse in the license, the licensee applying for renewal shall file an application with the director no later than thirty (30) days before the expiration of the license currently in effect. If a licensee applies for renewal later than thirty (30) days before the expiration of the license currently in effect, an additional non-refundable late application fee will be charged as set forth in this article.

**Sec. 16-711. - Denial of issuance.**

- (a) The director shall deny an application for a shared mobility device license or a request to review or renew a shared mobility device license, if applicable, if:
  - (1) The applicant has failed to complete the application required, provide the information required by or meet the requirements of section 16-705, or submit the insurance documents and signed indemnification form required by section 16-708; or
  - (2) Other grounds for denial exist under this article, including, but not limited to:
    - a. Failure to provide the shared data required by section 16-712.
    - b. The applicant has had two (2) or more criminal convictions of Chapter 17 within a one (1) year period prior to the application.

- (b) The provisions of section 16-6 shall be applicable to the denial of an application or request for renewal. The aggrieved party may appeal the denial as provided in article I of this chapter.

**Sec. 16-712. – Data sharing required.**

- (a) All licensees licensed under this article shall provide the following data to the city at least every thirty (30) minutes:

- (1) The quantity, location and type of devices located within the city.
- (2) The quantity of, distance and elapsed time of rides.
- (3) Any other non-personal identifying data that does not impose an undue burden on the licensee as determined by the city manager or designee excluding financial or company proprietary data.

- (b) All licensees licensed under this article shall enter a data sharing agreement developed by the city manager or designee to provide the data listed in subsection (a) above that shall at a minimum contain the following provisions:

- (1) Appropriate administrative, technical and organizational security measures to prevent unauthorized access to data and/or submission of false information to the city.
- (2) Encryption solutions that are certified against U.S. Federal Information and Processing Standard 140-2, Level 2, or an equivalent industry standard deemed acceptable by the city manager or their designee.
- (3) Providers of data shall notify the city as soon as reasonably feasible, in writing, of any data breach which has impacted or has the potential to impact the city.
- (4) Data provided to the city shall be sent exclusively from within the continental United States of America.
- (5) Providers of data, by entering into a licensing agreement pursuant to this section warrant that no software utilized, or actions taken by the entity, will disrupt city hardware or software.
- (6) Providers of data shall regularly scan all software and files used to transmit data for malicious software.
- (7) The format and specifications of data shared shall be in accordance with the Open Mobility Foundation's "Mobility Data Specification" or a comparable format designated by the city manager or their designee.

- (8) At no time shall data received by the city pursuant to this section be copied, disclosed or retained without the written consent of the city manager or their designee except as otherwise authorized by law.
- (9) All data provided by or on behalf of the city is provided without warranty.

**Sec. 16-712 - Revocation and revocation procedures; appeal.**

The following are grounds for revoking a license issued pursuant to this article:

- (a) If a licensee has two (2) or more criminal convictions of Chapter 17 within a one (1) year period.
- (b) If a licensee's insurance required in section 16-708 is canceled or lapses.
- (c) If a licensee is found responsible or convicted two (2) or more times in any twelve-month period of any violations of this article.
- (d) If the director has reasonable grounds to believe that the circumstances set forth in sections 16-8(2), (3) or (4) exist.
- (e) If any of the grounds for denial in section 16-711 exist.
- (f) The director's notice of a license revocation hearing shall conform to the provisions of section 16-6.
- (g) The revocation procedure and hearing shall conform to the provisions of section 16-9 and section 16-10, respectively.
- (h) The appeal and appeal procedure shall conform to the provisions of section 16-11.

**Sec. 16-713. - Reapplication.**

- (a) Except as specified below in this section, any person who, pursuant to this article, has previously been denied a shared mobility device license or renewal, or who has had a license revoked, may reapply for a license at any time after the decision affecting the applicant's license has become final and is no longer subject to appeal pursuant to this article. No new license may be issued to the applicant except upon full compliance with this article.
- (b) Any person who, pursuant to this article, has previously been denied a shared mobility device license or renewal, or who has had a license revoked, for the following reasons, shall not be permitted to apply for a shared mobility device license until two (2) years after the decision affecting the applicant's license has become final and is no longer subject to appeal pursuant to this article:



- (1) False or misleading information was given in any license application or license application supplement as required in section 16-705 or was submitted in support of any application or application supplement.
- (2) The applicant or licensee failed or refused to make full disclosure of all information required for the completion of the application.
- (3) The licensee's license was revoked because the licensee was found responsible for or convicted two (2) or more times in any twelve-month period of any violation of this article.

**Sec. 16-714. - Penalties.**

- (a) A first violation of this article is a class three misdemeanor and shall be punished in addition to any other penalties authorized by law, by a fine of not less than one hundred fifty dollars (\$150.00) per violation.
- (b) A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than five hundred dollars (\$500.00) per violation.
- (c) The court shall not suspend any part of any fine required by this section.
- (d) Revocation of a license shall not be a defense against prosecution.

**Sec. 16-715 – 16-720. – Reserved.**

Section 2. The effective date of this ordinance shall be July 1, 2020.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this \_\_\_\_  
day of \_\_\_\_ 2020.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherry R. Scott  
City Attorney  
By: Luis E. Santaella  
Deputy City Attorney

# **Bicycle and Related Devices Ordinance**

**City Council Meeting January 19, 2021**

# **Background**

- **Devices**
- **Regulations**
- **Staff team developed the regulations and coordinated with companies**
- **Data Report**



## Some Key Data

**138** - Total scooter related emergencies

**22** - Citations for dangerous riding

**246** - Total scooter related citations

**304,336** Miles on Scooters

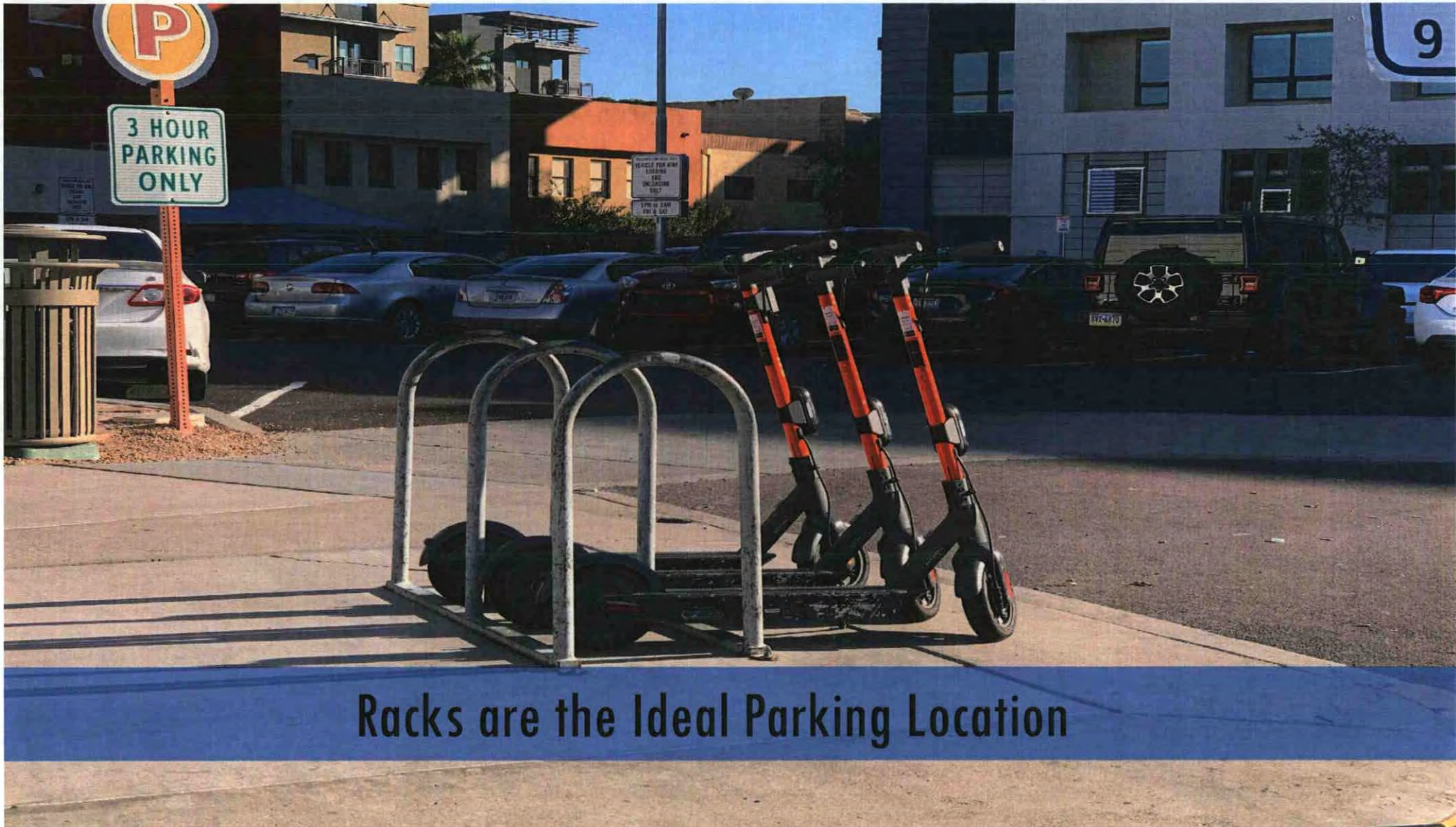
**62,451** - Hours on Scooters

**276,090** - Rides



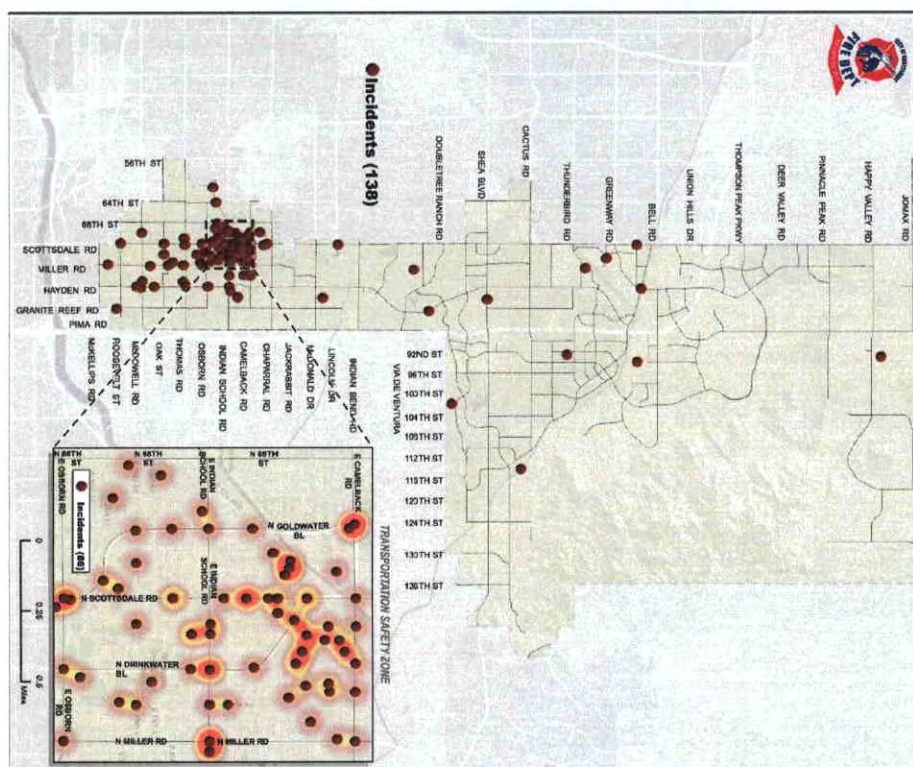
Devices Not to be Parked on Sidewalks, in Landscaping or in Large Groups





**Racks are the Ideal Parking Location**

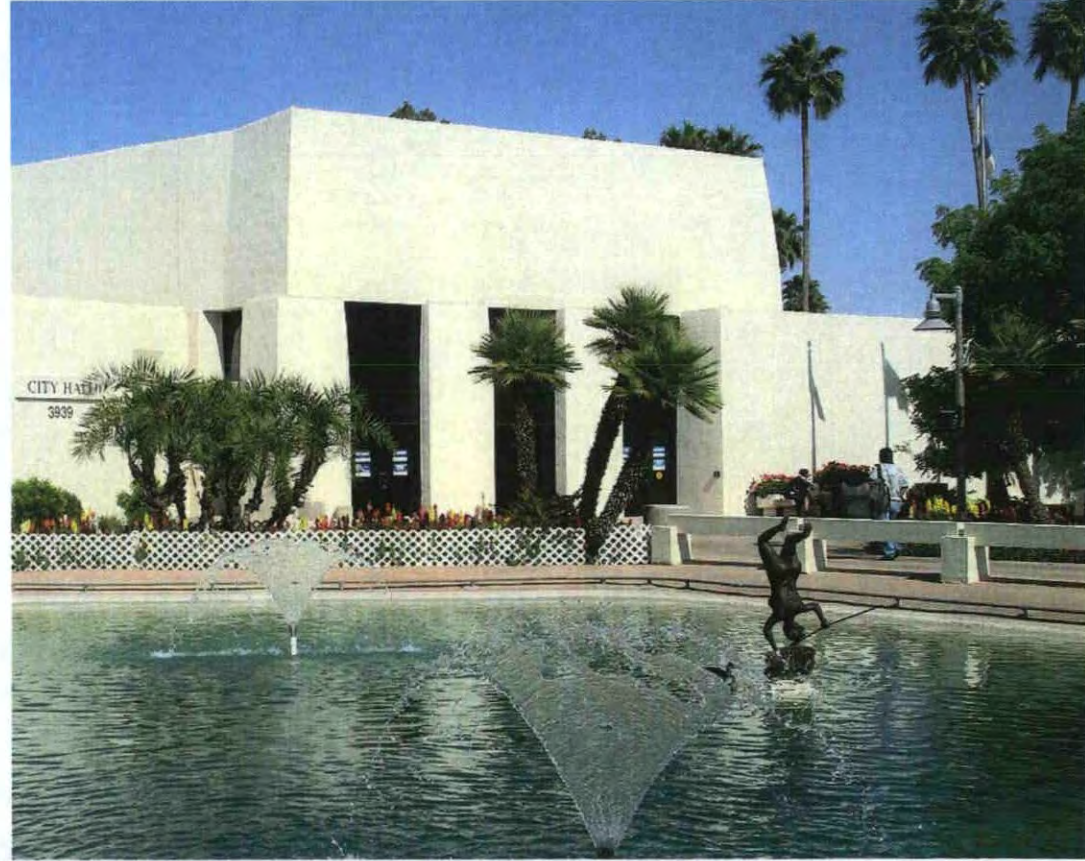
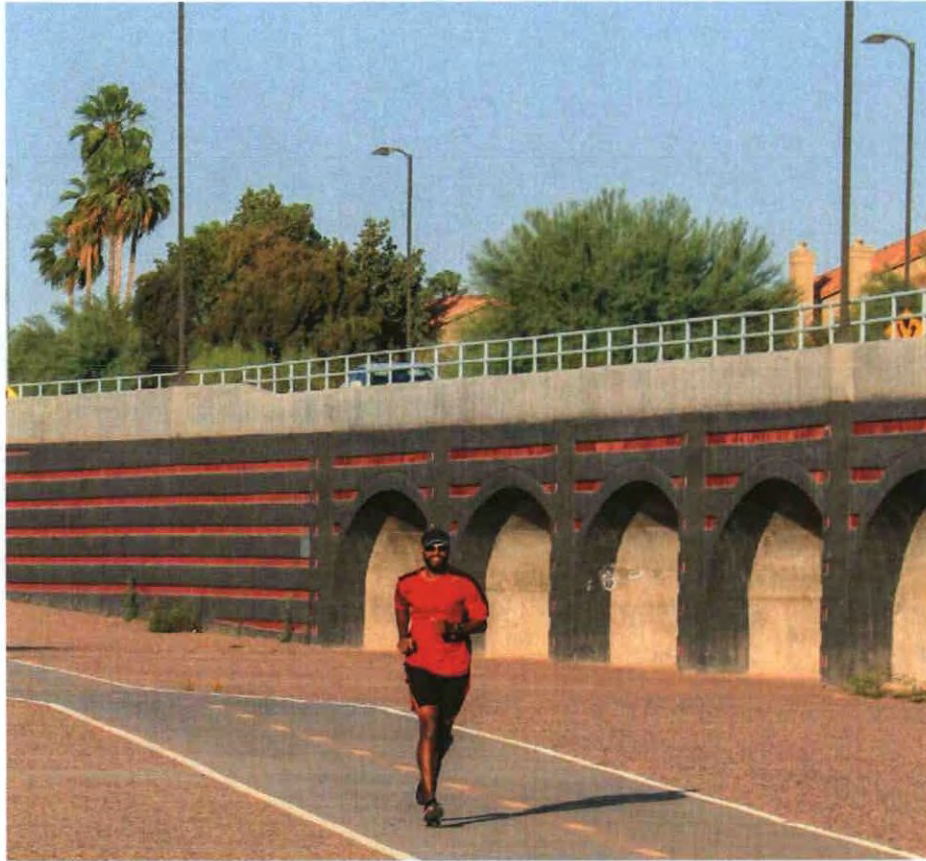






# **Proposed Regulations**

- **Prohibit riding on sidewalks**
- **Usage times**
- **Parking of devices**
- **Permission of underage users**
- **Fees**



**Riding in Parks Limited to Multi-Use Paths and Roadways Scooters and Bicycles Prohibited in the Civic Center Mall**

<b>Number of Devices Allowed</b>	<b>Licensing Fee</b>	<b>Application Fee</b>	<b>Total Cost</b>
100	\$9,000	\$1,000	\$10,000
500	\$49,000	\$1,000	\$50,000
1000	\$99,000	\$1,000	\$100,000

## **Action Requested**

- **Adoption of Ordinance No. 4486**
- **Adoption of Ordinance No. 4488**
- **Direction on possible licensing ordinance**