

Passed: 05/11/2021
Published: 05/19/2021

ORDINANCE NO. 2458

AN ORDINANCE ESTABLISHING NEW CHAPTER 5.10 OF THE DERBY MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR OPERATION OF MICROMOBILITY NETWORK COMPANIES WITHIN THE CITY OF DERBY, REQUIRING AGREEMENT WITH THE CITY OF DERBY PRIOR TO OPERATION AND REGULATING THE OPERATION OF SAID COMPANIES.

WHEREAS, cities throughout the state and the nation have begun to see a growing number of micromobility network and other companies offering micromobility devices for rent and use; and

WHEREAS, the City Council has received a request from a company to allow the deployment and operation of electric-assisted scooters by said company within the city; and

WHEREAS, the City Council has identified unique safety and traffic concerns associated with a potential influx of micromobility devices within the City; and

WHEREAS, the City Council has identified micromobility within the City as a priority, but also finds that absent immediate action, micromobility network companies could deploy within the City without regulations and guidelines for safe operation; and

WHEREAS, the City Council finds that it is in the public's interest to require approval of the governing body for operation of micromobility network companies to ensure the protection of the health, safety and general welfare of individuals and the community at large.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Chapter 5.10 of the Derby Municipal Code is established and titled as follows:

Chapter 5.10 MICROMOBILITY NETWORK COMPANIES

Sections:

- 5.10.010 Definitions**
- 5.10.020 Operation of Micromobility Network Company-Agreement Required**
- 5.10.030 Penalty**

Section 2. Section 5.10.010 of the Derby Municipal Code is hereby established to read as follows:

“5.10.010 - Definitions.

Unless otherwise specified in this chapter, the following terms shall, for the purposes of this chapter, have the following meaning:

Digital Network shall mean any online enabled application, software, website or system offered or utilized by a micromobility network company that enables the use or operation of micromobility devices.

Micromobility device shall mean electric-assisted bicycles, electric-assisted scooters, motorized

skateboards, electric one-wheel boards, electric personal assistive mobility devices, hoverboards or self-balancing skateboards, and similar devices as those terms are defined in Section 10.04.001 of the Derby Municipal Code. Micromobility devices shall also mean micromobility network company owned or operated bicycles. Micromobility devices shall not mean motorized wheelchair.

Micromobility network company shall mean a corporation, partnership, sole proprietorship, person, or other entity operating in Kansas that uses a digital network to connect micromobility device riders or operators to micromobility devices for transportation.”

Section 3. Section 5.10.020 of the Derby Municipal Code is hereby established to read as follows:

“5.10.020 - Operation of Micromobility Network Company-Agreement Required

It is unlawful for any micromobility network company, or person on behalf of the company, to deploy, maintain, or allow to be operated, any micromobility devices owned or operated by the company, on any city streets, sidewalks, right-of-way or City property within the City of Derby without a valid written agreement approved by the governing body of the city.”

Section 4. Section 5.10.030 of the Derby Municipal Code is hereby established to read as follows:

“5.10.030 - Penalty

Any company or person operating a micromobility network company in violation of this chapter shall be charged with an unclassified public offense in accordance with Chapter 9.04 of the Derby Municipal Code and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars for each offense. In addition to any penalties associated with violating this chapter, the micromobility company and/or any person violating this chapter, shall be assessed the costs associated with removal of the company's micromobility devices from city streets, sidewalks, rights-of-way and City property.”

Section 5. Severability. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 6. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

PASSED by the City Council this 11th day of May, 2021 and **SIGNED** by the Mayor.

Randy White, Mayor

Attest:

Lynn Ciarleglio, City Clerk

Approved as to form:

/s/ Jacqueline R. Butler
City Attorney