



City Attorney

DATE: April 5, 2021

FROM: Janelle Combs, City Attorney

ITEM: Ordinance 6459 regarding Motorized Scooters

REQUEST

Consider introduction and call for a public hearing on Ordinance 6459 to amend Ordinance 12-09-41 regarding Motorized Scooters.

Please place this item on the 4/13/2021 City Commission meeting agenda.

BACKGROUND INFORMATION

With the approval of the Memorandum of Understanding with Bird Rides, Inc. for an electric stand-up scooter sharing system in the City of Bismarck, the current laws for motorized scooters needed to be revised. The proposed ordinance just has a change for the rules based on just the shared system. As the company deploys, staff expects to review the impact with traffic to provide a more permanent solution, appropriate for our community.

RECOMMENDED CITY COMMISSION ACTION

First reading and introduction of Ordinance 6459 and call for a public hearing.

STAFF CONTACT INFORMATION

Janelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov

CITY OF BISMARCK
ORDINANCE NO. 6459

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND SECTION 12-09-41 (MOTORIZED SCOOTERS) OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO MOTORIZED SCOOTERS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. 12-09-41 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Motorized Scooters, is hereby amended to read as follows:

12-09-41. Motorized Scooters. A "motorized scooter" is a footboard mounted between two tandem wheels with an upright steering bar attached to the front wheel. A motorized scooter is powered by an electric motor or a gas combustion engine and is operated with the operator standing on the foot board. A motorized vehicle that fails to meet all of the criteria of this section will be considered to be an off-road vehicle or other motor vehicle and may not travel on public right-of way as allowed by this section. A stand-up electric scooter owned and branded by a company operating a stand-up electric scooter sharing system with a current Memorandum of Understanding with the City of Bismarck shall be exempt from the other requirements of this Section 12-09-41; however, operators of those shared and branded stand-up electric scooters shall follow all other city ordinances and state laws when operating the shared scooter on city streets.

* * * * *

(Ord. 5091, 01-09-01; Ord. 5416, 05-24-05; Ord. 5659, 05-13-08)

Section 2: Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect after final passage, adoption and publication.