

ORDINANCE NO. 2019-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS  
AMENDING CHAPTER 126, RENUMBERING ARTICLE 'XI'-  
ENFORCEMENT TO 'XII'; ADDING A NEW ARTICLE 'XI' ENTITLED  
'SHARED MOBILITY SERVICES'.**

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WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation; and

WHEREAS, cities around the state and country have seen the rapid introduction and implementation of such shared mobility services and operators, and these cities have found it necessary to pass ordinances prohibiting any shared mobility service operator from operating within their jurisdictions due to safety concerns that the widespread use of shared scooters and bicycles creates without permitting and oversight by local governments.

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

**I.**

THAT the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**II.**

THAT Chapter 126, Article XI, of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

**ARTICLE XI. SHARED MOBILITY SERVICES**

**Sec. 126-501. Definitions.** These terms shall have the following meanings:

*Electric bicycle* means a bicycle that:

- a. Is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;
- b. Cannot attain a speed of more than twenty (20) miles per hour without the application of human power; and
- c. Does not exceed a weight of one hundred (100) pounds.

*Motor-assisted scooter* means a self-propelled device, not including a pocket bike or mini-motorbike with:

- a. At least two (2) wheels in contact with the ground during operation;

- b. A braking system capable of stopping the device under typical operation conditions;
- c. A gas or electric motor not exceeding forty (40) cubic centimeters;
- d. A deck designed to allow a person to stand or sit while operating the device; and
- e. The ability to be propelled by human power alone.

*Shared mobility services* mean any service that displays, offers or places for rent on a public way or public property one or more motor-assisted scooters, electric bicycles, bicycles, or other similar personal transportation devices equipped with GPS that may be locked and unlocked with or without a docking station.

**Sec. 126-502. Prohibition on shared mobility services.**

A prohibition on shared mobility services that provide the use of motor-assisted scooters, electric bicycles, and bicycles, equipped with global positioning systems (GPS) on any public sidewalk or public rights-of-way within the city limits. Included in this prohibition is the operation of any personal transportation device listed in this ordinance that was acquired through a shared mobility service upon public sidewalks and public rights-of-way within the city limits.

**Sec. 126-503. Penalties.**

Any person who shall violate any provision of this article or fail to comply with any of the provisions herein, shall be guilty of a class C misdemeanor, and upon conviction shall be fined a sum not exceeding \$500.00. Each day any violation of this ordinance continues shall constitute a separate and distinct offense.

**III.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

**IV.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the \_\_\_\_ day of \_\_\_\_\_,  
2019.

PASSED AND APPROVED: Second reading this the \_\_\_\_ day of \_\_\_\_\_,  
2019.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*