

ORDINANCE NO. G-6602

AN ORDINANCE AMENDING PHOENIX CITY CODE CHAPTER 4, ARTICLE I, SECTION 4-1; CHAPTER 23, ARTICLE I, SECTIONS 23-1 AND 23-15; ARTICLE X, SECTIONS 23-120 AND 23-128; CHAPTER 24, ARTICLE II, SECTIONS 24-43 AND 24-51(F); CHAPTER 31, ARTICLE VII, SECTION 31-80(B); AND TO ESTABLISH A PILOT DOCKLESS ELECTRIC STANDUP SCOOTER PROGRAM BY ADDING SECTIONS 31-85 AND 31-86; AND AMENDING CHAPTER 36, ARTICLE I, SECTION 36-1; ARTICLE II, SECTIONS 36-29, 36-40.1, AND 36-40.2; AND TO ESTABLISH REGULATIONS FOR ELECTRIC STANDUP SCOOTERS BY ADDING ARTICLE XV; AND AMENDING ARTICLE XVI, SECTION 36-403; AND AMENDING CHAPTER 39, ARTICLE II, SECTION 39-7(A); AND ESTABLISHING A SUNSET DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Phoenix City Code, Section 4-1, is amended to read as

follows:

4-1 Definitions.

In this chapter, unless the context otherwise requires, the following definitions shall apply. In addition, all definitions contained within the Federal Aviation Act of 1958 and all subsequent amendments shall be included and all definitions shall be interpreted on the basis and intention of the FAA Act and its amendments. A supplemental set of definitions is provided in Section 4-67 that relate only to Article IV. A second supplemental set of definitions is provided in Section 4-138(A) that relates only to

Section 4-138. A third supplemental set of definitions is provided in Section 4-22 that only relates to Section 4-22.

Accident means a collision between an aircraft or a vehicle, and an aircraft, vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person, or which results in property damage.

Air carrier means a person who is certificated by the Federal Aviation Administration to engage in air transportation directly by lease or by other arrangement.

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft movement area means any restricted portion of the airport specifically meant for the ground operation of an aircraft including runways, ramps, aprons, parking and loading areas.

Aircraft operation means an aircraft landing, takeoff or maneuver.

Aircraft parking and storage area means the open areas of an airport to be used for aircraft parking.

Airport means all of the land, buildings, and facilities comprising Phoenix Sky Harbor International Airport (PSHIA), Phoenix Deer Valley Airport (PDVA), or Phoenix Goodyear Airport (PGA), including the Rental Car Center, as now existing or as the same may hereafter be expanded and developed, unless otherwise designated.

Air terminal means any building owned and operated by the City of Phoenix with designated aircraft loading gates.

Air traffic means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Air transportation means intrastate, interstate, overseas, or foreign air commerce or the transportation of mail by aircraft.

Aviation Director means the Aviation Director of the City of Phoenix or his designee.

Best management practices means any program technology, process, siting criteria, operating method, measure, or device that controls, removes, or reduces pollution.

Business or concession means the sale, offering for sale, or the furnishing of any commodity, article, facility or service.

Cargo means personal property transported or intended to be transported by air transportation.

City means the City of Phoenix, Arizona.

Commercial activity means the conduct of any aspect of a business or concession on the airport for revenue.

Council means the City Council of the City of Phoenix, Arizona.

Disabled services vehicle means a van or any other motor vehicle that is designated by the Aviation Director as a disabled services vehicle authorized to operate on an airport in accordance with this chapter. +1

Environmental laws includes, without limitation, local, State and Federal laws now in effect or enacted hereafter which control or regulate substances or materials that may be detrimental to human health, safety or the environment, including hazardous substances, hazardous wastes, pollutants and petroleum products.

Fixed base operator means a person, firm or corporation that, subject to the provisions of a lease at the airport, is providing or offering general aviation services to the public.

Flying club means any partnership, corporation or group of individuals which neither for profit nor reward possesses one or more aircraft for the purpose of rental to its members and is in compliance with other rules and regulations adopted by the Aviation Director.

Fuel dispenser means the authorized storage, transfer or other handling of aviation petroleum products in quantities greater than 100 U.S. gallons.

Fuel handling means the transportation, delivery, fueling, and draining of fuel or fuel waste products.

Fuel storage area means any portion of an airport temporarily or permanently designated by the Aviation Director as areas where gasoline, and any other type of fuel, may be stored or loaded in compliance with applicable environmental laws.

General aviation services means:

1. Aircraft accessories: Sales, services, repair, exchange and installation of new or used aircraft accessories such as alternators, generators, starters and oil coolers.
2. Aircraft fuel and lubricant retail sale.
3. Aircraft maintenance: Inspection, repair, service, modification and replacement of airframes, power plants, components and accessories.
4. Aircraft parts: Purchase, sales and exchange of new, used or rebuilt aircraft parts, accessories equipment or tools at retail or wholesale.
5. Aircraft refinishing: Installation, replacement, modification or repair of aircraft interior upholstery and furnishings, and aircraft painting.
6. Aircraft rental: Allowing the use of aircraft in return for payment.
7. Aircraft sales: Purchase, sales, exchange and brokerage of new or used aircraft.
8. Aircraft storage: Rental of tiedowns or hangar space.
9. Contract operations: Special contractual services such as helicopter sling operations, firefighting, aerial photography and aerial advertising.
10. Pilot training: Instruction by qualified ground school and flight instructors to prepare students to take written, oral and flight examinations for a pilot's license, aircraft rating or periodic review; and aircraft rental for dual or solo flight training, pilot proficiency and currency.
11. Any other activities approved in writing by the Aviation Director.

Itinerant operations means all aircraft operations at a site other than its designated base.

Loading gate means that terminal space reserved for the loading and unloading of aircraft.

Loading ramp means the aircraft area used for the loading and unloading of aircraft.

Loading zone means that space adjacent to a curb reserved for loading or unloading passengers, baggage or materials from vehicles.

Off-airport rental car company means a person or business entity that rents vehicles to airport customers but does not lease space from the City at the airport.

On-airport rental car company means a person or business entity that rents vehicles to airport customers from space at the airport that has been leased from the City.

Operator means the person, firm or corporation in possession of an aircraft or vehicle; or, any person who has rented such for the purpose of operation by himself or his agent.

Over-height vehicle means a vehicle which exceeds a height of six feet ten inches above the level surface on which the vehicle stands.

Park or parking means an aircraft, bicycle, ELECTRIC STANDUP SCOOTER or motor vehicle standing attended or unattended.

Pedestrian means any person afoot.

Permission or permit means permission granted by the Aviation Director unless otherwise herein specifically provided.

Pilot means the person responsible for the operation and control of an aircraft.

Regulated substance includes without limitation, any substance, materials or wastes that are or become regulated under, or that are classified as hazardous or toxic under any environmental law, including petroleum.

Rental Car Center or RCC means the ground area and improvements to the site within Sky Harbor Center from which all on-airport airport rental car companies serve airport customers.

Roadway means any street or roadway whether improved or unimproved within the boundaries of the airport set aside or designated for use by vehicles whether dedicated or not.

Sky Harbor Center means The Sky Harbor Center Redevelopment Area as identified in The Sky Harbor Center Redevelopment Area Redevelopment Plan adopted by the Phoenix City Council on April 24, 1985, by Resolution Number 16569.

Stormwater Enforcement Procedures and Civil Penalty Policy means a policy enacted by the City to achieve compliance with Phoenix City Code Chapter 32C and to prevent pollution of the waters of the United States via the public storm drain system by airport users.

Traffic means pedestrians and vehicles, either singly or together while using any airport area.

Vehicle means a device in, upon or by which any person or property is or may be propelled, moved, or drawn upon a roadway or other ground surface.

Vehicle parking area means any portion of an airport designated and made available, temporarily or permanently, by the Aviation Director for the parking of vehicles.

Walkway means any sidewalk, crosswalk, ramp, dock, concourse, lobby area or other such area designed for pedestrian traffic.

SECTION 2. Phoenix City Code, Section 23-1(c), is amended to read as

follows:

23-1 Assault and battery—Defined.

(c) An assault or battery or both may be committed by the use of any part of the body of the person committing the offense, as of the hand, foot, head, or by the use of any inanimate object, capable of inflicting the slightest injury, or by the use of any animate object, as by throwing or violently pushing one person against another, or driving a horse or other animal, automobile, bicycle, or motor-bicycle, OR ELECTRIC STANDUP SCOOTER against a person.

SECTION 3. Phoenix City Code, Section 23-120, is amended to read as

follows:

23-120 Definitions.

In this article, unless the context otherwise requires:

1. *Bicycle* means a device that is propelled by human power and on which a person may ride and that has either:

- a. Two tandem wheels, either of which is more than sixteen inches in diameter.
 - b. Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.
2. *Daytime* means the period between sunrise and sunset.
 3. *For hire* means to provide, or offer to provide, a service in exchange for any form of payment, whether monetary or otherwise, or gratuity.
 4. *Knowingly* means, with respect to conduct or a circumstance described in this article, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
 5. *Motorized electric or gas powered bicycle or tricycle* means a bicycle or tricycle that is equipped with a helper motor.
 6. *Nighttime* means the period between sunset and sunrise.
 7. *Operator* means the person who is in actual physical control of the pedicab.
 8. *Pedicab* means either a bicycle or a motorized electric or gas powered bicycle or tricycle that transports or is held out to the public as available to transport passengers for hire, including a bicycle or a motorized electric or gas powered bicycle or tricycle that pulls, or to which is attached, a trailer, sidecar, or similar device.
 9. *Person* means a corporation, firm, partnership, limited liability company, association, organization and any other group acting as a unit, as well as an individual.
 10. **ELECTRIC STANDUP 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, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED FIFTEEN MILES PER HOURS, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.**

SECTION 4. Phoenix City Code, Section 23-120, is amended to read as

follows:

23-128 Pedicab operation.

- A. It is unlawful for any person propelling a pedicab to ride other than on or astride a permanent and regular seat attached to the pedicab.
- B. It is unlawful for any person propelling a pedicab to carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection.
- C. It is unlawful for any person to operate a pedicab in a manner that results in damage to public property.
- D. It is unlawful for any person operating a pedicab to fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk.
- E. It is unlawful for any person to operate a pedicab equipped with a siren or whistle.
- F. It is unlawful for any person operating a pedicab to knowingly permit a person riding on a bicycle, ELECTRIC STANDUP SCOOTER, coaster, sled, toy vehicle or roller skates to attach the bicycle, ELECTRIC STANDUP SCOOTER, coaster, sled, toy vehicle, roller skates or that person to the pedicab.
- G. It is unlawful for any person to operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars.
- H. It is unlawful for any person to knowingly operate AN ELECTRIC STANDUP SCOOTER OR a motorized electric or gas powered bicycle or tricycle on any street or adjoining sidewalk that has been closed by the Police Department to general motor vehicle traffic by barricade or similar barrier while the helper motor is in operation.
- I. It is unlawful for any person to operate a pedicab on a street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing that street.
- J. It is unlawful for any person, while operating a pedicab, to stop on a street with a posted speed limit of 35 miles per hour or greater in order to pick up or drop off passengers.

K. It is unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian traffic by remaining stopped on a sidewalk, except for the time period necessary to pick up or drop off passengers.

L. It is unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

M. It is unlawful to knowingly remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.

SECTION 5. Phoenix City Code, Section 24-43, is amended to read as

follows:

24-43 Prohibition of wheeled devices in public parks.

A. No person shall operate a skateboard, conventional or in-line roller skates, bicycle, wagon, or other wheeled vehicle or device in a public park where one or more signs are posted prohibiting such activity, or in a manner which causes injury to any person or damage to public or private property.

B. NO PERSON SHALL OPERATE AN ELECTRIC STANDUP SCOOTER IN A PUBLIC PARK WHERE ONE OR MORE SIGNS ARE POSTED PROHIBITING THE OPERATION OF ANY WHEELED VEHICLE OR DEVICE LISTED IN SUBSECTION A.

SECTION 6. Phoenix City Code, Section 24-51(F), is amended to read as

follows:

24-51 Operation and parking of vehicles in parks; posting and exemptions; penalties.

F. For the purposes of this Section, "vehicle" means any motor-powered or self-propelled vehicle, except a motorized wheelchair, bicycle, ELECTRIC STANDUP SCOOTER or animal-drawn conveyance.

SECTION 7. Phoenix City Code, Section 31-80(B), is amended to read as

follows:

31-80 Authority and administration.

B. *Definitions.* For the purposes of this article, unless the context requires otherwise, the following terms, phrases, words, and their derivatives shall have the meanings given herein:

Applicant means a person, its contractors, agents, officers, employees, subsidiaries, affiliates, parent organization, successor-in-interest, predecessor-in-interest, or joint ventures who apply for a right-of-way permit under this article.

DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR MEANS A PERMITTEE THAT OPERATES A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM, WHETHER FOR PROFIT OR NOT FOR PROFIT.

DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM MEANS A SYSTEM THAT PROVIDES ELECTRIC STANDUP SCOOTERS FOR SHORT-TERM RENTALS AND WHICH MAY BE LOCKED AND UNLOCKED WITHOUT THE REQUIREMENT OF AN ELECTRIC STANDUP SCOOTER RACK OR OTHER DOCKING STATION INSTALLED WITHIN THE CITY OF PHOENIX CORPORATE BOUNDARIES.

Minor encroachment means those underground facilities whose cross-sectional areas are less than two feet across; and those encroachments whose surface and aerial uses are easily removed from the right-of-way as determined by the Street Transportation Director including, but not limited to, the following: fences, surface parking, awnings, wells, overhangs, aerial cables, poles, bus shelters, or small temporary structures without foundations.

Permitee ~~PERMITEE~~ or *permit holder* means a person holding a current and valid permit issued under this article.

Person means a person or business association organized as provided by law.

REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT MEANS A PERMIT AUTHORIZING A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR TO OPERATE A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM IN THE PUBLIC RIGHT-OF-WAY AND SETTING FORTH THE CONDITIONS AND REQUIREMENTS FOR PERMITTEES TO PLACE DOCKLESS ELECTRIC STANDUP SCOOTERS IN THE PUBLIC RIGHT-OF-WAY.

Revocable permit means any permit issued to allow minor encroachments for an indefinite period within the public right-of-way.

Right-of-way temporary use permit means a permit issued to allow the temporary use or restriction of the public right-of-way including, but not limited to, a street, sidewalk, or designated bicycle lane.

Right-of-way use permits means, collectively, revocable permits, and right-of-way temporary use permits, AND REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMITS.

SECTION 8. Phoenix City Code, Article VII is amended to add Sections

31-85 and 31-86 as follows:

31-85 REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT.

A. THE CITY MANAGER IS AUTHORIZED TO ISSUE AND ADMINISTER A REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT TO A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR FOR THE TERM OF SIX MONTHS AND SET FEES TO OPERATE A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM IN THE PUBLIC-RIGHT-OF-WAY.

31-86 REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT

REQUIRED.

A. A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR MUST APPLY FOR, OBTAIN, COMPLY WITH, AND BE BOUND BY ALL REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM PERMIT TERMS AND CONDITIONS.

SECTION 9. Phoenix City Code, Section 36-1, is amended to read as

follows:

36-1 Definitions.

Whenever any words or phrases used in this chapter are not defined but are defined in the Motor Vehicle Laws of Arizona, Title 28, Arizona Revised Statutes, as amended, such definitions shall apply. In this chapter, unless the context otherwise requires:

Alley and alleyways mean lanes or passageways for use as a means of access to the rear of lots or buildings. Alleys and alleyways shall not be considered thoroughfares.

Arterial streets means all major arterial streets and arterial streets as designated on the existing street classification map.

Collector streets means all streets designated as collector streets and minor collector streets on the existing street classification map.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

ELECTRIC STANDUP 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, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED FIFTEEN MILES PER HOURS, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

Flammable liquid means any liquid having a flash point below two hundred degrees Fahrenheit and having a vapor pressure not exceeding forty pounds per square inch (absolute). Flammable liquids shall be divided into classes and shall include combustible liquids as defined in the Fire Code of the City of Phoenix.

Freeway or expressway means a freeway or expressway as designated on the existing street classification map.

Frontage or access road means a local street or road, auxiliary to and located adjacent to an arterial street or freeway for access to abutting properties and adjacent areas.

Interchange means the system of interconnecting roadways in conjunction with a grade separation or separations, including the points of access for vehicles to enter and to leave a freeway, providing for the interchange of traffic between two or more roadways.

Local streets means all streets that provide direct access to residential, commercial, industrial, or other abutting land and for local traffic movements, and that connect to collector or arterial streets or both.

Metered parking space means a designated area used for parking a motorized vehicle upon a public street, sidewalk or other City property and regulated by operation of a parking meter.

Motorized play vehicle means a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric, and which is not otherwise defined in Title 28, Arizona Revised Statutes, as a motor vehicle, motorcycle, motor-driven cycle, ELECTRIC STANDUP SCOOTER, motorized wheelchair or electric personal assistive mobility device.

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

Official traffic control devices means all signs, signals, parking meters, markings, and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owners' service station means a place where flammable liquids are kept or stored in bulk for the sole purpose of distributing such liquids into the owners' own vehicles. No owners' service station shall be constructed, maintained or operated for a fleet less than five vehicles.

Parking meter means (A) a device located upon a public street, sidewalk or other City property that displays the period of parking time for an individual metered parking space; or (B) a pay station located upon a public street, sidewalk or other City property that may issue a receipt displaying the period of parking time for an individual metered parking space within a multi-space station. A parking meter monitors the period of parking time purchased through the use of legal United States coins, credit cards or other acceptable forms or methods of payment that are used to operate it.

Parkway means a street or highway that is designated as such on the existing street classification map to provide a scenic or intensively landscaped appearance to any street individually or in combination with other streets. The parkway system may provide access to and connect the parks and scenic areas and traffic services through such areas.

Pay station means a device that accepts payment for use of more than one metered parking space.

Private emergency vehicles means authorized emergency vehicles other than those defined by Section 28-101, Arizona Revised Statutes, and including private ambulances, private escort vehicles of funeral and other processions, emergency vehicles of public service corporations, and such others as may be designated by the City Council. All traffic laws and ordinances are applicable to such private emergency vehicles when they are not proceeding under an emergency situation.

Procession means an orderly file of six or more vehicles with suitable escort, such escort being approved by the Director of the Police Department.

Street classification map means the street classification map in the form as last adopted and amended by the City Council.

Tank semi-trailer means a vehicle designed for transporting flammable liquids and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

Tank trailer means a vehicle without motive power designed for transporting flammable liquids and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Tank truck means a truck having a tank for the transportation of flammable liquids.

Truck means a vehicle with motive power other than a bus, having three or more axles and measuring thirty-six feet or longer in overall length, including truck and load.

SECTION 10. Phoenix City Code, Section 36-29, is amended to read as

follows:

36-29 Restrictions upon use of streets.

The City Traffic Engineer shall prohibit the use of the roadway to motor-driven cycles, bicycles, ELECTRIC STANDUP SCOOTERS, horse-drawn vehicles or other non-motorized traffic upon designated streets and shall erect appropriate signs giving notice thereof.

SECTION 11. Phoenix City Code, Section 36-40.1, is amended to read as

follows:

36-40.1 Designation of civil traffic offenses.

Any violation or refusal to do or perform any act required by an operator of a motor vehicle, AN ELECTRIC STANDUP SCOOTER, a bicycle or a pedestrian in this chapter constitutes a civil traffic offense unless the ordinance defining the violation provides for a different classification.

SECTION 12. Phoenix City Code, Section 36-40.2, is amended to read as

follows:

36-40.2 Authority to detain persons to serve civil traffic complaint.

A peace officer or duly authorized agent of the City of Phoenix Police Department may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any civil traffic offense and to serve a copy of the traffic complaint for any alleged civil or criminal violation of the Phoenix City Code pertaining to the regulation and control of a motor vehicle, a bicycle, AN ELECTRIC STANDUP SCOOTER, or a pedestrian.

SECTION 13. Phoenix City Code Chapter 36, is amended by adding new Article XV as follows:

ARTICLE XV. ELECTRIC STANDUP SCOOTERS

36-300 SPEED LIMIT.

NO PERSON SHALL OPERATE AN ELECTRIC STANDUP SCOOTER AT A SPEED GREATER THAN IS REASONABLE AND PRUDENT UNDER THE CONDITIONS THEN EXISTING.

36-301 TURNING MOVEMENT AND PEDESTRIAN REGULATIONS.

WHENEVER AUTHORIZED SIGNS ARE ERECTED INDICATING THAT NO RIGHT OR LEFT OR U-TURN IS PERMITTED, NO PERSON OPERATING AN ELECTRIC STANDUP SCOOTER SHALL DISOBEY THE DIRECTION OF ANY SUCH SIGN, EXCEPT WHERE SUCH PERSON DISMOUNTS FROM THE ELECTRIC STANDUP

SCOOTER TO MAKE ANY SUCH TURN, IN WHICH EVENT HE SHALL DO SO AT THE CURB AND SHALL THEN OBEY THE REGULATIONS APPLICABLE TO PEDESTRIANS.

36-302 YIELDING RIGHT-OF-WAY.

THE OPERATOR OF AN ELECTRIC STANDUP SCOOTER EMERGING FROM AN ALLEY, DRIVEWAY, OR BUILDING SHALL, UPON APPROACHING A SIDEWALK OR THE SIDEWALK AREA EXTENDING ACROSS SUCH ALLEY, DRIVEWAY, OR BUILDING EXIT, YIELD THE RIGHT-OF-WAY TO ALL PEDESTRIANS APPROACHING ON SAID SIDEWALK OR SIDEWALK AREA, AND UPON ENTERING THE ROADWAY SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES AND BICYCLES APPROACHING ON SAID ROADWAY.

36-303 SIGNS PROHIBITING BICYCLES ARE APPLICABLE TO ELECTRIC STANDUP SCOOTERS.

WHERE AUTHORIZED SIGNS ARE ERECTED ON A SIDEWALK OR ROADWAY PROHIBITING THE RIDING OF BICYCLES, NO PERSON SHALL OPERATE AN ELECTRIC SCOOTER THEREON.

36-304 ELECTRIC STANDUP SCOOTERS PROHIBITED ON SIDEWALKS. NO PERSON MAY OPERATE AN ELECTRIC STANDUP SCOOTER UPON A SIDEWALK.

36-305 PARKING OF ELECTRIC STANDUP SCOOTERS.

A. A PERSON VIOLATES THIS SECTION IF A PERSON FAILS TO PARK AN ELECTRIC STANDUP SCOOTER:

1. IN AN UPRIGHT POSITION ON ASPHALT PAVEMENT, CONCRETE, OR A SIMILAR HARD SURFACE; OR
2. TO MAINTAIN A MINIMUM WIDTH OF 48 INCHES FOR PEDESTRIAN TRAVEL; OR
3. TO MAINTAIN UNIMPEDED ACCESS TO PUBLIC OR PRIVATE ENTRANCES; OR
4. TO MAINTAIN UNIMPEDED ACCESS TO ANY DESIGNATED BICYCLE DOCKING STATION TO PARK AND LOCK BICYCLES; OR
5. TO MAINTAIN VEHICULAR TRAVEL; OR

6. IN AN AREA OR LOCATION DESIGNATED BY THE STREET TRANSPORTATION DIRECTOR OR DESIGNEE; OR

7. ON STREETS WITHOUT SIDEWALKS, ELECTRIC STANDUP SCOOTERS MAY BE PARKED IF THE TRAVEL LANE(S) AND A MINIMUM 48-INCH PEDESTRIAN CLEAR ZONE ARE NOT IMPEDED.

B. A PERSON VIOLATES THIS SECTION IF A PERSON PARKS AN ELECTRIC STANDUP SCOOTER:

1. AT THE INTERSECTION OF TWO OR MORE SIDEWALKS; OR

2. ON STREETS WHERE THE FURNITURE ZONE IS LESS THAN THREE FEET WIDE, OR WHERE THERE IS NO FURNITURE ZONE; OR

3. ADJACENT TO OR WITHIN:

A. PARKLETS OR STREET EATERIES; OR

B. TRANSIT ZONES, INCLUDING BUS STOPS, SHELTERS, PASSENGER WAITING AREAS, BUS LAYOVER, AND STAGING ZONES, EXCEPT AT EXISTING BICYCLE RACKS; OR

C. LOADING ZONES; OR

D. DISABLED PARKING ZONES; OR

E. STREET FURNITURE THAT REQUIRES PEDESTRIAN ACCESS (BENCHES, PARKING PAY STATIONS, BUS SHELTERS, TRANSIT INFORMATION SIGNS, OR KIOSKS); OR

F. LANDSCAPED AREAS ADJACENT TO OR WITHIN THE PUBLIC RIGHT-OF-WAY; OR

G. CURB RAMPS; OR

H. WITHIN TEN FEET OF ENTRYWAYS AND EXITS.

C. ANY PARKED ELECTRIC STANDUP SCOOTER VIOLATING SUBSECTION A OR B OF THIS SECTION, OR PARKED IN ONE LOCATION FOR MORE THAN SEVEN CONSECUTIVE DAYS, MAY BE REMOVED BY THE CITY AND STORED AT THE EXPENSE OF THE ELECTRIC STANDUP SCOOTER OWNER.

D. AN ELECTRIC STANDUP SCOOTER OWNER MUST REMOVE ANY PARKED ELECTRIC STANDUP SCOOTER VIOLATING THIS SECTION WITHIN TWO HOURS OF THE CITY SENDING NOTICE.

E. THE CITY MAY ASSESS A FEE AGAINST THE ELECTRIC STANDUP SCOOTER OWNER TO RECOVER THE CITY'S COSTS AND EXPENSES TO REMOVE OR RELOCATE THE ELECTRIC STANDUP SCOOTER IF THE ELECTRIC STANDUP SCOOTER IS PARKED IN A PROHIBITED AREA.

F. THE STREET TRANSPORTATION DIRECTOR OR DESIGNEE MAY DESIGNATE AREAS WHERE ELECTRIC STANDUP SCOOTER PARKING IS PROHIBITED AND PERMITTED.

G. IF AN ELECTRIC STANDUP SCOOTER HAS NO IDENTIFYING INFORMATION AFFIXED TO IT THAT WOULD ALLOW THE CITY TO IDENTIFY THE OWNER OF THE ELECTRIC STANDUP SCOOTER, THE ELECTRIC STANDUP SCOOTER WILL BE CONSIDERED TO BE ABANDONED.

36-306 UNAUTHORIZED USE.

THE PENALTY FOR USING AN ELECTRIC STANDUP SCOOTER WITHOUT THE OWNER'S CONSENT SHALL BE IN ACCORDANCE WITH STATE LAW.

36-307 ELECTRIC STANDUP SCOOTER EQUIPMENT REQUIRED.

A. AN ELECTRIC STANDUP 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 OF A TYPE 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 ELECTRIC STANDUP 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. AN ELECTRIC STANDUP SCOOTER SHALL BE EQUIPPED WITH A BRAKE THAT ALLOWS THE OPERATOR TO MAKE THE BRAKED WHEELS SKID ON DRY, LEVEL, CLEAN PAVEMENT.

36-308 ELECTRIC STANDUP SCOOTER AGE REQUIREMENTS.

A. NO PERSON MAY OPERATE AN ELECTRIC STANDUP SCOOTER WHO IS UNDER THE AGE OF 18.

SECTION 15. Phoenix City Code, Section 36-403, is amended to read as follows:

36-403 Prohibited Conduct.

No person shall:

1. Place an item that blocks the aisle or the areas of the transit vehicle reserved for passengers in wheelchairs or who use mobility aids;
2. Possess an open container of or consume an alcoholic beverage in a transit vehicle or on transit property;
3. Carry any flammable or explosive substance, or hazardous materials onto or aboard a transit vehicle or transit property;
4. Hang onto or attach his or her body to any exterior part of a transit vehicle or touch a moving transit vehicle in any manner;
5. Walk between coupled light-rail vehicles;
6. Enter on, occupy, or remain upon the guideway except as necessary to board or alight a transit vehicle unless authorized by a valid permit;
7. Throw an object at or from any transit vehicle or at any person or thing on or in any transit vehicle, or at or from transit property;
8. Travel in any mode, including pedestrian, bicycle, ELECTRIC STANDUP SCOOTER, equestrian, roller skate, rollerblade, on or across any guideway, except within a marked crosswalk at a signalized intersection;
9. Travel on or across a light-rail station platform or paid zone via bicycle, ELECTRIC STANDUP SCOOTER, skateboard, roller blade, motorized vehicle or equipment. This subsection shall not apply to wheelchairs or other equipment used to assist a person with a disability;
10. Place any object on any portion of the guideway;

11. Interfere with the operation of a transit vehicle, transit facility, or ticket vending machine;
12. Interfere with embarking or disembarking of any passenger on a transit vehicle or entering or leaving transit property;
13. Use tobacco products, or carry any lighted or smoldering substance, in any form, aboard a transit vehicle or within any space where posted signage prohibits smoking;
14. Operate a sound-emitting device, unless the only sound produced by such item is emitted by a personal-listening attachment (earphone or headphone) audible only to the person carrying the device producing the sound: this provision shall not apply to a Peace Officer, Firefighter, Transit Employee, or Emergency Response Professional in the course of employment;
15. Light a flashlight, scope light, laser light or object that projects a flashing light or beams of light while inside a transit vehicle or towards a transit vehicle, except in an emergency;
16. Place his or her feet on, or lie down on the seat of a transit vehicle or place any article on the seat which would leave grease, oil, paint, dirt, or any other substance on the seat;
17. Spit, defecate, urinate, or litter in or on a transit vehicle, transit property, or transit facility;
18. Light or detonate sparklers, firecrackers, or other types of pyrotechnic devices in or on a transit vehicle, transit property, or transit facility;
19. Injure, mutilate, deface, alter, change, displace, remove, or destroy any sign, notice, or advertisement on or in any transit vehicle, or transit property;
20. Disobey the instructions of any traffic signal, security notice, sign or marker unless otherwise directed by a fare inspector, peace officer, or authorized transit representative;
21. Recklessly damage, deface, mutilate, or tamper with transit property so as to impair its function or value;
22. Post signs or notices, or draw or inscribe a message, slogan, sign, mark, or symbol on transit property without written permission from applicable transit entities.

SECTION 16. Phoenix City Code, Section 39-7(A), is amended to read as

follows:

39-7 Exterior Premises and vacant land.

A. *General.* All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any hazard or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of inoperable vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, DISCARDED OR BROKEN ELECTRIC STANDUP SCOOTERS, an accumulation of vehicle, bicycle, ELECTRIC STANDUP SCOOTER or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire hazard. A single inoperable vehicle in combination with any of the above described conditions shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection based on the presence of an inoperable vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.

SECTION 17. Sunset Provision. This Ordinance will automatically terminate one year from the effective date. Upon termination, the amended Code provisions shall revert to their pre-amended forms.

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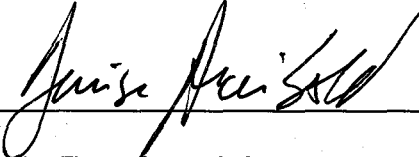
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PASSED by the Council of the City of Phoenix this 26th day of June, 2019.



MAYOR

ATTEST:

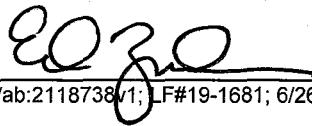

City Clerk



APPROVED AS TO FORM:


Acting City Attorney
MFA

REVIEWED BY:


City Manager

MFM/ab:2118738/v1; LF#19-1681; 6/26/19