

NOTICE OF ADOPTION

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the 7th day of November, 2022,
Ordinance No. 22-22 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 22-22 was published in the
posting locations prescribed by the City of Centerville Council.



Clerk of Council

ORDINANCE NO. 22-22

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 7th DAY OF November, 2022.

AN ORDINANCE ENACTING CHAPTER 478 OF THE CODIFIED ORDINANCES OF THE CITY OF CENTERVILLE ENTITLED “SHARED MOBILITY DEVICES”

WHEREAS, dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have arrived in many cities suddenly and unexpectedly, and have since proliferated rapidly; and

WHEREAS, these shared mobility devices are largely unregulated; and

WHEREAS, for the immediate preservation of the public peace, health, and safety, Council on March 1, 2021, enacted Resolution 25-21, a moratorium to address the hazards posed by shared mobility devices placed in and operated on public property; and

WHEREAS, said moratorium was extended by Council on April 4, 2022, by Resolution No. 28-22, and on September 26, 2022, with Resolution No.79-22, with the intent to revisit the issue when the legal landscape may have become more firmly settled; and

WHEREAS, in cities where shared mobility devices are available, they are frequently abandoned by users in streets, sidewalks, and other public places, creating visual clutter and safety concerns, especially for the most vulnerable pedestrians; and

WHEREAS, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors—without helmets; and

WHEREAS, the State of Ohio adopted H.B. 295, effective April 15, 2021, and codified as Ohio Revised Code Section 4511.514, which allows a municipal corporation the ability to regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. That the following new Chapter 478 entitled Shared
Mobility Devices of the Centerville Municipal Code is hereby
enacted as follows:

**CHAPTER 478
SHARED MOBILITY DEVICES**

478.01 Shared Mobility Device Defined

As used in this chapter, “Shared Mobility Device” means any wheeled device, other than an automobile or motorcycle, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

478.02 Prohibitions

- (a) No person shall park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.
- (b) No person shall operate a shared mobility device in a public right-of-way or on public property anywhere within the City.
- (c) No person shall provide or offer for use a shared mobility device anywhere within the City.

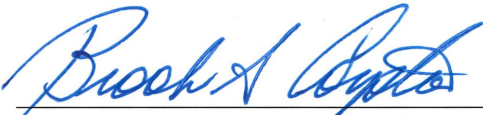
478.03 Penalty

- (a) Whoever violates this Chapter is guilty of a minor misdemeanor.
- (b) In addition, any violation of Section 478.02(c) shall constitute a public nuisance, and the Municipal Attorney is authorized to file for injunctive and/or other relief on the city’s behalf as necessary to abate the nuisance.
- (c) City officials designated by the City Manager, and any party contracted by the City to specifically impound shared mobility devices are authorized to impound any shared mobility device that has

been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this Section. Impounded devices shall be subject to impound and storage fees established by the City Manager in the same manner as other city fees.


Section 2, This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 7th day of November, 2022.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 22-22, passed by the Council of the City of Centerville, Ohio on the 7th day of November, 2022.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney