

Sec. 19-16. - E-scooters and e-scooter share programs.

- (a) The following definitions shall apply to this section:

*E-scooter* shall mean any two-wheeled device capable of propulsion by a motor or other power source with handlebars and a floorboard designed to be stood upon when riding. This device may also have a seat that does not interfere with the ability of the rider to stand and ride. This definition shall not include motorcycles, mopeds, or Electric Personal Assistive Mobility Devices as defined by the North Carolina General Statutes.

*E-scooter share operator* means an individual or a public, private, or non-profit entity that owns, manages or operates a system whereby e-scooters are parked, placed, stored, exhibited, demonstrated, sold, rented or offered for rent on public sidewalks and right-of-ways to customers on a self-service basis through an electronic platform.

- (b) It shall be unlawful to park, place, store, exhibit, demonstrate, sell, rent or offer to sell or rent any e-scooter on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.
- (c) It shall be unlawful for any e-scooter share operator to permit an e-scooter it owns or leases to be parked, placed, stored, exhibited, demonstrated, sold, rented or offered for sale or rent on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.
- (d) It shall be unlawful to operate an e-scooter on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.
- (e) It shall be unlawful for any e-scooter share operator to permit an e-scooter it owns or leases to be operated on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.
- (f) A violation of this section shall be punishable by a civil penalty of \$100.00 per occurrence, to be recovered by the city in a civil action in the nature of debt, if the offender does not pay the penalty within 30 days of receiving a notice of violation. This penalty shall be in addition to any penalty imposed by any other ordinance, rule, regulation or other provision of law.
- (g) This section may be enforced by any city department or employee as designated by the city manager, who shall be authorized to remove any e-scooter found to be in violation of this section from any sidewalk, square, park or other public property without prior notice.
- (h) Any e-scooter removed from city property pursuant to subsection (g) shall be returned to its owner upon the city receiving adequate proof of ownership. If an e-scooter removed from city property remains unclaimed after a period of 60 days, it will be deemed abandoned, and may be disposed of in any manner permitted by law.

(Ord. No. 4715, § 1, 11-27-18)