

ORDINANCE NO.

APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 14-9, (TRAFFIC OR SIDEWALK OBSTRUCTIONS) TO BROADEN SERVICES REGULATED IN THE CITY'S RIGHT-OF-WAY, TO INCLUDE MICRO-MOBILITY SERVICES, AND REPEALING CITY CODE SECTIONS 14-9-23 (CITY-WIDE DOCKLESS TRANSPORTATION LICENSE AUTHORIZED), 14-9-24 (CITY-WIDE DOCKLESS TRANSPORTATION UNIT PLACEMENT PLAN), AND 14-9-25 (LICENSE AMENDMENT, SUSPENSION, OR REVOCATION).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 14-9-1 (COMMERCIAL USE OF SIDEWALKS OR CITY RIGHT-OF-WAY PROHIBITED) is amended to delete "dockless transportation services" and replace with "shared micro-mobility devices" as follows:

§ 14-9-1 - COMMERCIAL USE OF SIDEWALKS OR CITY RIGHT-OF-WAY PROHIBITED.

- (A) Except as provided in Subsection (B) or otherwise authorized by ordinance, a person may not:
- (1) display, cause to be displayed, suspend, or offer merchandise or any shared micro-mobility device [~~dockless transportation services~~] for sale, lease, or rental in the public right-of-way or on a sidewalk in front of a business, residence, or other premises within the person's control; or
 - (2) place a container on the sidewalk adjoining a business, residence, or other premises within the person's control.
- (B) This section does not apply to specific permanent containers for ornamental trees or shrubs placed in accordance with a permit authorized by Council.

PART 2. City Code Section 14-9-3 (PLACING OBJECTS ON STREET, ALLEY, OR SIDEWALK) is amended to delete "dockless transportation services" and replace with "shared micro-mobility devices" as follows:

§ 14-9-3 - PLACING OBJECTS ON STREET, ALLEY, OR SIDEWALK.

- (A) A person may not place, store, or park, or allow another person to place, store, or park, a vehicle, machinery, shared micro-mobility device [~~dockless transportation item~~] or other bulky item on a street, alley, or sidewalk:

- (1) to sell, purchase, rent, or lease the item;
- (2) to use the object or item for work or business; or
- (3) as waste, refuse, or junk.

(B) This section does not apply to an individual's automobile or other vehicle that is being used or is temporarily parked at the curb to be used for the individual's personal use.

PART 3. City Code Section 14-9-11 (*Restriction on Sales and Other Transactions in City Right-of-Way*) is amended to delete “dockless transportation services” and replace with “shared micro-mobility devices” as follows:

§ 14-9-11 - RESTRICTION ON SALES AND OTHER TRANSACTIONS IN CITY RIGHT-OF-WAY.

(A) Except as provided in Subsection (B), a person may not display, sell, offer for sale, exchange, or take orders for the sale or exchange of merchandise, or any shared micro-mobility device [~~dockless transportation~~] goods services, rentals or lease within City right-of-way adjacent to schools, hospitals, convention centers, City owned or controlled buildings, streets, highways, bridges, alleys, sidewalks, and any places deemed detrimental to safety and mobility as determined by the director of the Austin Transportation Department (director), unless the person has obtained authorization [~~a license~~] from the City.

(B) This section does not apply to:

- (1) the sale or display of a newspaper, pamphlet, or periodical on a sidewalk if the newspaper, pamphlet, or periodicals and any display or dispenser is within an area extending not more than three feet from the curblineline or the lot line; or
- (2) the distribution of leaflets, literature, or other information in a manner that does not block the safe or free passage of another person.
- (3) solicitation as defined by Subsection (B)(8) of City Code Section 9-4-13 (*Exception to Prohibition Against Obstruction for Sale, Rental, or Lease of Merchandise or Services*) in a manner that does not violate Subsection (C) of City Code Section 9-4-13 (*Exception to Prohibition Against Obstruction for Sale, Rental, or Lease of Merchandise or Services*).

PART 4. City Code Section 14-9-12 (*Obstruction for Sale, Rental, or Lease of Merchandise or services Prohibited*) is amended to delete “dockless transportation services” and replace with “shared micro-mobility devices” as follows as follows:

§ 14-9-12 - OBSTRUCTION FOR SALE, RENTAL, OR LEASE OF MERCHANDISE OR SERVICES PROHIBITED.

(A) This section does not apply to a person licensed under Section 14-9-21 (*Street Vendor License Authorized*), or to a use authorized by Section 14-9-13

(Exceptions to Prohibition Against Obstruction for Sale, Rental or Lease of Merchandise or Services), or a use authorized by City Code Chapter 13 (Transportation Services).

(B) On a street, highway, bridge, alley, sidewalk, or right-of-way, a person may not:

- (1) place, park, or maintain, or cause to be placed, parked, or maintained a structure or display used to sell, offer for sale, lease, rental, barter, trade, store, or take an order for the sale, lease, rental, or exchange of merchandise, or any shared micro-mobility device ~~[dockless transportation]~~ goods, or services; or
- (2) sell, offer for sale, rent, lease, exchange, or take orders for the sale or exchange of merchandise, or any shared micro-mobility device ~~[dockless transportation]~~ goods or services.

(C) A person may not park a motor vehicle on a street to use as a structure or display to sell merchandise to a pedestrian or occupant of another vehicle.

PART 5. City Code Sections 14-9-23 (*City-Wide Dockless Transportation License Authorized*), 14-9-24 (*City-Wide Dockless Transportation Unit Placement Plan*), and 14-9-25 (*License Amendment, Suspension, or Revocation*) are repealed and the sections are reserved for future use.

PART 6. This ordinance takes effect on November 19, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 § _____
 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk