

**CITY OF CANTON, TEXAS
ORDINANCE NO. 2013 - 12**

AN ORDINANCE REQUIRING A PERMIT TO RENT MOTORIZED PERSONAL TRANSPORTATION DEVICES, PROVIDING FOR AN APPLICATION PROCESS, PROVIDING FOR AN APPLICATION FEE, PROVIDING FOR INSURANCE REQUIREMENTS, PROVIDING FOR MAINTENANCE STANDARDS FOR SUCH DEVICES, AND PROVIDING FOR A PENALTY.

WHEREAS, the use of motorized personal transportation devices (MPTD's) in the City of Canton, and particularly on the ground of First Monday Trade Days, can constitute a threat to the safety of the user and to other pedestrians; and

WHEREAS, the rental of MPTD's at First Monday is a lucrative business and can provide for a more pleasurable experience if the customer has mobility problems; and

WHEREAS, the unregulated use of MPTD's on city property at First Monday may potentially create liability issues for the City if the MPTD's are used negligently; and

WHEREAS, it is proper for the operator of a lucrative business to account for the external creation of potential liability for third parties;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANTON, TEXAS:

Section 1. A new Chapter 117 of the Canton City Code, entitled "RENTAL OF MOTORIZED PERSONAL TRANSPORTATION DEVICES," is adopted as follows:

§ 117.01 DEFINITIONS.

In this ordinance, unless the context of the term clearly indicates otherwise:

(A) Motorized personal transportation device or MPTD means a device that is self-propelled and designed to be used by a single person to assist in moving along

sidewalks, corridors, or other passageways. It does not include a motor vehicle that is licensed for or appropriate for use on streets.

(B) Rent means to permit, for a term of less than 30 days, the use of a MPTD by a person other than the owner of the MPTD for consideration.

§ 117.02 PERMIT REQUIRED.

(A) It shall be unlawful to rent a motorized personal transportation device for use in the City of Canton unless the owner of the device has a permit from the City of Canton.

(B) It shall be unlawful for a person to rent or operate a motorized personal transportation device for use in the City of Canton in violation of the requirements of this Chapter.

§ 117.03 APPLICATION.

(A) An owner of one or more MPTD's who wishes to rent MPTD's to the public may apply for a permit by submitting an application, on a form to be approved by the City Manager, which includes at least the following information:

- (1) The name of the applicant;
- (2) The address of the applicant;
- (3) If the applicant is not an individual, the name of an individual who will be the contact person for the City;
- (4) The address and telephone number of the contact person;
- (5) A list of the MPTD's the applicant wishes to rent to the public;
- (6) All locations from which the applicant will operate;
- (7) A promise to indemnify, defend, and hold the City of Canton harmless from any claim resulting from the operation of an MPTD; and
- (8) Identification of the liability insurance policy that will meet the standards of Section 117.04.

(B) The nonrefundable application fee is \$25.

(C) Upon submission of the completed application and the application fee, and upon confirmation that the insurance policy identified in the application is valid and meets the requirements of this ordinance, the City shall issue the permit.

§ 117.04 INSURANCE.

A permit holder must continuously maintain liability insurance applicable to the operation of MPTD's by its customers that meets the following standards:

- (A) It shall provide at least \$1,000,000 combined single limit coverage with no deductible;
- (B) It shall be issued by an insurance company authorized to do business in the State of Texas;
- (C) It shall name the City of Canton as an additional insured;
- (D) It shall not be cancellable until 30 days after the receipt by the City of notice of intent to cancel.

§ 117.05 STANDARDS FOR DEVICES.

All MPTD's rented by a permit holder must:

- (A) be well-maintained in proper, safe operating condition;
- (B) not have worn cushions, seats, wheels, or other parts so as to be unsightly;
- (C) be designed to carry no more than one person; and
- (D) have affixed to the MPTD a sticker that shows:
 - (1) the name of the permit holder;
 - (2) a number or other identification of the individual device; and
 - (3) the telephone number of the permit holder.

§ 117.06 AUTHORIZED RENTERS.

An MPTD rented under this Ordinance may be operated only by a person who is 18 years of age or older, or who can show proof of disability.

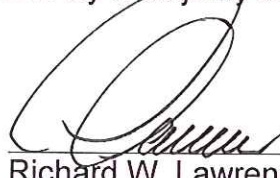
§ 117.07 PENALTY.

Violations of this ordinance shall be punishable in accordance with the standard penalties provided in Section 10.99 of the City Code. Each rental of a MPTD not in accordance with the provisions of this Ordinance shall be a separate offense.

Section 2. That all ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

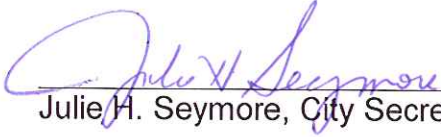
Section 3. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED, ADOPTED AND APPROVED by a majority of the Canton City Council
on this the 20th day of August, 2013.



Richard W. Lawrence, Mayor

ATTEST:



Julie H. Seymore, City Secretary

