



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, September 20, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:02 A.M. on Tuesday, September 20, 2022.

### PRESENT

Councilmember Gabe Alborno, President	Councilmember Evan Glass, Vice President
Councilmember Andrew Friedson	Councilmember Tom Hucker
Councilmember Will Jawando, <i>virtually</i>	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice, <i>virtually</i>
Councilmember Hans Riemer	

The President in the Chair.

### PRESENTATIONS

- A. Proclamation presented by Councilmember Jawando, Council President Alborno, and the County Executive recognizing National Preparedness Month.
- B. Proclamation presented by Councilmember Jawando recognizing National Sickle Cell Awareness Month.

The Council recessed at 9:23 A.M. and reconvened at 9:36 A.M.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes

Ms. Rupp, Clerk of the Council made the following announcement:

- (1) [The Council is seeking applicants for a vacancy on the County's Policing Advisory Commission. The deadline to apply is Friday, September 30, 2022, at 5:00 P.M.](#)

- (2) B. **Acknowledgement** - [Receipt of Petitions](#)

Acknowledged receipt of petitions from residents of Montgomery County opposing the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism; and from residents of Montgomery County supporting **Bill 22-22**, Landlord-Tenant Relations - Limitations of Rent Increases.

- C. **Action** - Approval of Minutes: April 19, June 14, 21, 28, and July 12 and 26, 2022

Approved the minutes without objection. Mr. Rice was temporarily absent.

- (3) **INTRODUCTION** - [WMATA General Manager and CEO: Randy Clarke](#)

Mr. Clarke, who joined the Washington Metropolitan Area Transit Authority (WMATA) in July 2022, discussed initiatives to improve safety and security, including the redeployment of police officers for higher visibility and the hiring of crisis intervention specialists; improve reliability of service, institute a deep-cleaning program, and reduce the current budget shortfall of approximately \$200 million. He noted the need to develop a strategic five-year plan to help ensure Metro's long-term success and to think regionally, not just jurisdictionally.

Councilmembers commented on the need for a high-performance partnership with Metro to reach racial equity and social justice, climate, and housing goals; to simplify the fare structure with an emphasis on those who rely on public transit; to grow ridership and focus on safety on trains, buses, and at stations; and for infrastructure improvements to help ensure reliable service to residents.

- (4) **BRIEFING** - [Vision Zero](#)

Participating in the discussion were Mr. Holland, Vision Zero Coordinator, Office of the County Executive; Mr. Paylor, Division Chief, Division of Traffic Engineering and Operations, Department of Transportation (DOT); Assistant Chief Yamada, Field Services Bureau, and Captain Dillman, Director of Traffic Operations Division, Montgomery County Police Department (MCPD); Mr. Gunn, Acting District 3 Engineer, State Highway Administration (SHA); Ms. Cohn McGowan, Transportation Planner Coordinator, Montgomery County Planning Department; and Ms. Daphnis, Chair, Pedestrian, Bicycle, and Transportation Safety Advisory Committee.

Received a briefing on roadway safety since the pandemic began, fatality rates and the number of serious and fatal crashes; steps being taken locally and nationally to address the increasing number of fatal crashes, including addressing substance abuse and more focused law enforcement on dangerous driving behaviors; the Vision Zero Action Plan and Work Plan; projects currently underway to improve pedestrian safety on both County and State roadways including bikeway and shared-use path projects; and enforcement of speed, red light, and stopped bus laws.

Requested a follow-up discussion on strategies to reach the County's multi-cultural populations, including partnerships with minority healthcare initiatives.

Councilmembers commented on the need to implement safety improvements quickly, additional efforts to stop drivers from passing stopped school buses, for additional speed and red-light cameras, and for other possible ways to improve pedestrian safety.

#### **LEGISLATIVE SESSION - DAY #26**

(5) **Introduction of Bills:**

A. [Bill 26-22, Landlord-Tenant Relations - Radon Testing and Mitigation - Required](#)

Introduced draft #4 of **Bill 26-22**, sponsored by Councilmember Rice. A public hearing is scheduled for October 18, 2022, at 1:30 P.M.

(6) **Call of Bills for Final Reading:**

A. [Bill 36-21, Motor Vehicles and Traffic - E-Scooters - Operating Requirement and Registration](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, reviewed the purpose of the Bill and amendments approved in the Transportation and Environment (T&E) Committee, as contained in the staff report.

Legislative Attorney McCartney-Green noted a technical correction to the Bill to reflect the line number of the expanded definition of e-scooter.

Enacted draft #6 of **Bill 36-21** as amended and shown at the end of these minutes.

The Joint PS and T&E Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Katz, Jawando, Riemer, Hucker, Navarro, Rice, Friedson, Glass, Albornoz.

(7) **DISTRICT COUNCIL SESSION** *This was deferred to the afternoon.*

- A. **Worksession/Action - Zoning Text Amendment (ZTA) 22-04, Commercial Uses - Light Vehicle Sales and Rental (Indoor)**
- B. **Worksession/Action - Zoning Text Amendment (ZTA) 22-05, Signs**
- C. **Worksession/Action - Zoning Text Amendment (ZTA) 22-06, Exemptions - Historic Resources - Allowed Uses**

(8) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz made the motion, which carried without objection. Mr. Hucker was temporarily absent. Later in the meeting, he indicated that had he been present, he would have voted in the affirmative.

- A. **Adopted Resolution 19-1371**, approving an amendment to the FY23 Operating Budget Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Manna Food Center, Inc., Pathways to Housing DC, Inc. dba Pathways to Housing DC, Bethesda Cares, Inc., Conflict Resolution Center of Montgomery County, Inc., and Kingdom Fellowship African Methodist Episcopal Church, Inc.
- B. **Adopted Resolution 19-1372**, approving an amendment to the FY23 Operating Budget Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Habitat for Humanity Metro Maryland, Inc. and Rebuilding Together Montgomery County, Inc.
- C. **Adopted Resolution 19-1373**, approving categorical transfers for MCPS' FY22 Operating Budget and FY22 Grants.
- E. **Adopted Resolution 19-1374**, approving an amendment to the FY23 Operating Budget Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Moody's Analytics, Inc.

- F. Adopted **Resolution 19-1375**, confirming the County Executive's appointments to the Alcoholic Beverages Advisory Board: Spiro Gioldasis, Will Shanklin
- G. Adopted **Resolution 19-1376**, confirming the County Executive's appointments to the Animal Services Advisory Committee: Julie Falconer, Roxanne Borrok, Stephanie Arrington, Victoria Thomas, Sandra Yuen, Jennifer Hughes, Linda McMakin, Bonnie White, Thomas Koenig, Jan Armstrong, Gregory Lawrence, Melissa Rubin, Elizabeth Mullen, Maureen Smith
- H. Adopted **Resolution 19-1377**, confirming the County Executive's appointments to the Board of Registration for Building Contractors: Ralph Mollet, Josh Rosenthal
- I. Adopted **Resolution 19-1378**, confirming the County Executive's appointments to the Building Performance Improvement Board: Jill Goodrich, Mike Dieterich, Rhett Tatum, Adam Landsman, Julie Wolfington, Daniel Cleverdon, Josh McClelland, Amanda MacVey, Edward Musz, Gregory Goldstein, Luke Lanciano, Andrew Rivas, Kevin Walton, Lawrence Carroll, Sheena Oliver
- J. Adopted **Resolution 19-1379**, confirming the County Executive's appointment to the Commission on Landlord-Tenant Affairs: Felicia Goss
- K. Adopted **Resolution 19-1380**, confirming the County Executive's appointment to the Permitting Services Advisory Committee: Arquilla Ridgell
- L. Adopted **Resolution 19-1381**, confirming the County Executive's appointments to the Dickerson Area Facilities Implementation Group (DAFIG): Lauren Greenberger, William Triplett
- M. Adopted **Resolution 19-1382**, confirming the County Executive's appointment to the Domestic Violence Coordinating Council: Benjamin Stevenson
- N. Adopted **Resolution 19-1383**, confirming the County Executive's appointments to the Early Care and Education Coordinating Entity Board of Directors: Amy Cropp, Nichelle Owens
- O. Adopted **Resolution 19-1384**, confirming the County Executive's appointments to the Fire and Emergency Services Commission: Jane Callen, Hilary Miller

- P. Adopted **Resolution 19-1385**, confirming the County Executive's appointment to the Revenue Authority: Andrew Bridge
- Q. Adopted **Resolution 19-1386**, confirming the County Executive's appointment to the Silver Spring Urban District Advisory Committee: Diana Brown
- R. Adopted **Resolution 19-1387**, confirming the County Executive's appointments to the Workforce Development Board: Bill Tompkins, Mary Lang
- S. Introduced Supplemental Appropriation #23-14 to the FY23 Operating Budget, Montgomery County Government Department of Health and Human Services - Montgomery County Child Care Resource Center - ARPA Child Care and Development Fund Discretionary Grants, \$417,500 (Source of Funds: State Grant). A public hearing is scheduled for October 4, 2022, at 1:30 P.M.
- T. Introduced Supplemental Appropriation #23-16 to the FY23 Operating Budget, Montgomery County Government Department of Health and Human Services - Montgomery County Infant and Early Childhood Mental Health Support Services Grant \$318,421 (Source of Funds: State Grant). A public hearing is scheduled for October 4, 2022 at 1:30 P.M.

The Council recessed at 12:33 P.M. and reconvened at 12:47 P.M.

**RECESS** - Lunchtime meeting with Regional Services Center (RSC) Directors (Bethesda -Chevy Chase, East County, and Mid-County)

Participating in the discussion were Mr. Fosselman, Director, Bethesda-Chevy Chase RSC; Mr. Bandeh, Director, East County RSC; Ms. Cardona, Director, Mid-County RSC; Ms. Kassiri, Deputy Chief Administrative Officer; and Mr. Hartman, Director of Strategic Partnerships.

Received an update from Mr. Fosselman on the Pike District including construction at Rockville Pike and Old Georgetown Road, redevelopment of the White Flint metro area; University of Maryland Institute for Advanced Computing; pedestrian access at White Flint mall for parking; western workaroud at Executive Boulevard; an update on Evolution Labs to be developed by Stone Ridge near the Kennedy Shriver Aquatic Center; the approval of the zoning text amendment to allow increased building height; marketing and placemaking; and stormwater management. Noted that the Pike District Partnership (currently the White Flint Downtown Advisory Committee) is

working with the Office of Grants Management to disburse the \$300,000 business improvement grant funds.

Received an update on services provided by the East County RSC, noting the focus on four major developments: Hillandale Park, the Food and Drug Administration (FDA), the White Oak Shopping Center/Town Center, and the White Oak Apartments. Received information on the \$100,000 Business Improvement District Grant to the White Oak Partnership, a newly formed nonprofit to advise on public services and community activities that promote awareness and a sense of community. The East County Advisory Board continues to provide policy recommendations and advocacy for residents. The White Oak Master Plan is progressing with technical support to help the developers navigate permitting issues.

Received an update from Ms. Cardona on Mid-County issues, including an update on activities of the Wheaton Urban District Advisory Committee; the launching of meetings with small businesses; a meeting with the Salvadorean Consulate and the County's Business Advancement Team; and an introduction for microbusinesses on how to do business with the County, hosted by Impact Silver Spring. Received an update on events in the Arts and Entertainment District, the Wheaton Streetery; and on the need for increased security and trash removal in public spaces as more residents are increasingly using these areas.

Mr. Albornoz commented on the signed lease for operation of an East County Montgomery College location.

The Council recessed at 1:23 P.M. and reconvened at 1:34 P.M.

(9) **PUBLIC HEARING - [Bill 18-22, Noise Control - Leaf Removal - Amendments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 27, 2022. A Transportation and Environment (T&E) Committee worksession will be scheduled at a later date.

(10) **PUBLIC HEARING - [Bill 24-22, Streets and Roads](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 5, 2022. A T&E Committee worksession is scheduled for October 10, 2022.

(11) **PUBLIC HEARING - [Zoning Text Amendment \(ZTA\) 22-10, Streets and Roads](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 27, 2022. A T&E Committee worksession is scheduled for October 10, 2022.

(12) **PUBLIC HEARING - [Subdivision Regulation Amendment \(SRA\) 22-01, Streets and Roads](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 27, 2022. A T&E Committee worksession is scheduled for October 10, 2022.

(13) **PUBLIC HEARING - [Bill 23-22, Personnel and Human Resources - Amount of Pension - Group G Members](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 27, 2022. A Government Operations and Fiscal Policy (GO) Committee worksession will be scheduled at a later date.



- (14) **PUBLIC HEARING** - [Sectional Map Amendment \(SMA\) to implement the Approved and Adopted Silver Spring Downtown and Adjacent Communities Plan, SMA \(H-146\).](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 27, 2022. A Planning, Housing, and Economic Development (PHED) Committee worksession is tentatively scheduled for October 3, 2022.

- (14.5) **PUBLIC HEARING/ACTION** - [Special Appropriation to the MCPS' FY23 Operating Budget - \\$8,631,072 for the Maryland Leads Grant Program \(Source of Funds: State Funds\)](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1388**, approving the subject Special Appropriation. Mr. Katz made the motion, which carried without objection among those present. Mr. Hucker, Mr. Jawando, Ms. Navarro, and Mr. Rice were temporarily absent. Later in the meeting, Mr. Hucker, Mr. Jawando, and Ms. Navarro noted that had they been present, they would have voted in the affirmative.

- (7) **DISTRICT COUNCIL SESSION**

- A. **Worksession/Action** - [Zoning Text Amendment \(ZTA\) 22-04, Commercial Uses - Light Vehicle Sales and Rental \(Indoor\)](#)

Participating in the discussion was Ms. Ndou, Legislative Attorney.

Mr. Riemer, Chair of the PHED Committee, summarized the purpose of the ZTA and Ms. Ndou reviewed the Committee's recommended amendments.

Enacted **Ordinance 19-32**, approving draft #2 of **ZTA 22-04**. The PHED Committee made the motion which carried among those present. Mr. Hucker and Mr. Rice were temporarily absent. Later in the meeting, Mr. Hucker indicated that had he been present, he would have voted in the affirmative.

- B. **Worksession/Action** - [Zoning Text Amendment \(ZTA\) 22-05, Signs](#)

Participating in the discussion was Ms. Sokoni, Legislative Attorney.

Ms. Sokoni summarized the PHED Committee's recommended amendments to the ZTA.

Enacted **Ordinance 19-33**, approving draft #2 of **ZTA 22-05**. The PHED Committee made the motion which carried among those present. Mr. Rice was temporarily absent.

C. **Worksession/Action - [Zoning Text Amendment \(ZTA\) 22-06, Exemptions - Historic Resources - Allowed Uses](#)**

Ms. Ndou participated in the discussion.

Ms. Ndou summarized the purpose of the ZTA and the impact it would have to individual historic properties operating eating and drinking establishments. She also reviewed the amendments proposed by the PHED Committee.

Enacted **Ordinance 19-34**, approving draft #2 of **ZTA 22-06**. The PHED Committee made the motion which carried among those present. Mr. Rice was temporarily absent.

(15) **REVIEW - [Thrive 2050](#)**

Participating in the discussion were Mr. Exantus, Managing Associate, CHPlanning and Nspiregreen; and Ms. Dunn, Senior Legislative Analyst.

Mr. Exantus provided recommendations to update the Thrive 2050 plan to further the equity efforts of developing the Plan. He presented several recommended changes to the Thrive 2050 Plan, such as establishing criteria to support Black owned business recruitment and retention; revisiting low-income and BIPOC communities to ensure communities can support the policies before passing the document; allow more time and resources to complete drafting Racial Equity and Social Justice (RESJ) review language; conducting a housing study that will seek to address displacement fears by community, determine how to achieve growth targets and identify barriers to successful implementation; and establish working relationships with communities that prioritize participatory planning and delegate power to vulnerable Communities. He also summarized recommendations pertaining to compact growth; complete communities; design, arts, and culture; housing; parks, recreation, and natural resources; and racial equity and social inclusion.

Noting that many of the recommendations provided by CHPlanning and Nspiregreen fall outside the Plan, Mr. Albornoz and Ms. Navarro requested that there is a connection made to and acknowledgement of other Council efforts and policy areas that may impact or be impacted by the Plan.

Mr. Riemer also noted that the recommendations may be a best practice on public engagement and participation, and it should be reflected in the Plan to strengthen it.

Mr. Friedson noted that the original intent of this Plan was to be a broad scope of potential development, not prescriptive, and that Council should make a decision as to the intent of the Plan and be consistent throughout the document. He added that the Racial Equity and Social Justice chapter should be used to discuss implementation and community engagement.

Ms. Dunn reviewed the next steps for review of the Plan, including a memo from the Planning Department included in the staff report regarding a mapping of the recommendations to areas in the Plan that contain this information, as well as the plan to collect feedback from Councilmembers to edit the Plan.

### **Motion to Close**

The Council adjourned the open session at 3:29 P.M. and reconvened in the Capital Crescent Trail Conference Room in closed session at 3:49 P.M. to 4:41 P.M. Mr. Glass made the motion, which carried unanimously among those present. Mr. Rice was temporarily absent.

### **Report of Closed Session of September 20, 2022**

In compliance with Section 3-306(c)(2) General Provisions Article, Maryland Code, the following is a report of the County Council's closed session in the Capital Crescent Trail Conference Room at 3:49 P.M. pursuant to Maryland Code, General Provisions Article §3-305(b)(7); and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topic is pending litigation involving the County.

The following persons were present: Councilmembers Albornoz, Friedson, Glass, Hucker, Jawando (*virtually*), Katz, Navarro, Rice (*virtually*), Riemer; Chiefs of Staff Nurmi, Carraza, Edberg, Ikheloa, Kunes (*virtually*), Ledner, Mandel-Trupp, Silverman, and Tribble (*virtually*); Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Wellons, Senior Attorney; Ms. Rupp, Clerk of the Council, Ms. Tenenbaum, Deputy Clerk of the Council; Mr. Markovs, Acting County Attorney, and Mr. Lattner, Division Chief, County Attorney's Office.

**Action:** The Public Safety Committee will convene to discuss options for amendments to **Expedited Bill 21-22**, Weapons - Firearms in or Near Places of Public Assembly, related to the Supreme Court Bruen decision.

The meeting adjourned at 4:41 P.M.

This is an accurate account of the meeting:

A handwritten signature in black ink, appearing to read "Judy Rupp", written over a horizontal line.

Judy Rupp  
Clerk of the Council

Bill No. 36-21  
Concerning: Motor Vehicles and Traffic –  
E-Scooters – Operating  
Requirements and Registration  
Revised: 7-25-22 Draft No. 6  
Introduced: October 19, 2021  
Enacted: September 20, 2022  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Katz  
Co-Sponsor: Councilmember Alborno

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**AN ACT** to:

- (1) permit a person to register an electric low speed scooter owned by a County resident for personal use;
- (2) require the registration of an electric low speed scooter fleet offered for rent in the County and pay a registration fee;
- (3) establish operating and parking requirements for electric low speed scooter use in the County; and
- (4) generally amend County law governing electric low speed scooter use in the County.

By adding

Montgomery County Code  
Chapter 31, Motor Vehicles and Traffic  
Article IX, E-Scooters  
Sections 31-70, 31-71, 31-72, 31-73, 31-74, 31-75, 31-76, and 31-77

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article IX (Sections 31-70, 31-71, 31-72, 31-73, 31-74, 31-75, 31-76,**  
2 **and 31-77) of Chapter 31 is added as follows:**

3                           **Article IX. E-Scooters.**

4 **31-70. Definitions.**

5           In this Article, the following words have the meanings indicated:

6           Child means an individual under the age of 14 years old.

7           Electric low speed scooter or e-scooter means a vehicle that:

8           (1) is designed to transport only the operator;

9           (2) weighs less than 100 pounds;

10           (3) has single wheels in tandem or a combination of 1 or 2 wheels at the front  
11 and rear of the vehicle;

12           (4) is equipped with handlebars and a seat or a platform designed to be stood  
13 on while riding;

14           (5) is solely powered by an electric motor and human power; and

15           (6) is capable of operating at a speed of up to 20 miles per hour.

16           Electric low speed scooter does not include:

17           (1) an electric personal assistive mobility device; [[or]]

18           (2) an electric wheelchair or other mobility aid used by a disabled  
19 individual[.]; or

20           (3) an electronic scooter used by a child for recreational use that:

21                   (A) has a maximum operating speed of up to 10 miles per hour; and

22                   (B) does not contain reflectors.

23           Personal use means riding an electric low speed scooter by the owner or any  
24 other person who the owner authorizes to ride the electric low speed scooter  
25 without charging rent.

26           Recreational use means riding an electric low speed scooter by a child  
27 authorized to ride for play, leisure, or instruction.

28 **31-71. Helmets required.**

- 29 (a) A person who is under age 18 must wear a helmet when riding an e-  
30 scooter on a public street, right-of-way, or bicycle path in the County.
- 31 (b) The helmet must be approved by the Snell Memorial Foundation or the  
32 American National Standards Institute, or other institution that the  
33 Director of Transportation determines meets an equivalent standard.

34 **31-72. Registration of e-scooters for personal use.**

- 35 (a) Any County resident who owns an e-scooter for personal use in the  
36 County may voluntarily:
- 37 (1) register the e-scooter with the Montgomery County Police  
38 Department by:
- 39 (A) completing a form provided by the County Executive or  
40 designee; and
- 41 (B) paying a registration fee, if any;
- 42 (2) have a legible County registration decal on the e-scooter; and
- 43 (3) remove the County registration decal when the e-scooter is sold,  
44 transferred, or dismantled.
- 45 (b) E-scooter registration under this Section is not transferable.
- 46 (c) A person, other than the owner, must not remove a County registration  
47 decal from an e-scooter.
- 48 (d) The County Executive may set e-scooter registration fees by Method (3)  
49 Regulation.

50 **31-73. Registration of e-scooter fleets.**

- 51 (a) Applicability. This Section only applies to a company that owns an e-  
52 scooter fleet provided for shared use.

- 53 (b) Registration. The owner of 2 or more e-scooters for rent in the County  
54 must register the e-scooter fleet with the Department of Transportation  
55 by:
  - 56 (1) completing a form provided by the County Executive or the  
57 Executive’s designee; and
  - 58 (2) paying a registration fee.
- 59 (c) The owner of an e-scooter fleet operating in the County must ensure that  
60 each e-scooter has the following information visible:
  - 61 (1) e-scooter company name;
  - 62 (2) unique identifier for each e-scooter; and
  - 63 (3) contact information for the e-scooter company.
- 64 (d) E-scooter registration under this Section is not transferable.
- 65 (e) The Executive may set e-scooter registration fees by Method (3)  
66 Regulation or through a memorandum of understanding between the  
67 Department of Transportation and the owner of an e-scooter fleet.

68 **31-74. E-scooter operation and parking requirements.**

- 69 (a) Minimum age. A person under the age of 14 must not operate an e-  
70 scooter.
- 71 (b) Maximum speed. A person must not operate an e-scooter at a speed  
72 greater than 15 miles per hour.
- 73 (c) Reflectors required.
  - 74 (1) Every e-scooter operating in the County must have:
    - 75 (A) a lamp on the front that emits a white light visible from at  
76 least 500 feet to the front; and
    - 77 (B) a red reflector on the rear visible from all distances from 600  
78 feet to 100 feet to the rear when directly in front of lawful  
79 upper beams of head lamps on a motor vehicle.



80           (2) In addition to, or instead of, the reflector required in subsection  
81           (c)(1)(B), an e-scooter may have a functioning lamp that acts as a  
82           reflector and emits a red light or a flashing amber light visible from  
83           at least 500 feet to the rear.

84       (d) *Parking requirements.*

85           (1) An e-scooter must be parked in a standing upright position.

86           (2) Unless otherwise prohibited by law that specifically prohibits  
87           parking on a sidewalk, a person may park an e-scooter:

88           (A) in the street buffer zone, which is located between the  
89           sidewalk and curb;

90           (B) in the frontage zone, which is located between the sidewalk  
91           and right-of-way line;

92           (C) in the curbside zone, which is located on-street, if:

93               (i) corrals or demarcated spaces are available; or

94               (ii) if there is no sidewalk or street buffer zone

95           (D) on a residential street that permits on-street parking; and

96           (E) in a designated location as determined by the Director of the  
97           Department of Transportation.

98           (3) A person must not park an e-scooter:

99           (A) on a sidewalk that is 5 feet in width or narrower;

100           (B) in a driveway without the permission of the owner of the  
101           driveway;

102           (C) in an area reserved for sidewalk dining;

103           (D) in a transit zone, including bus stops, shelters, and  
104           passenger-waiting areas, except at designated areas within a  
105           transit zone, as determined by the Director;

106           (E) in a loading zone;

- 107 (F) in a parking zone dedicated to accessible parking;
- 108 (G) in a bicycle lane;
- 109 (H) in a manner that impedes access to a doorway, gate, or other  
110 entrance or exit;
- 111 (I) in a manner that reduces the pedestrian zone to less than 4  
112 feet or that otherwise prohibits the free flow of pedestrian  
113 traffic; or
- 114 (J) in a manner that interferes with places of access for persons  
115 with disabilities as required by the Americans with  
116 Disabilities Act.

117 **31-75. Enforcement**

- 118 (a) The enforcement provisions in this Section are in addition to the  
119 enforcement provisions of Article VII of this Chapter.
- 120 (b) The fine for a person's first violation of a helmet requirement of this  
121 Article must be waived if:
  - 122 (1) the person charged:
    - 123 (A) is a minor; and
    - 124 (B) produces proof that the person has obtained a helmet for the  
125 person's use; or
  - 126 (2) the person charged:
    - 127 (A) is the parent or guardian of a minor; and
    - 128 (B) produces proof that the person has obtained a helmet for use  
129 by that minor.
- 130 (c) Penalty. The penalty for a violation of the helmet requirement in this law  
131 must be a Class C civil violation.
- 132 (d) Impoundment.

133 (1) The County Police Department may impound any unregistered e-  
134 scooter that is provided for rent until the e-scooter is properly  
135 registered.

136 (2) The County police must give an impounding receipt to the owner  
137 or operator of the unregistered e-scooter that is provided for rent.  
138 If an unregistered e-scooter provided for rent is impounded, the  
139 County police must hold an unregistered e-scooter provided for  
140 rent until it is:

141 (A) registered;

142 (B) donated to a non-profit organization that is exempt from  
143 taxation under Section 501(c)(3) of the Internal Revenue  
144 Code in the discretion of the Chief Administrative Officer if  
145 reasonable attempts to locate the owner are unsuccessful; or

146 (C) disposed of in the manner provided for abandoned motor  
147 vehicles under Section 31-63.

148 **31-76. Parental responsibility.**

149 A parent or guardian of a minor must not knowingly allow that minor to violate  
150 this Article.

151 **31-77. Evidence of negligence.**

152 Failure of a person to use a helmet as required by this Article, or evidence that  
153 a parent or guardian of a minor knowingly allowed the minor to violate a helmet  
154 requirement of this Article, must not:

155 (a) be considered evidence of negligence;

156 (b) be considered evidence of contributory negligence;

157 (c) limit liability of a party or an insurer; or

158 (d) diminish recovery for damages arising out of the ownership,  
159 maintenance, or operation of a motor vehicle.

*Approved:*

<u>/s/</u>	<u>9/21/2022</u>
Gabriel Albornoz, President, County Council	Date

*Approved:*

<u>/s/</u>	Date
Marc Elrich, County Executive	

*This is a correct copy of Council action.*

<u>/s/</u>	Date
Judy Rupp, Clerk of the Council	

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