

ORDINANCE 1492

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES, TITLE VII, TRAFFIC CODE; CHAPTER 70, GENERAL TRAFFIC AND PARKING REGULATIONS; ADDING SECTIONS 70.230 THROUGH 70.241

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the following sections of Chapter 70 be added. All other portions of Chapter 70 General Traffic and Parking Regulations will remain as they are. Following are the amendments.

§70.230 OPERATING AUTHORITY LICENSE

All applicants for the Operating Authority license shall complete an application form provided by the City Manager's Office. Any such operating authority license shall be granted on forms prepared by the City Manager's office.

§70.231 APPLICATION FOR OPERATING AUTHORITY LICENSE

(A) *Application contents.* An applicant shall file with the City Manager, or designee, a verified application statement containing the following:

1. A valid copy of a sales tax license issued by the State of South Dakota; and
2. The address of the fixed facilities to be used in the operation; and
3. A signed statement holding harmless the City and shall indemnify the City, its officers and employees, for any claims for damages to property or injury to persons which may occur in connection with any activity carried on pursuant to the terms of the dockless vehicles.

(B) All applicants for the use of the Operating Authority license shall furnish and maintain a policy of insurance protecting the applicant and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the dockless vehicles, or in connection therewith. The insurance policy shall list or endorse the City as additional insured and carry minimum liability limits of at least \$2,000,000 per occurrence. The endorsement shall provide that the policy shall not be terminated or cancelled prior to the termination of the Operating Authority license without 30 days' written notice to the City.

(C) A fee for the application of an Operating Authority license shall be set by resolution.

(D) Any other additional information the City Manager, or designee, may deem necessary to evaluate the application.

§70.232 REVIEW AND EVALUATION CRITERIA

Each application for an operating authority license shall be evaluated for the following criteria:

- (A) Provisions of this chapter are adequately followed;
- (B) All additional license or permits required by the city or state for the proposed use activity have been obtained;
- (C) Guidelines for operation within the operating authority license are consistent with the policies and standards developed by the city;
- (D) Documentary evidence of payment of sales and use taxes currently due on the business within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program; and
- (E) The number and types of dockless vehicles to be operated.

§70.233 CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION

- (A) Any changes to the information provided in the operating authority permit application, prior to approval and after issuance, must be reported to the City Manager or designee in writing within ten days of change.
- (B) If the information reported to the City Manager or designee under this section includes an increase in the number of dockless vehicles, any additional fees due, set by resolution, must be submitted to the City Manager or designee simultaneously with the change in information.

§70.234 EXPIRATION OF OPERATING AUTHORITY LICENSE

An operating authority license expires on December 31 of the year for which it was issued.

§70.235 SUSPENSION AND REVOCATION

The City Manager or designee may suspend or revoke an Operating Authority license upon finding any provision herein or any condition set forth in the Operating Authority license has been violated. Notice shall be given to the holder of the Operating Authority license prior to suspension or revocation. An Operating Authority whose insurance policy required under §70.231(B) is terminated, cancelled, or otherwise ceases to be in effect, shall have its Operating Authority license automatically revoked without any prior notice.

§70.236 GUIDELINES WITHIN OPERATING AUTHORITY LICENSE

The following provisions will be followed by all operating authority license holders. If the guidelines herein are not abided by, the operating authority license holder will be subject to a fine set by resolution:

- (A) *Inspection.* Law enforcement may, with or without notice, inspect any dockless vehicle operating under this section to determine whether the dockless vehicle complies with this chapter, rules and regulations under this chapter, or other applicable laws.
- (B) *Remedies and penalties.* Prosecution for an offense under this chapter does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.
- (C) *Law enforcement.* The City of Vermillion's Police Department, Clay County Sheriff's Department, University of South Dakota Police Department, and the South Dakota Highway Patrol will operate as enforcement agents for this chapter and established and approved rules and regulations.
- (D) *Rebalance of dockless vehicles.* Any operating authority license holder must rebalance all dockless vehicles on public property every 48 hours.
- (E) *Charging restrictions of dockless vehicles.* The charging of dockless vehicles and their batteries shall not occur in any part of residentially zoned areas within City limits.
- (F) *Operating Authority response time.* The City and law enforcement agencies reserve the right to expect prompt response time in the event of an inquiry to an Operating Authority.

§70.237 AGE REQUIREMENT

Any person operating a dockless vehicle within the public right of way of the City shall be a legal consenting adult of at least 18 years of age and shall provide proof if requested by an agency of enforcement.

§70.238 RIDING AREAS

- (A) No person shall operate or park a dockless vehicle, unless it has the capability to operate at half the maximum allowed speed, on Main Street from Dakota Street to where it abuts High Street, Market Street from Main Street to Kidder Street, Prospect Street from Main Street to National Street, Court Street from Main Street to Kidder Street, Center Street from Main Street to National Street, Elm Street from Main Street to National Street, and Church Street from Main Street to Kidder Street.
- (B) No person shall operate or park a dockless vehicle on a street that has a 30 miles per hour or greater speed limit.

§70.239 PROHIBITED PARKING AREAS

No person shall park a dockless vehicle on any part of public property unless it is within an authorized parking zone. The Operating Authority must provide a written request to the City Manager or designee for authorized parking zones, if on public property. The City Manager or

designee must approve authorized parking zones prior to use. Dockless vehicles shall be parked in places so as not to interfere with pedestrians or traffic of any kind and so as not to danger or injure any person or property. Failure to comply may result in impoundment. The Operating Authority will be held responsible for compliance.

§70.240 OPERATIONS

(A) Operating Authority licenses shall only be deemed to allow dockless vehicles to be operated within the city limits of Vermillion, South Dakota.

(B) Dockless vehicles shall only be ridden by one person at a time.

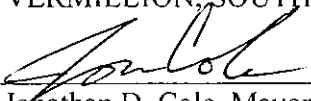
§70.241 SAFETY EQUIPMENT

All dockless vehicles operated within the city shall be equipped with:

- (1) Adequate brakes in good working condition; and
- (2) At least 1 headlight and 1 taillight, both operational; and
- (3) Operating authorities shall encourage the use of personal protective equipment including helmets, knee pads, and elbow pads.

Dated at Vermillion, South Dakota this 5th day of September 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY 
Jonathan D. Cole, Mayor

ATTEST:

BY 
Katie E. Redden, Finance Officer

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