First Reading 4-16-12
Second Reading 5-7-12

ORDINANCE 2012- 16

AN ORDINANCE TO AMEND CHAPTER 14, ENTITLED BUSINESSES, AND CHAPTER 90, ENTITLED TRAFFIC AND VEHICLES, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 14, ENTITLED BUSINESSES BE, AND IT IS HEREBY AMENDED BY ADDING ARTICLE IX, AND CHAPTER 90 BE, AND IT IS HEREBY AMENDED BY REPEALING SECTION 90-212, AS FOLLOWS:

CHAPTER 14

. . .

ARTICLE IX. SMALL DISPLACEMENT VEHICLES

Sec. 14-331. Definitions.

Small displacement vehicle means a moped, motor scooter, scoot coup and other similar motorized vehicles with not more than 50 cubic centimeters piston displacement.

Sec. 14-332. Zoning.

(a) The rental of small displacement vehicles is only permitted by conditional use in the LC-1 Local Commercial, SC-1 Shopping Center, BMUD Bayside Mixed Use, BM-1 Bayside Marine, B-1 Boardwalk Commercial, BC-2 Boardwalk Commercial, DMX Downtown Mixed Use and M Manufacturing districts.

(b) A rental business possessing a valid business license as of the date of passage of this ordinance may continue to renew its license, year to year, as a nonconforming use, provided it meets all rules and regulations of this article except the conditional use. A rental business possessing a valid business license as of the date of passage of this ordinance may renew its license, for next year, as a nonconforming use, provided it meets all rules and regulations of this article except the conditional use and subsection 14-333(c)(iv), which may be relaxed by the zoning administrator. New applications must meet all rules and regulations, including the conditional use requirement.

Sec. 14-333. Rules and regulations.

(a) Insurance Requirements – Licensee must provide the Town of Ocean City written proof of a liability insurance policy of at least $1,000,000.

(b) Rentals to licensed drivers – Vehicles may only be rented to persons with a valid drivers license. Renters under the age of 18 must have parent's or guardian's written permission.

LAW OFFICES
AYRES, JENKINS, GORDY & ALMAND, P.A.
SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

(c) Instruction and training – Except for individuals possessing a valid motorcycle driver's license, licensee must provide instruction and training to each customer in advance of the rental of the vehicle. Training must include at least the following:

(i) Explanation of State and local laws and regulations including:

A. Permitted locations for driving vehicles as set forth in Sec. 21-1205.1 of the Transportation Article, Md. Code Anno.
B. Operating at a maximum speed of 30 miles per hour.
C. Requirement for renters and passengers to wear helmets and shoes.
D. Requirement for proper lights and reflectors for operation after dark.
E. Prohibition on cell phone use, texting and wearing headphones while operating the vehicle.
F. Unlawful operation of the vehicle while impaired or intoxicated.

(ii) Starting, stopping, turning and otherwise controlling the vehicle.

(iii) Proper use of controls including but not limited to, turn signals, horn, brakes, stand, and lights.

(iv) The licensee must provide a training area on the premise of the business or on other private property within a reasonable walking distance of the business. The training area must be an unobstructed paved surface of sufficient area to provide adequate space to turn, accelerate and stop the vehicle. Prospective customers must be walked to the training area. The training area shall not interfere with parking spaces, or access points used by other businesses or residences. Training shall not take place on public property or rights of way without permission of the Mayor and City Council.

(v) The licensee or a trained representative shall observe the prospective renter operate the vehicle in the training area. The licensee shall refuse to rent the vehicle to any prospective renter who cannot demonstrate the ability to drive the vehicle safely.

(d) Use of public property – The following activities shall not take place on public property including sidewalks, rights of way, parks, beaches or the Boardwalk.

1. Driving or operating vehicles except on areas approved for motorized vehicular operation (e.g., streets, alleys, parking lots).
2. Displaying vehicles for rent.
3. Training.
4. Fueling, maintenance and storage of vehicles.

(e) Storage of vehicles – When the business is closed, vehicles must be stored within a building or temporary storage container.

(f) Business transactions – Sales transactions shall take place inside a building.

(g) Fueling - Fueling methods and locations shall be approved by the Ocean City Fire Marshal. All fueling must take place outside.

(h) Number of riders on a vehicle – The number of riders on a vehicle shall not exceed the manufacturer's limit.

(i) Identification of ownership of rental vehicles – Each rental vehicle must have the business's name or telephone number clearly identifiable on said vehicle.

(j) Testing of vehicles – All rental vehicles are required by State law have a capacity of 50 cubic centimeters piston displacement or less. The Ocean City Police Department is authorized to inspect rental vehicles at any time to determine compliance with this limitation, or the Mayor and City Council may designate inspection stations to certify each vehicle's piston displacement. All such certifications must be maintained on the business premise, and be available for compliance review by the Ocean City Police Department.

Sec. 14-334. Prohibitions.

(a) It shall be unlawful for any person, corporation or other legal entity to rent or otherwise allow an individual to operate for a fee or charge a small displacement vehicle without being fully compliant with this article.

(b) It shall be unlawful for any person, corporation, or other legal entity to rent or otherwise allow an individual to operate for a fee or charge any vehicle with a piston displacement in excess of 50 cubic centimeters unless said vehicle is validly registered and tagged by a state motor vehicle administration.

(c) It shall be unlawful for any person, corporation or other legal entity to rent or otherwise allow an individual to operate, for a fee or charge, a small displacement vehicle, without providing a helmet for the individual(s), in attendance, who will be operating or riding in or on said vehicle.

(d) It shall be unlawful for any person to operate or be a pssenger on a small displacement vehicle, which has been rented or otherwise let from another person or business, without wearing shoes and a helmet.

(e) It shall be unlawful for any person operating a small displacement vehicle, which has been rented or otherwise let from another person or business, to allow an individual who is not wearing shoes or helmet to be a passenger in or on said vehicle.

Sec. 14-335. Violations and penalties.

A violation of any provision in this article shall be unlawful and any violator shall be issued a municipal infraction citation of not more than $500 for each violation. Each day of violation shall be considered a separate violation.

(7) Rental of small displacement vehicles pursuant to the provisions of chapter 14, article IX.

Sec. 110-694. Uses permitted by conditional use.

. . .

(5) Rental of small displacement vehicles pursuant to the provisions of chapter 14, article IX.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on April 16, 2012.

ADOPTED AND PASSED, as amended, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on May 7, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

GUY R. AYRES III, City Solicitor

JAMES S. HALL, President

LLOYD MARTIN, Secretary