

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ‘BUSINESS REGULATIONS’ BY ADDING A NEW ARTICLE 6-18 ‘BICYCLE SHARE’; TO ESTABLISH REGULATIONS AND MAKING IT UNLAWFUL TO LEAVE, A BICYCLE ON A STREET, SIDEWALK, RIGHT-OF-WAY, PARK OR OTHER PUBLIC PROPERTY; PROVIDING FOR RELOCATION; PROVIDING FOR A RELOCATION FEE; PROVIDING FOR BICYCLE SHARE PERMITS; PROVIDING FOR AN ANNUAL PERMIT; PROVIDING FOR LOCATION OF DOCKING STATIONS; PROVIDING FOR ESTABLISHMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, bicycle share companies have expanded throughout major urban areas throughout the United States to provide an alternative mode of transportation; and

WHEREAS, the proliferation of such companies and competition have led to huge stock of dockless bicycles; and

WHEREAS, the number of bicycles left on public rights-of-way, streets, roadways, alleys and public property have increased dramatically in the wake of its popularity; and

WHEREAS, the bicycles when left for prolonged periods of time on public property and rights-of-way have impaired the public use of the same and pose a blight and nuisance; and

WHEREAS, the City Council has determined that regulations are necessary to address the abandonment of such bicycle on public rights-of-way and public property; and

WHEREAS, the City Council has further determined that a docked bicycle system may be desirable to promote community wellness and public safety.

“Chapter 6 - BUSINESS REGULATIONS

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ARTICLE 6-18, BICYCLE SHARE

Sec. 6-18-1. - Definitions

Definitions of the ordinance is amended to add the following definitions:

Bicycle means a devise that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

Bicycle Dealer means a person, corporation, firm or business that has a fixed place of business which has retail sale of bicycles and accessories.

Bike share system means providing bicycles for short-term rentals for point-to-point trips where, by design of the bike share operator, the bicycles are intended to remain in the public way when being rented and used by a customer. When not being rented by a customer shall remain in a kiosk or station, or other authorized parking on public or private property.

City Manager means the chief executive officer of the City as appointed in accordance under the home rule charter.

Customer means a person that rents or uses a bicycle from a bike share operator.

Department means that department as designated by the city manager to administer the provisions of this Article.

Docked bike share means a bicycle leased from a fixed kiosk or station and returned to a fixed kiosk or station after use by a customer.

Docked bike share operator is any entity that owns and/or operates a docked bike share system.

Dockless bike share bicycle means a bicycle leased by a dockless bicycle share operator on a one time or regular basis.

Dockless bike share operator or operators means a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a dockless bike share system, whether for profit or not for profit, and does not include a bicycle dealer.

Dockless bike share system means a system which provides bicycles for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station.

Dockless vehicle means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541-201 and 551.351, that can be located and unlocked using a smartphone app.

Electric bicycle means a bicycle that:

- a) is power by an electric motor or motor assisted
- b) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power.
- c) cannot attain a speed or more than 20 miles per hours without the application of human power; and
- d) does not exceed a weight of 100 pounds.

Electric Scooter means two or more wheels power by an electric motor; but does not include an electric power device for mobility of a person with a disability.

Public right of way or right of way means a strip of land acquired by reservation, dedication, prescription, deed or *condemnation* and intended to lease by the public as a street, alley, roundabout, water, waste water and/or other public utility.

Sec. 6-18-2. – Bike Share System, Permitting

- A. It shall be unlawful for a bike share operator to operate or cause to be provided a dockless bike share system or any electric bicycle or electric scooter share system within the City.
- B. It shall be unlawful for any docked bike share operator to operate or cause to be operated within the City without first obtaining a permit in accordance with this Article.
- C. Authorization. A docked bike share system permits for a docked bike share operator will be reviewed and approved or denied by the Director of Community Development or designee of the Department. Permits, upon approval, will be issued and effective for a period of one year, subject to annual renewal.
- D. A permit is only valid for operations of the bike share system within the city. A docked bike share operator shall not restrict use of its bike share system within certain geographical areas of the city unless approved by the city. Permission to operate the docked bike share system outside the public way shall require permission of appropriate department, agency, or property owner(s); the docked bike share operator shall have a means of communicating to the customer when the bicycle has been operated in non-permitted areas.

Sec. 6.18.3. – Standards

- A. All bicycles used in a docked bike share system shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, as amended. Additionally, permitted docked bike share operators shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210, as amended.
- B. All permitted docked bike share systems shall include visible language within the docked bike share operator’s mobile and web application that notifies the customer that:
 - 1. People on bicycles are encouraged to wear helmets.
 - 2. People on bicycles must follow traffic laws.

3. People using the bicycles are required to return to kiosk or station.
- C. At the time of application for a permit, the docked bike share operator shall provide proof of general commercial liability insurance in the amount of 1,000,000 of liability insurance and the docked bike share operator shall maintain that level of insurance throughout the term of the permit.
 - D. The permit will include a commitment from the docked bike share operator to defend and indemnify the city from and against all claims and liabilities that arise from the docked bike share operator and its customer's acts or omissions in the public way relating to the bicycles or stations that are used in the docked bike share operator's bike share system.
 - E. Permitted docked bike share operators are responsible for educating customers on how to safely ride or operate a bicycle, including knowledge of laws applicable to riding and operating a bicycle in the city. All pricing charged to the customer shall clearly explain structure for ride and time period as well as fees for additional or overage periods. The maximum charge should be clearly stated.
 - F. The City retains the right to limit and/or create specific locations of the kiosk or stations where bicycles shall be parked/docked.
 - G. All permitted docked bike share operators shall provide, on every bicycle, contact information of the docked bike share operator including the website and phone number and may not include any third party.
 - H. All permitted docked bike share operators shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions. All permitted docked bike share operators shall have a staffed operations center within 30 miles from the city.
 - I. All docked bike share operator applicants shall state the desired maximum fleet size in their application. Permitted docked bike share operators shall notify the department if they plan to change their fleet size at least 15 calendar days before deployment; and include the additional permit issuance fee for the expanded fleet and documentation of their updated performance bond. The director shall have the authority to limit a docked bike share operator's bike fleet numbers in his or her reasonable discretion to protect the safety of the traveling public and integrity of the bike share system itself and entire transportation system within the public way in order to ensure adequate docking loads and location.
 - J. All permitted docked bike share operators shall keep records of maintenance and reported collisions. Records shall be shared on a regular basis with the city through email during intervals determined by the director and stated in the permit.

- K. To operate in the city, a docked bike share operator shall be required to pay an initial permit application fee, a permit issuance fee based on the number of bicycles deployed as represented on the master fee schedule adopted by City Council. In subsequent years, a docked bike share operator shall be required to pay an annual permit renewal fee and permit issuance fee (per bicycle deployed). All fee amounts shall be established by resolution of the city council.

Sec. 6.18.4. – Operation

- A. It shall be unlawful for any bicycle share operator to cause, permit, suffer or allow, park or leave any share bicycle on a public street, sidewalk, right-of-way, park, or other public property, without permission from the City past 6:00 am of the next day after such bicycle is left on said public property. It shall be the responsibility of the bicycle share operator to remove the bike(s) prior to the next day. (6am Sunday to Sunday)
- B. Any bicycle share operator of the bicycle shall be responsible at all times, regardless of the customer, for the duty, care and operation of the bicycle in compliance with this Article.
- C. Bicycles shall not be parked in a way that may impede the regular flow of travel in the public way or otherwise cause a violation of the Code of Ordinance. Docked bicycle share operators shall inform customers on how to park a bicycle properly. Bicycles shall be upright when parked. Any bicycle that is parked in violation of the permit or Code of Ordinance shall be re-parked in a correct manner or shall be removed by the bike share operator in accordance with the following:
 - 1. 6 a.m. to 6 p.m. on weekdays, not including holidays – within three hours of receiving notice from the city,
 - 2. All other times – within 12 hours of receiving notice from the city.
- D. Any dockless bicycle subject to this Article, shall not be parked unattended within the public right-of-way if not in active use.
- E. All permitted docked bike share operators shall provide the department with a direct contact for bicycle share operator staff capable of rebalancing bicycles (moving bicycles from one location to another). All permitted docked bike share operators shall relocate or rebalance bicycles daily. The City retains the right to determine specific locations or areas for relocating or rebalancing bicycles. Failure to properly relocate or rebalance bicycles shall be a violation of the permit, which may result in permit revocation.
- F. Any inoperable bicycle, or any bicycle subject to this Article that is not safe to operate shall be removed from the public way kiosk or station within 24 hours

of notice and shall be repaired before being put back into service.

If the City is required to relocate or remove bicycles from any location where a bicycle is prohibited, a bicycle relocation fee shall be assessed. The relocation fee amount shall be established by Resolution of the City Council.

- G. Every bicycle shall be a unique identifier that is visible to the user on the bicycle.

Sec. 6.18.5. – Bond

All permitted docked bike share operators shall provide the City with a performance bond in an amount determined by the director to be sufficient to cover the obligations of the docked bike share operator under the permit. The form of the bond shall be approved by the department and shall be executed by one or more surety companies legally authorized to do business in the State of Texas. The bond shall guarantee the performance of all the obligations of the docked bike share operator under issued permit. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional bicycles.

Sec. 6.18.6. – Revocation

- A. A permitted docked bike share operator shall be responsible for costs of repair to public infrastructure damaged by use of its bicycles by its customers, and costs incurred by the city in removing and storing bicycles that have been improperly parked, including under the circumstances where a docked bike share operator fails to remove bicycles in violation of its permit or in case its permit is terminated.
- B. The city reserves the right to terminate a permit and require that the entire fleet, kiosk and station of bicycles be removed from city streets if an operator fails to comply with its permit or violates this ordinance or otherwise violates the Code of Ordinances.
- C. A permit does not grant exclusive rights to operate a *bike share system* in the city.”

SECTION 2. That all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2018.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

DRAFT
8/06/18

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY