

AN ORDINANCE BY COUNCILMEMBERS MICHAEL JULIAN BOND, JENNIFER N. IDE, DUSTIN HILLIS, MATT WESTMORELAND, AND ANDRE DICKENS TO AMEND CHAPTER 150 TRAFFIC AND VEHICLES OF THE ATLANTA CITY CODE OF ORDINANCES TO CREATE ARTICLE X "SHAREABLE DOCKLESS MOBILITY DEVICES" TO ESTABLISH REGULATIONS RELATED TO SHAREABLE MOBILITY DEVICES; AND FOR OTHER PURPOSES.

WHEREAS, technology companies have developed dockless rideshare technology for bicycles and scooters which allow for shareable mobility devices to be placed throughout the City of Atlanta ("City") without being locked to a bike rack or other infrastructure; and

WHEREAS, pursuant to Ordinances Number 14-0-1325 and _____, adopted by the Atlanta City Council on July 21, 2014 and _____ approved by operation of law on July 30, 2014 and _____, the City adopted citywide bike share legislation (City of Atlanta Code of Ordinances Sec. 16-28.09 and Sec. 138-62); and

WHEREAS, the current bike share legislation does not consider the dockless model or address the operation of other shareable mobility devices; and

WHEREAS, the City has evaluated other dockless shareable mobility ordinances from Seattle, San Francisco, Chicago and other cities to understand the regulatory schemes they have implemented to regulate these new devices; and

WHEREAS, the City has a substantial interest in regulating how private operators of dockless shareable mobility devices operate on the public rights-of-way to promote public safety, and to ensure the public right of way remains obstruction free; and

WHEREAS, the Commissioner of the Department of Public Works, the Commissioner of City Planning and the Commissioner of Parks and Recreation desire to amend Chapter 150, Traffic and Vehicles, of the City of Atlanta Code of Ordinances so as to create Article X Shareable Dockless Mobility Devices, to establish regulations related to shareable mobility devices.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Chapter 150 of the City of Atlanta Code of Ordinances, be amended to add Article X, entitled "Shareable Dockless Mobility Devices" which shall read as follows:

Article X – Shareable Dockless Mobility Devices

Sec. 150-400 Definitions

As used in this article, unless specifically stated otherwise, the following terms shall mean and include:

- (a) *Shareable dockless mobility device systems*: a system operated by private entities that provides the general public with mobility devices that can be rented on a short-term basis with no docking stations.
- (b) *Dockless mobility device system operator* ("Operator"): a private entity that operates a shareable dockless mobility device system
- (c) *Dockless mobility device*: a human-powered device that permits an individual to move or be moved freely, including but not limited to a bicycle, scooter or skateboard.
- (d) *Electric/motorized dockless mobility device*: an electric or motorized device that permits an individual to move or be moved freely that does not require a driver's license, including but not limited to a bicycle, scooter or skateboard.
- (e) *Shareable dockless mobility devices*: both dockless mobility devices and electric/motorized dockless mobility devices.
- (f) *Fleet*: total amount of dockless mobility devices.
- (g) *Shareable dockless mobility device permit* ("Dockless Permit"): a permit required to operate a shareable dockless mobility device system within the City of Atlanta ("City").

Sec. 150-401 Safety

- (a) All shareable dockless mobility devices must have minimum safety standards [on board
- (b) GPS, braking systems, steering systems, pedals, wheels/tires, etc.].
- (c) All shareable dockless mobility devices shall have a front light that emits white light and a rear red reflector.
- (d) All shareable dockless mobility devices shall have visible language that notifies the user that:
 - 1) The user shall yield to pedestrians at all times;
 - 2) The user shall not ride while under the influence of alcohol or drugs;
 - 3) Wearing a helmet while riding is encouraged.
- (e) All Operators shall provide a method for customers to notify the company if one or more of their bicycles experiences a safety or maintenance issue 24 hours a day.
- (f) All Operators shall maintain liability insurance with the City of Atlanta as the certificate holder with a minimum of a \$3,000,000.00 aggregate.
- (g) All Operators are required to educate users regarding laws applicable to riding and operating in the City of Atlanta.

Sec. 150-402 Parking

- (a) Shareable dockless mobility bicycle devices must have the ability to lock to a fixed object. (b) Shareable dockless mobility bicycle and scooter devices cannot be parked in in such a
- (b) manner as to impede access to the public right-of-way.
 - 1) Any shareable dockless mobility devices that are reported or found to be in the public right-of-way in violation of this section are subject to removal by the City.

Operator shall be responsible for reimbursing the City for all costs associated with removal.

- (c) The City retains the right to create geo-fenced areas where shareable dockless mobility
- (d) devices shall be parked. If the City elects to create geo-fenced parking areas, the City will issue written notification to all Operators identifying the designated geo-fenced parking areas and all Operators must comply within five (5) days of notification.
- (e) All shareable dockless mobility devices shall have permanently affixed contact information for relocation requests.
- (f) Shareable dockless mobility devices shall be parked upright at all times.
- (g) No more than ten (10) shareable dockless mobility devices may be parked per block citywide, among all operators, and no more than 200 shareable dockless mobility devices may be parked per square mile citywide, among all Operators.

Sec. 150-403 Operations

- (a) All Operators shall have a staffed operations center in the City of Atlanta and shall hire one staff member for every 100 shareable dockless mobility devices in their fleet.
- (b) All Operators shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.
- (c) All Operators shall provide the City with a direct contact for local staff.
- (d) All Operators shall have no more than 600 and no less than 100 shareable dockless mobility devices in their fleet.
- (e) Every shareable dockless mobility device shall have a City-issued identifier that is permanently affixed to the device and visible to the user.
- (f) The Operator shall be responsible for any costs for any damage to public property caused
- (g) by the use of shareable dockless mobility devices. Upon receiving written notice of associated costs, the Operator shall reimburse the City for costs within thirty (30) days of notice.
- (h) Operators are required to provide the Office of Mobility Planning with real-time data
- (i) sharing and monthly reports showing bike usage and maintenance issues. [INCLUDE DATA CHART]

Sec. 150-404 Permits requires; administrative penalties, revocation, suspension or non renewal of permits.

- (a) The primary authority and responsibility for the enforcement of the provisions of this chapter shall be vested in the Commissioner of the Department of Public Works. Upon a determination that a person is in violation of this chapter, the Commissioner of the Department of Public Works shall give notice or issue a citation that indicates the Operator is in violation of a section in this chapter. Should the violation continue

after receiving notice of violation, the Commissioner of the Department of Public Works may cite the violator to appear before the judge of the Municipal Court for a hearing on the charge of violation of this chapter. Upon a finding that a section of this chapter has been violated, the violator shall be subject to one or more of the penalties:

- 1) The revocation or suspension of a Dockless Permit after written notice and reasonable opportunity to cure.
- 2) A fine not exceeding \$1,000.00 a day for a violation of a provision of this chapter.
- 3) Imprisonment for a term not exceeding six months.

(b) Additional penalties. The imposition of any of the foregoing penalties shall not prevent revocation or suspension of a Dockless Permit.

(c) Continuous and repeated violations.

- 1) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.
- 2) With respect to violations of this chapter that are continuous with respect to time, each day the violation continues, it is a separate offense.

(d) Any Operator interested in applying for a Dockless Permit shall submit an application to the Office of Mobility Planning. The application shall be sworn to by the applicant or agent thereof and shall include the following:

- 1) Completed Dockless Permit application form;
- 2) Insurance documentation and acknowledgement that the City is indemnified and held harmless for all liability related to the operation of the shareable dockless mobility device system;
- 3) Images and description of the shareable dockless mobility device, including
- 4) technical specifications, safety standard documentation, any signage or instructions permanently affixed to the device, and mobile application;
- 5) Detailed shareable dockless mobility device maintenance policy and procedures.
- 6) Address of the operations center location in the City of Atlanta;
- 7) Names of all staff members employed at the operations center and the identification of any additional positions for staff that may be hired upon expansion of the fleet;
- 8) Size of fleet and composition of shareable dockless mobility device at launch, including any planned fleet expansions;
- 9) Service area at launch, including any planned expansions;
- 10) Plan for educating users on proper parking and applicable City of Atlanta laws;
- 11) Plan for encouraging helmet usage;
- 12) Plan for sustainability measures when disposing of a broken shareable dockless
- 13) mobility device;
- 14) Application fee of \$100.

(e) The annual Dockless Permit fee shall be \$XXXX plus \$XX per shareable mobility device in the Operator's fleet.

- (f) The Dockless Permit shall be valid for twelve (12) months and shall be renewed each year.
- (g) Any expansion of a shareable dockless mobility device fleet not specifically addressed in the most current Dockless Permit on file will require a subsequent Dockless Permit application and fee.
- (h) If an Operator's permit is revoked, the Operator may not reapply for a new permit for twelve (12) months after all of the Operator's shareable dockless mobility devices are removed from the City of Atlanta. Operator must continue to provide access to real time data regarding device locations until all of Operator's shareable dockless mobility devices are removed.
- (h) The City reserves the right to terminate Dockless Permits at any time and require that the entire Fleet be removed from the City limits. The decommissioning shall be completed within thirty (30) days from termination of the Dockless Permit unless a different time period is determined by the City.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.