

**CITY OF ROLLINGWOOD**

**ORDINANCE NO. 2019 -XX-XX**

**AN ORDINANCE ADOPTING NEW ARTICLE XX.XX OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF SHARED MOBILITY DEVICE BUSINESSES IN THE CITY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the regulated and permitted operation of bicycles, electric bicycles, and other similar shared mobility devices is an efficient alternative means of personal transportation; and

**WHEREAS**, it is in the City's best interest to regulate such operations of shared mobility devices in a uniform and reasonable manner to protect and enhance the quality of life for residents and the public health, safety, and general welfare;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD TEXAS:**

**SECTION 1.** The City of Rollingwood Code of Ordinances ("Code") is amended to add new Article XX.XX to provide as follows:

**ARTICLE XX.XX REGULATION OF SHARED MOBILITY DEVICE BUSINESSES**

**Sec. 1 Definitions**

As used in this Article, the following terms shall have the following meanings:

- (a) Bicycle. Any device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen (14) inches in diameter, as defined in Sec. 12.01.004(a) of the Code.
- (b) The City. The City of Rollingwood, including officers and departments.
- (c) Department. Rollingwood Public Works Department.
- (d) Dockless Bicycle. A Bicycle that is capable of being parked at locations other than a docking station. Unless expressly delineated, all references to Dockless Bicycles shall include Electric Bicycles, as defined in this section.
- (e) Electric Bicycle. A Bicycle that is: (a) designed to be propelled by an electric motor, exclusively or in combination with the application of human power; (b) cannot attain a speed of more than 20 miles per hour without the application of human power; and (c) does not exceed a weight of 100 pounds, as defined in Tex. Trans. Code §541.201 (24).

- (f) Licensee. An individual or corporation that has received a license under Section 2.
- (g) Shared Mobility Device (Device or SMD). Any transportation device, including without limitation Bicycles, Electric Bicycles, Dockless Bicycles, and other devices as approved by the Department, by which a person can be propelled, moved, or drawn, that is displayed, offered, or placed for rent in any public area or public right-of-way. A Shared Mobility Device does not include a transportation network company vehicle or shared ride vehicle, a taxicab, or a device operated by the City or the City's officials.
- (h) Shared Mobility Device (SMD) Business. An entity that makes SMDs available through an online-enabled technology application service, website, or system.
- (i) User. An individual that uses a Shared Mobility Device.

## **Sec. 2 Scope**

This Ordinance applies to any proposed deployment of SMDs and SMD sharing systems within the City's jurisdictional municipal boundaries and/or specific designated areas. It does not otherwise apply to the operation of Bicycles or Electric Bicycles that are not displayed, offered, or placed for rent in any public area or public right-of-way.

## **Sec. 3 License Requirements**

- (a) License Required. No person shall engage in an SMD Business in the City of Rollingwood without a license issued pursuant to this Chapter.
- (b) Term. Licenses shall be issued or renewed for a one-year term.
- (c) Application. Application for the issuance or renewal of an SMD Business license shall be made in writing to the Department on a form provided by the Department and signed by the applicant, or if the applicant is a corporation, by its authorized agent. Each application and renewal shall contain at a minimum:
  - (i) If the license applicant is an individual:
    - (1) The individual's full name and business address;
    - (2) A business e-mail address and business telephone number; and
    - (3) Proof that the applicant is at least 18 years of age.
  - (ii) If the license applicant is a corporation:
    - (1) The corporate name and business address of the applicant;
    - (2) An e-mail address and business telephone number; and
    - (3) Proof that the corporation maintains an agent for service of process in the State of Texas.

- (d) *Fee Allocation.* Any fines paid to the Department shall be used by the Department for the purpose of regulation and enforcement of this Chapter. Any excess funds shall be designated to cover the procurement and installation of bicycle racks and designated SMD spaces to ensure adequate supply of parking, or to support other infrastructure improvements for the safe and efficient deployment or use of SMDs within the City.

## **Sec. 4 Operations**

- (a) *Rates.* A Licensee shall disclose to the User, prior to booking: (1) the price for the ride; or (2) Licensee's pricing structure.
- (b) *Device Distribution.*
- (i) Licensee shall be responsible for monitoring Device distribution to ensure Devices are available in various portions of the service area.
  - (ii) Licensee shall take reasonable action to timely rebalance its Devices in the event the Department provides notice that Licensee's Devices are over-concentrated in one portion of the service area.
  - (iii) Licensee shall provide the Department with a contact name and phone number, e-mail address, or other real-time contact information for individuals who are capable of rebalancing Devices.
- (c) *Safety Mechanisms.*
- (i) All SMDs shall comply with any applicable federal safety standards, including the standards set forth in 16 C.F.R. part 1512 as applicable.
  - (ii) All SMDs shall comply with any applicable state law requirements, including all applicable requirements as set forth in Texas Transportation Code Chapter 551.
  - (iii) Upon receiving notice from the Department of a Device that has become unsafe to operate, Licensee shall promptly take the Device out of service and shall remove it from the public right-of-way within 24 hours of such notice. Licensee shall repair any Device identified as unsafe before returning it to service.
  - (iv) Licensee shall work with local businesses or other organizations to promote the use of helmets by Users through partnerships and other incentives.
- (d) *Device Parking.*
- (i) Neither Licensee nor Users shall park any SMD in such a manner as to block the right-of-way; access to or from any building; any fire hydrant, call box, or other emergency facility; or any driveway, loading zone, curb ramp, or utility pole or box.
  - (ii) Upon notification by the Department of any Device that is improperly parked and is posing a nuisance or obstruction to a right-of-way, the Licensee shall remove the Device as promptly as possible and no later than within eight (8) hours of receiving notice (unless reported outside of working hours).
  - (iii) Licensee shall provide education to Users on the City's existing applicable traffic rules and proper parking.

(e) *Device Requirements.*

- (i) The emblem or name of the SMD Licensee and a unique identifier shall be displayed on each Device.
- (ii) Licensee shall provide Users with a way to communicate to the Licensee that there is a safety or maintenance issue with one of its Devices.
- (iii) All Devices shall be equipped with on-board GPS that is capable of tracking the movement of the Device in real time.

**Sec. 5 Insurance**

- (a) Licensee must maintain in force, during the full term of the license, Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate for Bodily Injury and Property Damage, including Contractual Liability.
- (b) Commercial General Liability Insurance policies must be endorsed to:
  - (i) Include as additional insured(s) the City and County, its Officers, Agents, and Employees;
  - (ii) Provide that such policies are primary insurance to any other insurance available to the additional insured(s), with respect to any claims arising out of this license, and that such insurance applies separately to each insured against whom claim is made or suit is brought; and
  - (iii) Provide thirty (30) days' advance written notice to the City of cancellation for any reason or reduction in coverages.
- (c) Licensee shall maintain such coverage continuously throughout the term of this license.
- (d) Should any required insurance lapse during the term of this license the license shall be suspended. If such insurance is not reinstated within ten (10) days the City may, at its sole option, terminate the license with immediate effect.

**Sec. 6 Penalties & License Revocation**

- (a) The Department is authorized to remove any Device that is parked at one location for more than seven (7) consecutive days, if Licensee does not respond to a request for removal under Section 4(d)(ii). The Department may require reimbursement from Licensee for expenses directly incurred from the removal and storage of Licensee's Devices.
- (b) In circumstances that pose a serious threat to public health or safety, the Department reserves the right to revoke a SMD Business's license, effective on the date the Licensee receives notice of the revocation. In such circumstances, the Licensee shall be required to immediately remove its Devices from the City rights-of-way.

- (c) If a license is revoked, the Department shall indicate in such notice the basis for such revocation and shall indicate a date and time upon which the Licensee may appear before the commissioner, or his or her designee, to contest the revocation. Following the appearance of the Licensee before the commissioner, the commissioner may affirm or reverse the revocation decision based upon the evidence presented. The commissioner's decision shall be in writing.

**SECTION 2:** This Ordinance shall take effect and shall be in force immediately upon approval by the City Council.

**SECTION 3:** If any provision of this Ordinance is found by a court of competent jurisdiction to void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

**PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS,  
on the \_\_\_\_ day of \_\_\_\_\_, 2019.**

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Roxanne McKee, Mayor

ATTEST

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Robyn Ryan, City Secretary