

AN ORDINANCE TO AMEND, REVISE AND REORDAIN CHAPTER 86 TRAFFIC AND VEHICLES, ARTICLE XII DOCKLESS MOBILITY OPERATIONS; SHARED MOBILITY SYSTEMS, SECTIONS 86-480 THROUGH 86-484 OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO DOCKLESS MOBILITY OPERATIONS AND SHARED MOBILITY SYSTEMS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTIONS 86-480 THROUGH 86-484, Article XII Dockless Mobility Operations; Shared Mobility Systems, Chapter 86, of The Code of the City of Salem, Virginia, be amended, revised, and reordained to read as follows:

CHAPTER 86 – Traffic and Vehicles

ARTICLE XII. Dockless Mobility Operations; Shared Mobility Systems.

Section 86-480. Policy Statement and Purpose.

The purpose of this division is to establish rules and regulations governing the operation of sharing systems (“shared mobility systems”) for docked and dockless (i) bicycle or electric power-assisted bicycles and (ii) motorized skateboard or scooters (“shared mobility devices” or “devices”) within the City of Salem (hereinafter referred to as “City” or “City of Salem”). In Virginia Code §§ 15.2-2015 and 46.2-1315, the General Assembly has granted express authority for these regulations. These provisions apply to any deployment of shared mobility systems (to include direct rental or similar programs) within the City’s jurisdictional boundaries.

Section 86-481. Permit Application Procedures.

- (a) Any person seeking to operate a shared mobility system within the City shall first obtain a Permit from the City Manager’s designee, conditioned on compliance with the Operating Regulations contained in this division. The Permittee will be required to obtain a business license and will be responsible for all applicable local fees and taxes.
- (b) No person shall operate a shared mobility system within the City without a Permit. Any person who operates a shared mobility system without a permit shall be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each violation within the discretion of the court. Each day of violation shall constitute a separate offense.
- (c) The City Manager or the Manager’s designee may revoke any Permit without prior notice for failure to comply with the Operating Regulations.
- (d) Any person whose Permit application has been denied, or whose Permit has been revoked or terminated, may file an appeal with the City Manager by submitting a written statement to the City Manager within ten (10) business days of the denial or revocation. The written statement shall describe the basis of the objection. The City Manager shall issue a final decision on the appeal within ten (10) business days. Any Permittee whose Permit has been revoked may not apply another Permit within six (6) months.

Section 86-482. Operating Regulations.

The following subsections set forth the general terms and conditions that will be required in any Permit issued by the City:

(a) Equipment Requirements.

1. All bicycles and electric power-assisted bicycles shall meet the standards established in the Code of Virginia (currently § 46.2-1015), including lighting during operation in darkness.
2. The City may increase or decrease the permitted top speed of any shared mobility device at its discretion.
3. All motorized skateboards or scooters shall meet the safety standards established in the Code of Virginia (currently § 46.2-1015), requiring both headlight and taillight.
4. Each shared mobility device shall be equipped with an on-board GPS device capable of providing real-time location.
5. An operator identifier must be permanently affixed to each mobility device.
6. All motorized skateboards or scooter and all electric power-assisted bicycles must be equipped with devices that allow the Permittee to render by remote means a device inoperable if it has been reported to Permittee as being damaged or defective.

(b) Operations.

1. Each Permit shall designate the specific number of shared mobility devices that the Permittee may deploy in the City.
2. The City Manager reserves the right to order the removal of all devices due to weather or other local situations, events, or emergencies for up to 48 hours.
3. Permittees must be aware of and plan for City events, providing additional staffing, rider education/awareness, and temporary no-ride and no-park zones as necessary.
4. Permittees shall provide administrative access for City officials to relocate devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

(c) Safe Riding and Parking.

1. Motorized scooters, as well as bicycles and electric power assisted bicycles, must be parked upright on hard surfaces in a manner that does not obstruct or impede the public right-of-way.
2. Permittees must apply geofencing specifications provided by the City to direct users to designated parking areas. Users shall not be allowed to sign out of their rides unless parked in a designated area.
3. Devices are to be parked in such a manner as to provide a 4-foot pedestrian clear zone area in the sidewalk.
4. Devices cannot be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; utility pole or box; or the

reasonable use of any commercial window display, or access to or from any building.

5. Shared Mobility devices cannot be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
 6. The City Manager, or the Manager's designee, reserves the right to determine certain blocks where parking is prohibited. Bicycles and e-scooters may be left in on-street parking spaces only if the City Manager, or the Manager's designee, has officially designated those spaces as shared mobility parking stations. The City will apply visible markings to identify any such parking stations.
 7. Shared mobility devices shall not be parked adjacent to or within:
 - (i) Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - (ii) Loading zones;
 - (iii) Disabled parking zones;
 - (iv) Street furniture that requires pedestrian access (for example – benches, parking pay stations, bus shelters, transit information signs, etc.);
 - (v) Curb ramps;
 - (vi) Fire lanes; and
 - (vii) Driveways.
- (d) To the extent a Permittee desires to park bicycles or e-scooters on City property other than the public right-of-way (e.g., parks, plazas, parking lots, transit stations, or private property), the Permittee must first obtain the right to do so from the City Manager or his designee.
- (e) Permittees shall stop placing scooters or bicycles, or allowing contractors to place scooters or bicycles, in front of any address provided by the City within 48 hours of notice.
- (f) Permittees shall apply geofencing specifications provided by the City to prohibit riding/parking/locking motorized skateboards or scooters in specified areas of the City.
- (g) Any shareable mobility device found to be in violation of this section is subject to removal; the Permittee must pay Thirty-Five Dollars (\$35.00) for each scooter removed and Five Dollars (\$5.00) per day of storage, including the day of removal and the day of release from storage. The City shall provide notice of removal within twenty-four (24) hours of removal.
- (h) Permittees shall provide notice to all users by means of signage and through a mobile or web application that:
- (i) Helmets are strongly encouraged for all users and required for minors 14 and under. If Permittees prohibit use of shared mobility devices by certain minors, Permittees shall provide conspicuous notice of this policy to users;
 - (ii) Parking must be done in designated areas; and

- (iii) Wearing headphones on or in both ears while riding a shared mobility device is prohibited;
- (iv) Operating a shared mobility device while texting or while under the influence of alcohol is strongly discouraged.
- (i) Permittees shall provide education on the City's existing rules and regulations, safe and courteous riding, and proper parking.
- (j) Customer Service.
 - (i) Permittees shall provide easily visible contact information, including a toll-free phone number and e-mail address, on each bicycle or electric scooter for City employees and members of the public to make relocation requests or to report other issues with devices.
 - (ii) Permittees shall maintain a local Permittee representative and provide a direct point of contact to the City and its residents.
 - (iii) Permittees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the City.
 - (iv) Upon notification that a Permittee's shared mobility device is improperly parked, left standing or unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the City, the Permittee shall remove the scooter or bicycle within two hours.
 - (v) Permittees shall provide all riders with a mechanism to report safety or maintenance issues with a scooter or bicycle.
 - (vi) In the event a safety or maintenance issue is reported for a specific device, the shared mobility device shall immediately be deactivated and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- (k) Data Sharing.

Without prejudice to a Permittee's rights to, and interest in, its commercially privileged and sensitive information, Permittees agree to provide the City the following types of data in a monthly report:

Total active customers, number of trips in the City each month, average trip duration times, number of devices in service, GPS tracking data for every trip route, crashes (giving time, date, and location), injuries, and complaints.

The specific data to be provided by the Permittee will be stated in the Permit.

(l) Insurance.

The Permittee will be required to purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits:

- (i) Workers' Compensation – Statutory requirements and benefits. This policy shall specifically list Virginia as a covered state.
- (ii) Employer's Liability - \$100,000.00. This policy shall specifically list Virginia as a covered state.
- (iii) Commercial General Liability - \$1,000,000.00 per occurrence. The City and its officers, employees, agents and volunteers must be named as an additional insured and so endorsed on the policy.
- (iv) Automobile Liability - \$1,000,000.00 per occurrence. (Only used if motor vehicle is to be used in the agreement).
- (iv) All insurance coverage:
 - (i) shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and otherwise acceptable to the City.
 - (ii) shall be kept in force throughout performance of services; prior to performance, the Permittee shall (i) have all required insurance coverage in effect; (ii) the Permittee shall deliver to the City certificates of insurance for all lines of coverage, or other evidence satisfactory to the City in its sole discretion.
- (m) Nothing contained within this agreement shall affect, or be deemed to affect, a waiver of the City's sovereign immunity under law. No permit awarded as a result of this procurement transaction shall contain any provisions requiring the City to waive or limit any sovereign or governmental immunity to which it may be entitled.
- (n) The City reserves the right, but not the obligation, to revise any insurance requirements as may be necessary for the best interests of the City, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the City reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

Section 86-483. Permit fee for Dockless Mobility Operations.

The City Manager is authorized to publish rules and regulations, supplementing the requirements of this Article, for dockless mobility operations and shared mobility systems as a condition of permitting. The fee for such permit shall be established by City Council, from time to time, as part of the City's Book of Rates.

The term "dockless mobility operations" shall mean any business that rents motorized skateboards, scooters, or bicycles to users and such vehicles are generally inoperable unless activated by a user authorized by the business operator.

Section 86-484. Additional Requirements.

Every person operating a motorized skateboard, scooter or bicycle shall be subject to the provisions and requirements of Section 86-188 of the City Code including, but not limited to, the prohibition of operating such shared mobility devices on sidewalks, in parks or on the greenways of the City.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John E. Saunders -
James A. Martin -
William D. Jones -
Jane W. Johnson -
Byron Randolph Foley -

Passed:

Effective:

/s/ _____
Mayor

ATTEST:

James E. Taliaferro II
Clerk of Council
City of Salem, Virginia