

AN ORDINANCE ADOPTING REGULATIONS FOR THE OPERATION OF SHARED BICYCLE, ELECTRIC POWER-ASSISTED BICYCLES AND MOTORIZED SKATEBOARD OR SCOOTERS WITHIN THE COUNTY OF FLOYD, VIRGINIA

WHEREAS, pursuant to § 46.2-1315, of the *Code of Virginia*, 1950, as amended, the County of Floyd is empowered to regulate the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire; and,

WHEREAS, in order to protect the public health, safety and welfare of the people and businesses of the County of Floyd, the Board of Supervisors of Floyd County has determined that it is necessary to adopt the following ordinance to provide reasonable regulation of the operation of such systems within the County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Floyd County, Virginia, that the following ordinance is hereby adopted and incorporated into Chapter 50, Traffic and Vehicles, as follows:

Section 50-4. Policy Statement and Purpose

- a. 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 County of Floyd (hereinafter referred to as "County" or "County of Floyd"). Pursuant to 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 County's jurisdictional boundaries, except within the territorial boundaries of any town that has adopted regulations concerning the same subject matter.
- b. For purposes of this article, "motorized skateboards or scooters," "bicycles," and "electric power-assisted bicycles" shall have the meaning as defined by Virginia Code § 46.2-100, as amended. Furthermore, references to "person" or "permittee" shall include natural persons and any for-profit or non-profit business entity, including, but not limited to, sole proprietorships, corporations, and limited liability companies.

Section 50-5. Permit Application Procedures

- A. Any person seeking to operate a shared mobility system within the County shall first obtain a Permit from the County Administrator, conditioned on compliance with the Operating Regulations contained in this article. In the event that the County should adopt a business license tax, the Permittee, as condition for renewal of a permit will be required to obtain a business license, and will be responsible for all applicable local fees and taxes.

1) The following fees shall be paid at the time of application or re-application for a permit:

- a. A non-refundable application fee of \$500.00 for administrative review and processing; and,
- b. A nonrefundable permit fee equivalent to \$1.00 per day, per device deployed pursuant to the permit during the permit period.

B. No person shall operate, offer, deploy or otherwise provide a shared mobility system within the County 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 (\$1000.00) for each violation within the discretion of the court. Each day of violation shall constitute a separate offense.

C. The County Administrator or the County Administrator'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 County Administrator by submitting a written statement to the County Administrator within 10 business days of the denial or revocation. The written statement shall describe the basis of the objection. The County Administrator shall refer the matter to the Board of Supervisors for final decision on the appeal, which will be issued within sixty (60) days from the date of the appeal. Any Permittee whose Permit has been revoked may not apply for another Permit within six— months.

Section 50-6. Operating Regulations

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

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 maximum speed for motorized scooters or skateboards shall be 10 miles per hour (MPH) and maximum speed for electric-power assisted bicycles shall be 25 MPH
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. All motorized skateboards or scooters must be equipped with permanently affixed badges or other indicia to identify Permittee as the owner of, and person ultimately responsible for each such device.
6. All motorized skateboards or scooters and all electric power-assisted bicycles must be equipped with devices that allow the Permittee, by remote means, to render 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 County.
2. The County Administrator is hereby authorized and empowered 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 community special events, providing additional staffing, rider education/awareness, and temporary no-ride and no-park zones as necessary. The County Administrator or other official designated by the County Administrator is hereby authorized and empowered to establish temporary no-ride and no-park zones during community special events.
4. Permittees shall provide administrative access for town 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 or interfere with access to businesses, residences or public places.
2. Permittees must apply geofencing specifications provided by the County 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 shall not 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 shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
6. The County Administrator, or the County Administrator's designee, reserves the right to determine certain blocks where parking of devices is prohibited. Devices may be left in on-street parking spaces only in such spaces that have been officially designated by the County Administrator or designee as shared mobility parking stations. The County 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. Disabled-Access Ramps; and
 - vii. Driveways.
8. To the extent a Permittee desires to park bicycles or e-scooters on County 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 County Administrator or designee.
9. Permittees shall stop offering, deploying, placing or otherwise offering devices, or allowing contractors to place devices, in front of any address provided by the County within 48 hours of notice.
10. Permittees shall apply geofencing specifications provided by the County to limit scooter speeds within designated areas, and prohibit riding/parking/locking motorized skateboards or scooters in specified areas of the County if the County determines that operation within such area is unsafe or unreasonably interferes with public access or use for such location.
11. 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 County shall provide notice of removal within twenty-four (24) hours of removal.

12. 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.
- ii. If Permittees prohibit use of shared mobility devices by certain minors, Permittees shall provide conspicuous notice of this policy to users;
- iii. Parking must be done in designated areas;
- iv. Wearing headphones on or in both ears while riding a shared mobility device is prohibited;
- v. Operating a shared mobility device while texting or while under the influence of alcohol is prohibited.

13. Permittees shall provide mobile or web-based education, or in-person instruction on the County's existing rules and regulations, safe and courteous riding, and proper parking. Such instruction shall include without limitation instructions concerning the lawful operation of devices, in accordance with §§ 46.2-800; 46.2-849; 46.2-903; 46.2-904; 46.2-905; 46.2-908.1; and 46.2-1015 of the Code of Virginia.

D. Customer Service

1. Permittees shall provide easily visible contact information, including a toll-free phone number and e-mail address, on each bicycle or electric scooter so that County employees and members of the public may easily make relocation requests or report other issues with devices.
2. Permittees shall maintain a local Permittee representative and provide a direct point of contact to the County and its residents.
3. 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.
4. 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 County, the Permittee shall remove the scooter or bicycle within two hours.
5. Permittees shall provide all riders with a mechanism to report safety or maintenance issues with a scooter or bicycle.

6. In the event a safety or maintenance issue is reported for a specific device, the shared mobility device shall immediately be de-activated and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.

E. Data Sharing

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

- i. total active customers;
- ii. number of trips in the County each month;
- iii. average trip duration times;
- iv. number of devices in service;
- v. GPS tracking data for every trip route;
- vi. crashes (giving time, date, and location);
- vii. injuries; and
- viii. complaints.

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

F. Insurance

1. 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. This policy shall specifically list Virginia as a covered state.
- iii. Commercial General Liability - \$1,000,000 per occurrence. The County 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 per occurrence. (Only used if motor vehicle is to be used in the agreement.)

2. 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 County;

ii. Shall be kept in force throughout performance of services;

3. Prior to performance, the Permittee shall:

i have all required insurance coverage in effect;

ii the Permittee shall deliver to the County certificates of insurance for all lines of coverage, or other evidence satisfactory to the County in its sole discretion.

4. Nothing contained in any Permit shall effect, or shall be deemed to affect, a waiver of the County's sovereign immunity under law. No permit awarded operate as a waiver or limitation of any sovereign or governmental immunity to which the County may be entitled.

5. The County reserves the right, but not the obligation, to revise any insurance requirement as may be necessary for the best interests of the County, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the County 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.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY

This Ordinance was duly adopted this 10th day of December, 2019.

	Aye	Nay
Lauren D. Yoder	<u>✓</u>	_____
Joe D. Turman	<u>✓</u>	_____
Jerry W. Boothe	<u>✓</u>	_____
Justin Coleman	<u>✓</u>	_____
Linda DeVito Kuchenbuch	<u>✓</u>	_____

I, TERRI MORRIS, HEREBY ATTEST THAT THIS IS A TRUE AND ACCURATE COPY OF SAID ORDINANCE.


TERRI MORRIS
County Administrator