ORDINANCE NO. C-18-16

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING DIVISION 2, DOCKLESS MOBILITY PROGRAMS, TO PERMIT AND REGULATE DOCKLESS BICYCLE PROGRAMS, DOCKLESS SCOOTER PROGRAMS, AND DOCKLESS ELECTRIC BICYCLE PROGRAMS IN THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING FEES AND PENALTIES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Dockless or station-less mobility programs are emerging transportation options that provide city residents and visitors with transportation options of bicycle sharing services within the City.

WHEREAS, the measures set forth in this ordinance are intended to regulate dockless mobility programs throughout the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Division 2 of Article VII of Chapter 27 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to provide as follows:

DIVISION 2. –DOCKLESS MOBILITY PROGRAMS

Sec. 27-261. – Purpose.

(a) The purpose of this division is to:

(1) Permit and regulate Dockless Mobility Programs in the City of Fort Lauderdale.

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Sec. 27-262. – Applicability.

The provisions of this division shall apply to Dockless Mobility Programs. For the purpose of this division, the applicant, managing agent or operator, and owner shall be jointly and severally liable for complying with the provisions of this division, the permit, and the permit and license agreement.

Sec. 27-263. Definitions.

For the purpose of this division, the following words shall have the meanings indicated:

Bicycle Rack means a stationary fixture to which a bicycle can be securely attached to prevent theft.

Bike Corral means bicycle parking facilities that can accommodate a group of bicycles typically installed on-street in lieu of a single vehicle parking space.

City Manager means the City Manager of the City of Fort Lauderdale.

City-owned property means property owned, occupied, managed, maintained, or controlled by the city pursuant to deed, easement, lease, license, or dedication, and includes city park land and any other property owned by or under the control of the city. When city-owned property is identified for use for a bicycle-sharing facility, it shall be considered an ancillary ROW area subject to city right-of-way standards and regulations and under the jurisdiction of the city engineer.

Customer or *User* means the individual who rents or uses a Dockless Bicycle or Scooter provided by an Operator.

Department means the City of Fort Lauderdale Transportation and Mobility Department.

Director means the City of Fort Lauderdale Transportation and Mobility Director.

Dockless Bicycle Program means a program authorized by this division that provides bicycles for short-term rentals for point to point trips where, by design of the Operator, the bicycles are intended to remain in the public way, even when not being rented by a

customer. Dockless Bicycles and Dockless Electric Bicycles utilized by an Operator may have the capability of being locked to a bicycle rack or be free-standing when not in use.

Dockless Mobility Program means a Dockless Bicycle Program, ~~or a~~ Dockless Scooter Program or Dockless Electric Bicycle Program.

Dockless Scooter Program means a program authorized by this division that provides scooters for short-term rentals for point to point trips where, by design of the Operator, the scooters are intended to remain in the public way, even when not being rented by a customer.

Dockless Electric Bicycle, also known as electric-assist or e-bike, means a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use.

Dockless Mobility Unit or *Unit* means any and all of the following: Dockless Electric Bicycles, Dockless Bicycles, and Dockless Scooters.

Dockless Scooter means a vehicle consisting of a footboard mounted to two wheels, steered using a long handle, does not include a seat, is equipped with a battery, and propelled by an electric motor.

Geofencing means the use of GPS or RFID technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.

Operator means any entity that owns, operates, redistributes, or rebalances bicycles or scooters, and services a Dockless Mobility Program.

Permit Application means the application required by the Department in order to participate in the Dockless Mobility Units Program.

Rebalancing means the process by which bicycles are redistributed to ensure bicycle or scooter availability throughout a service area and to prevent excessive buildup of bicycles at locations throughout the city.

Right-of-way or *ROW* means the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court,

street, bicycle lane, public sidewalk and terrace in which the city or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.

Scooter Rack refers to a stationary fixture to which a scooter can be securely attached to prevent theft.

Service Area means the geographical area within the City of Fort Lauderdale where the Dockless Mobility Program is intended to offer service for its users/customers as defined by the permit application.

Sec. 27-264. Dockless Mobility Unit Program Permitting.

(a) *Unlawful to operate without authorization:* It shall be unlawful for an Operator to provide or operate a Dockless Mobility Program within the City without first obtaining a permit from the Department.

(b) No more than four (4) dockless mobility Operators will be permitted to operate within the City at any time.

(c) *Authorization:* An Operator shall apply to participate by submitting to the Department an application to provide a Dockless Mobility Program in the city limits.

(d) A maximum number of four (4) permits will be issued to a dockless mobility Operator.

(e) Program permits shall be subject to the approval of the Director or the Director's designee.

(f) The issuance of permits will be prioritized based upon the submission of a complete permit application.

(g) Permits will be effective for a period of one year. Operators shall be required to re-apply for a permit upon the conclusion of each one-year period.

(h) Operators must, at a minimum, comply with the requirements of Section 27-265.

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Sec. 27-265. Dockless Mobility Program Requirements.

(a) General Regulations Pertaining to Dockless Mobility Units:

(1) All bicycles utilized in a Dockless Mobility Program shall conform with the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, the safety standards outlined in ISO 43.150 – Cycles, subsection 4210, and Section 316.2065,Florida Statutes, as may be amended or revised.

(2) All Dockless Mobility Units utilized shall comply with the lighting standards set forth in Section 316.2065(7), Florida Statutes, as may be amended or revised, which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.

(3) All Dockless Mobility Units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including not limited to a customer service phone number, websites, and applications.

(4) Dockless Electric Bicycles (e-bikes) utilized under this program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles ~~(described above)~~ and with Florida Statutes Chapter 316.003,~~(2)~~ which defines bicycles. This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds.

(5) Dockless Scooters must have a top motor-powered speed of less than 15 miles per hour.

(6) All Dockless Mobility Units utilized shall include an easily accessible and legible unique identifier that is clearly displayed and visible to the user of the bicycle.

(7) All Dockless Mobility Units utilized shall be equipped with GPS, cell phone, or a comparable technology for the purpose of tracking.

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(8) Advertising and signage on Dockless Mobility Units must comply with Section 27-256(3). As a condition of approval, the applicant must agree and acknowledge that all signs on Dockless Mobility Units are subject to the provisions of this division that supersede the provisions of section 47-22 of the Unified Land Development Regulations ("ULDR") however, where not in conflict with the provisions of this division, the provisions of section 47-22 shall apply. Further, the Operator agrees to give the Department, and the Department for Sustainable Design (DSD), final approval of the specifications for any signs displayed, and such approved specifications shall be included in the permit and license agreement required under section 27-258 between the Operator and the City.

(9) All Dockless Mobility Units utilized must include a kickstand capable of keeping the Dockless Mobility Units upright when not in use.

(b) Parking and Right-of-Way

(1) Use of public sidewalks for parking Dockless Mobility Units must not:

i) Adversely affect the streets or sidewalks

ii) Inhibit pedestrian movement

iii) Inhibit the ingress and egress of vehicles parked on- or off-street

iv) Create conditions which are a threat to public safety and security

v) Prevent a minimum four (4) foot pedestrian clear path.

(2) Dockless Mobility Units shall be parked in a way that maintains unimpeded access to existing docked bikeshare stations.

(3) Dockless Mobility Units shall not be parked within the following areas: loading zone, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, on-street parking spots, street furniture, curb ramps, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within 15 feet of a fire hydrant.

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(4) Dockless Mobility Units shall not be parked in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.

(5) Dockless Mobility Units shall be parked upright at all times.

(6) The City Manager, at their discretion, may create geofenced areas where Dockless Mobility Units shall not be parked. An Operator must have the technology available to operate these requirements upon request.

(7) The City Manager, at their discretion, may create designated parking zones (i.e., bike corrals) in certain areas where Dockless Mobility Units shall be parked.

(8) Dockless Mobility Units parked in one location for more than four consecutive days without moving may be removed by the municipality at the expense of the Operator.

(9) Dockless Mobility Programs that utilize equipment capable of being locked directly to a bicycle rack shall not rely solely on publicly-placed bicycle racks for their operation.

(c) Maintenance, Operations, and Fleet Size

(1) Operators shall comply with Florida Statutes, Chapter 316, State Uniform Traffic Control.

(2) Dockless Scooters shall be restricted to a maximum speed of 15 miles per hour on sidewalks or sidewalk areas in compliance with Florida Statutes Section 316.008(7)(a).

(3) Operators must comply with Florida Statutes Section 316.2065(15) which prohibits the rental of bicycles to persons under 16 years of age without also providing or~~e~~ requiring the use of a helmet. Operators must also apply these regulations to the rental of Dockless Scooters.

(4) Operators must provide details on how users can utilize the service without a smartphone.

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(5) Operators participating in the Program must rebalance Dockless Mobility Units daily based on use within each service area as defined by the Permit Application.

(6) Dockless Mobility Units that are inoperable/damaged or do not comply with other subsections of this code must be removed within 2 hours upon receipt of the complaint between the hours of 7 AM and 7 PM, 7 days per week and within 12 hours upon receipt of the complaint on holidays. An inoperable or damaged Dockless Bicycle, Dockless Electric Bicycle, or Dockless Scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle. An Operator whose Dockless Bicycle, Dockless Electric Bicycle, or Dockless Scooter is inoperable or damaged or that has non-functioning features and which is relocated or stored is subject to the fees set forth in Section 27-267 of this division.

(7) The City Manager, at his discretion and without notice, reserves the right to remove Dockless Mobility Units from the right-of-way if an emergency arises. In such instances, the City will attempt to notify the Operator as soon as reasonably practicable thereafter.

(8) Operators must detail a plan to relocate the Dockless Mobility Units to a safe, indoor facility within 24 hours in the result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all Dockless Mobility Units from circulation once a storm watch or warning has been established.

(9) The Operator's smartphone application and website must inform users of how to safely and legally ride a bicycle as defined by Florida Statute 316.2065, including the rights and duties of cyclists riding on sidewalks or in streets. For the purposes of this Division, these duties shall also apply to users of Dockless Scooters.

(10) The Operator's mobile application must inform users of helmet laws and encourage the use of helmets for those over 16 years of age.

(11) The Operator's phone application must clearly direct users to customer support mechanisms, including but not limited to phone numbers or websites.

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(12) The Operator must provide a staffed, toll-free Customer Service line which must provide support 24 hours per day, 365 days per year.

(13) The Operator must provide a direct customer service or operations staff contact to Department staff.

(14) Operators initial fleet must be a minimum of 100 Dockless Mobility Units. Operators initial fleet may not exceed more than 500 Dockless Mobility Units. Operators may request an increase to their initial fleet of up to 250 dockless mobility units 30 days after initial permitting. Each request shall include a rationale and analysis to justify the additional fleet size. Authorization of additional units is at the sole discretion of the City Manager.

(15) The City Manager, at his discretion, reserves the right to cap the total number of Dockless Mobility Units permitted to operate within City limits.

(d) Equity

(1) Operators shall provide the pricing structure prior to start of service. Any changes in pricing structure shall be provided to the City in writing at least two weeks before the changes go into effect. Operators must receive approval in writing by the Director before enforcing modified pricing structures.

(2) Operators must provide details on how users can utilize the service without a smartphone.

(3) Operators must provide service in all service areas as identified by the Permit Application. This includes rebalancing Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter as needed in order to maintain a reasonable level of convenience in renting a Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter.

(e) Data Sharing

(1) All permitted Operators shall provide the City of Fort Lauderdale with the following data on a monthly basis in PDF format:

- Number of Dockless Mobility Units in circulation;
- Number of daily, weekly, and monthly riders;

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- Total number of miles traveled by users (daily, monthly, quarterly, annually) broken down by Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter;
- Average time each Dockless Mobility Units spends available (not in use);
- Number of rides per user per day;
- Number of rides per Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter per day
- Duration of rides per rider per day as well as rides per Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter per day;
- Average duration of ride per day of the week;
- Monthly summary of Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter distribution and GPS-based natural movement in heat map format;
- Summary of fleet numbers lost to theft/vandalism;
- Summary of customer comments/complaints, resolution to, and time it took to resolve each complain.
- Summary of repairs per Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter per month;

(2) All permitted Operators shall provide to the Department the following data within fourteen days following the end of each calendar quarter, in ESRI ArcGIS .shp format, or other format specified in the Permit:

Field Name	Format	Description
Operator Name	[Operator Name]	n/a
Type of vehicle	"Standard Bicycle" or "Electric Bicycle" or "Scooter"	n/a
Trip record number	xxx0001, xxx0002, …	3-letter Operator acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM,DD,YYYY	n/a
Start time	HH:MM:SS (00:00:00-23:59:59)	n/a
End date	MM,DD,YYYY	n/a

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End time	HH:MM:SS (00:00:00-23:59:59)	n/a
Start location	lat,long	n/a
End Location	lat,long	n/a
ID number	xxxx1, xxxx2, ...	Unique identifier for each bicycle, e-bike, or scooter
User Home Zip Code	33301 (example)	Home zip code of user (can be credit card-based)

(3) All permitted Operators shall distribute a six month and one-year customer satisfaction survey, the summary and raw results of which shall be provided to the Department.

(4) All permitted operators shall provide real-time or semi-real-time Dockless Bicycle, Dockless Electric Bicycle, and/or Dockless Scooter location data via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format per North American Bikeshare Association (NABSA) guidelines. The City reserves the right to post this information through a publicly available portal.

Sec. 27-266. Indemnification and insurance.

(a) As a condition of the permit and license agreement the Operator agrees to indemnify, hold harmless and defend the City of Fort Lauderdale, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of, or from the permit and license agreement, the use of ROW or city owned property for Program operations or arising from any negligent act, omission or error of the Operator, owner or, managing agent, its agents or employees or from the failure of the Operator, its agents or employees, to comply with each and every requirement of this Division or with any other federal, state, or local traffic law or any combination of same.

(b) The Operator shall provide and maintain such public liability and property damage insurance to protect the City of Fort Lauderdale its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily

injury, including death, which may arise from any aspect of the Program or its operation. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and shall provide coverage of not less than two million dollars ($2,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Fort Lauderdale, and city commission, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the termination of the permit and license agreement without thirty (30) days' written notice prior to the termination to the City's Risk Management Division and the Director at the address shown in the license.

(c) In addition to the requirements of subsection (a) and (b), the Operator shall provide additional insurance and comply with any revised indemnification provision specified in the permit and license agreement.

(d) The Operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

Sec. 27-267. Fees and Penalties.

(a) The following fees shall apply to Operators:

(i) Initial Permit Filing Fee	$150
(ii) Annual Permit Renewal Fee	$100
(iii) Annual Fee	$10 per Unit
(iv) Performance bond	$80 per Unit/ $10,000 maximum
(v) Bicycle Relocation Fee	$75
(vi) Bicycle Storage Fee	$50 per day

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(b) An Operator is subject, at the discretion of the City Manager, to a fleet size reduction or total permit revocation should the following occur:

(i) If violations of the regulations set forth in this division are not addressed in a timely manner or;
(ii) 15 unaddressed violations of the regulations set forth by this division within a 30 day period or;

(iii) Submission of inaccurate data

(c) In the event of a permit revocation, the City Manager shall provide written notice of the revocation via certified mail, informing the Operator of the permit revocation.

Sec. 27-268. Appeal from revocation.

(a) Operators who have been subject to a permit revocation may appeal the revocation of such permit to the City Commission. Should an Operator seek an appeal from the revocation, the Operator shall furnish notice of such request for appeal to the city clerk no later than ten (10) business days, after the date of mailing, of the certified letter informing the Operator of the revocation of the permit.

(b) Upon receipt of a request for appeal, the city clerk shall fix the date and time at which the city commission shall hear the appeal, such hearing to be held no more than sixty (60) days subsequent to the date upon which such request for appeal was filed with the city clerk. Upon setting the matter for hearing, the city clerk shall notify the Operator of the date and time of such hearing. At the conclusion of the hearing, the city commission shall either sustain the decision of the city manager or direct the city manager to reinstate the permit.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect on November 1, 2018.

PASSED FIRST READING this the 19th day of June, 2018.
PASSED SECOND READING this the 10th day of July, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

FOR City Clerk
JEFFREY A. MODARELLI

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