

DRAFT

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTION 26-3 RELATING TO OPERATION OF VEHICLES IN PARKS, CHAPTER 26, SECTION 26-4 RELATING TO RECKLESS SPEEDS, CHAPTER 24, SECTION 24-33 RELATING TO OVERTAKING AND PASSING OF VEHICLES PROCEEDING IN THE SAME DIRECTION, AND CHAPTER 24, SECTIONS 24-511 THROUGH 24-523, TO ESTABLISH RULES AND REGULATIONS RELATING TO THE OPERATION OF AND REGULATION OF DOCKLESS SMALL VEHICLE SHARING PROGRAMS.

SECTION 1. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE That Chattanooga City Code, Chapter 26, Section 26-3, is amended by deleting same in its entirety.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE That Chattanooga City Code, Chapter 26, Section 26-4 is amended by deleting same in its entirety and substituting in lieu thereof the following:

DRAFT

Sec. 26-4. – Reckless Speed.

It shall be unlawful for any person to drive or propel any vehicle, to ride or drive any horse or other animal or to ride any bicycle or tricycle or other small vehicle at a careless, indifferent or reckless speed through any park or playground or upon any right-of-way in the city.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE That Chattanooga City Code, Chapter 24, Section 24-33 is amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 24-33. - Overtaking and passing of vehicles proceeding in the same direction.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
3. The operator of a motor vehicle, when overtaking and passing a bicycle or small vehicle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than **three feet (3')** and shall maintain the clearance until safely past the overtaken bicycle or small vehicle.

SECTION 4. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE That Chattanooga City Code, Chapter 24, Article XV, Sections 24-511 through 24-522, is adopted as follows:

ARTICLE XV. – DOCKLESS SMALL VEHICLES

Sec. 24-511. Definitions.

DRAFT

For the purposes of this Article, the following words and phrases shall have the meanings set forth below, unless the context clearly requires otherwise:

“*Dockless Small Vehicle System*” or “*System*” means a system which provides bicycles, scooters, electric bicycles, electric scooters, or other small vehicles for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station.

“*Small Vehicles*” – bicycles, scooters, electric bicycles, electric scooters, and other small, wheeled vehicles designed specifically for shared use utilizing GPS technology and deployed as part of a dockless small vehicle system.

“*Operator*” means a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a dockless small vehicle system, whether for profit or not for profit.

“*Pilot Area*” means the area defined in Chapter 38, Article III, Division 3, Section 38-11 as the Urban Overlay Zone.

“*Pilot Period*” means the one-year period beginning on the effective date of this ordinance.

“*User*” means a person who rents and uses a small vehicle from an operator.

Sec. 24-512. Application for Permits.

(a) It shall be unlawful for any person or entity to operate a Dockless Small Vehicle System without first having obtained a permit to do so from the City.

(b) Any operator interested in applying for a permit to allow for operating a Dockless Small Vehicle System (System) or business within the limits of the City of Chattanooga shall submit a Temporary Use Application pursuant to Section 32-44 to the Chattanooga Department of Transportation.

(c) The application must include these items:

1. Images and description of small vehicle and mobile application;
2. Evidence of system deployment in at least two other cities as well as references for operator personnel and city staff in each of those cities.
3. Business partner program that demonstrates the Operator, prior to deployment, has established connections with businesses or entities who want the scooters to be available for accessing their business, either by

DRAFT

employees who park remotely, customers, or others that need to access these properties.

4. Size of fleet at launch, quantified by number of vehicles deployed;
5. Service area at launch.
6. Plan for educating users on proper small vehicle parking;
7. Plan for providing an equitable small vehicle share service;
8. Plan for complying with this ordinance and its requirements;
9. A certificate of insurance pursuant to Section 24-513(d); and
10. A permit fee in the amount of One Thousand Dollars (\$1,000.00) to cover the City's expense to administer this program.

(d) If the application meets all the requirements, operators shall submit the items below prior to issuance of the permit.

1. A program administrative fee equal to one hundred and ten dollars (\$110) for each newly permitted small vehicle to offset the administrative costs of this program;
2. A performance bond, pursuant to Section 24-516(e); and
3. Five (5) account logins to allow the City to login to the operator's system as an administrator for oversight.

(e) All permits issued shall expire at the end of the Pilot Period.

(f) Any operator determined to have operated within the limits of the City of Chattanooga before obtaining the appropriate permit mandated by this Article shall be prohibited from obtaining a permit during the Pilot Period.

Sec. 24-513. Safety Regulations

(a) To be eligible for a permit, the following standards must be met:

1. All bicycles used by operators issued a permit under this chapter shall meet the standards set forth in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Regulations for Bicycles and ISO 43.150 – Cycles, subsection 4210. All bicycles shall meet the requirements for lights during hours of darkness described in

DRAFT

Tennessee Code Annotated § 55-8-177. This includes a front light that emits white light and a rear red reflector.

2. All electric bicycles used by operators issued a permit under this chapter shall meet the standards set forth for bicycles, including a front light that emits white light and a rear red reflector. Each electric bicycle must have fully operable pedals, two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, 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. An electric bicycle must meet the standards set forth in Tennessee Code Annotated Title 55, Chapter 8, Part 3 for either a Class 1 or Class 2 electric bicycle. If it is determined that any battery or motor on an electric bicycle is unsafe for public use, the City reserves the right to terminate the permit issued for the small vehicle.
3. All electric scooters used by operators issued a permit under this chapter shall meet the standards set forth for electric bicycles, including a front light that emits white light and a rear red reflector, except an electric scooter need not have fully operable pedals nor wheels of twenty inches (20") or more in diameter. An electric scooter shall have a foot board for the user to stand upon and no seat. Each scooter shall have a top motor-powered speed of less than 15 miles per hour when operated by a rider weighing 170 pounds. If it is determined that any battery or motor on a scooter is unsafe for public use, the City reserves the right to terminate the permit issued for the small vehicle.
4. Other safety standards as they become enacted or adopted.
5. All small vehicles must have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay illuminated for at least 90 seconds after the vehicle has stopped.
6. All small vehicles must have, and clearly display, a unique, permanent identification number that is provided to the city.
7. All small vehicles must be inspected, maintained, and/or replaced on a mutually agreed-upon schedule with the City.
8. Operators must have the ability to remotely lock-down individual small vehicles (e.g. when they are deemed/reported unsafe).

(b) All operators permitted pursuant to this program shall provide a mechanism for users to notify the operator of any safety or maintenance issues with the small vehicle.

DRAFT

(c) All operators shall provide visible language that notifies the user:

1. That a small vehicle shall not be operated in a way that violates federal, state, or local law.
2. That a small vehicle may not be operating on sidewalks that are solely intended for pedestrians.
3. That whenever operating a small vehicle upon a sidewalk that is not solely intended for pedestrians, the user shall yield to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
4. That helmet use is encouraged while riding.
5. That when riding on a street, users must follow the rules of the road for bicycles as set forth in Tennessee Code Annotated Title 55, Chapter 8, Part 1.
6. Of the 24-hour customer service phone number, providing that number prominently on the small vehicle, for users and the general public to report safety concerns, complaints or ask questions.
7. Of the small vehicle unique identifier.

(d) All permitted operators shall have a minimum of one million dollars (\$1,000,000) in automobile insurance and two million dollars (\$2,000,000) in commercial general liability insurance issued by an insurance company qualified to do business in the state and naming the City of Chattanooga as an additional insured. The operator's insurance shall be primary for any liability arising out of its operator or user's use of operator's small vehicle. Such policy shall expressly provide that it may not be canceled, except after thirty (30) days written notice to the Chattanooga Department of Transportation. An operator shall notify the Chattanooga Department of Transportation of any modification, amendment, cancellation or substitution of any insurance policy required under this section within fourteen (14) days of the date of the notice to the operator of such modification, amendment, cancellation or substitution. If the policy of insurance required by this subsection lapses for any reason the operator's permit shall become void.

(e) Operators shall include in their agreements with users a term that users must agree to as a prerequisite to the use of the operator's small vehicles that the user fully releases and waives all liability of the City for any injury or harm the user experiences arising from the user's use of the operator's small vehicle and that the user assumes all risks associated with operating the small vehicle in the City.

(f) Operators shall agree that the City is not responsible for educating users on how to ride or operate a small vehicle.

DRAFT

(g) Operators shall inform and regularly educate all users regarding all laws and regulations applicable to riding, operating and parking a small vehicle and instruct users to comply with these laws and regulations.

(h) All small vehicles shall include on-board GPS to ensure an operator's ability to locate and retrieve them as needed.

Sec. 24-514. Use and Parking of Small Vehicles.

(a) Small vehicles shall operate only in the Pilot Area. Operators shall institute controls that limit the operation of small vehicles to the Pilot Area, such that trips will not be able to be terminated if the small vehicle is not within the zone.

(b) Small vehicles may be operated on any part of a street or highway where bicycles are authorized to travel, including a bicycle lane or other portion of a roadway designated for exclusive use by bicyclists, the shoulder or berm, and any path or trail intended for use by bicyclists.

(c) No small vehicle shall be operated on any sidewalk that is solely intended for pedestrians.

(d) Operators shall inform users on how and where to properly use and park a small vehicle and on the area of the City in which small vehicles may be operated. Operators shall provide a mechanism for the user to acknowledge these requirements each time a small vehicle is rented.

(e) Any small vehicle parked in any one location for more than two (2) consecutive days without moving may be removed as provided by this article.

(f) Any small vehicle parked on private property without the permission of the owner or occupier of the property shall be subject to immediate removal. The owner or occupier of private property desiring the removal of a small vehicle from their property may call the operator of the small vehicle to have the small vehicle removed from the property. If the small vehicle is not removed from the property with two (2) hours, the owner or occupier of the private property may call the City at 3-1-1 to initiate the immediate removal of the small vehicle.

(g) Any small vehicle shall be upright when parked.

(h) Small vehicles shall not be parked in such a manner as to impede the right of way or impede access to the right of way as defined at a minimum by current Public Rights-of-Way Accessibility Guidelines (PROWAG) standards, and consistent with the following:

1. Small vehicles shall be parked outside the sidewalk clear zone as defined by Section 38-568(1). Operators shall inform users on how to park small

DRAFT

vehicles properly, following the requirements for parking outlined in this section.

2. Restrictions to eligible small vehicles parking zones on sidewalks:
 - i. Small vehicles shall not be parked on blocks in such a way as to reduce clear passage below forty-eight (48) inches, or as prescribed in PROWAG, whichever is greater.
 - ii. Small vehicles shall not be parked in locations where Small vehicle parking is determined to be prohibited by the City, either through the Department of Transportation or the Chattanooga Parking Authority.
 - iii. Small vehicles may not be parked within or obstruct:
 1. Parklets
 2. Parks except next to bike racks
 3. Transit Stops
 4. Public Bike Share stations
 5. Loading Zones
 6. Disabled Parking Zone
 7. Street furniture that requires pedestrian access (e.g. - benches, parking pay stations, bus shelters, etc.)
 8. Curb ramps, crosswalks, or driveways
 9. Building entryways, including those entryways to pedestrian paths that lead to building entryways.
 10. On-street parking spaces without paying the meter. Payment for citations for un-paid meters will be the responsibility of the Operator.
- (i) All operators shall provide contact information for relocation requests on each small vehicle.
- (j) Whenever operating a small vehicle upon any path or trail intended for use by bicyclists, the user shall yield to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

DRAFT

(k) All operators shall comply with any restrictions developed by the City regarding where small vehicles can be deployed, placed, parked, and operated.

(l) Only one person shall be on a small vehicle, unless the vehicle is equipped with seating for additional users.

(m) Any violation of this ordinance in the operation or parking of a small vehicle shall result in a fine of not more than fifty dollars (\$50.00) that is assessed on the vehicle. Additionally, the vehicle may be subject to impoundment per Section 24-515.

Sec. 24-515. Removal of improperly parked small vehicles.

Any small vehicle improperly parked or otherwise in violation of this Article, may be removed by the City, its designee, or its contractors. The operator will be responsible for all fees.

Sec. 24-516. Operations of Dockless Small Vehicle Share Systems

(a) All operators shall have a staffed operations center within the boundaries of the city of Chattanooga.

(b) All operators shall have a 24-hour customer service phone number for users and others to report safety concerns, complaints or ask questions. The phone number shall be visible on all of the operator's small vehicles, signage and other equipment.

(c) All operators shall create and maintain a Chattanooga-specific website and/or social media platform that includes information on the City regulation of dockless small vehicles and other relevant and appropriate information regarding their operation. The site shall also explain the terms of service, including user instructions, privacy policies, and all fees, costs, penalties, and unexpected charges.

(d) All operators shall provide the City with contact information, such as name, phone number, and email, of a Chattanooga-based manager or operations staff available 24 hours a day, 7 days a week. The Chattanooga-based manager or operations staff shall be capable of rebalancing or relocating small vehicles and be able to respond to City requests, emergencies, and other issues at any time.

(e) All operators shall have a performance bond of eighty dollars (\$80) per small vehicle, with a cap of one hundred thousand dollars (\$100,000). The form of the bond shall be approved by the City of Chattanooga. These funds shall be accessible to the City for future public property repair and maintenance costs that may be incurred, removing and storing small vehicles improperly parked, or if a company is not present to remove small vehicles if its permit is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional small vehicles.

DRAFT

(f) Operators shall respond to requests for rebalancing, relocation, reports of incorrectly parked small vehicles, or reports of unsafe/inoperable vehicles by relocating, re-parking, or removing the small vehicles, as appropriate. Any unsafe, in-need-of-repair small vehicle shall be removed within 2 hours, and it must be repaired before placed back onto the right-of-way or into revenue service. Any small vehicle left unattended in a location that impedes access per PROWAG or that violates section Sec. 24-514(h), is subject to immediate impoundment and resulting fines and fees to the operator.

(g) Every small vehicle shall have a unique identifier, such as a unit number, that is visible to the user on the small vehicle.

(h) If the City or any City department or office incurs any costs as a result of addressing or abating any operator's violation of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse the City for such costs within thirty days.

(i) The City reserves the right to terminate Dockless Small Vehicle System Permits. If an operator's permit is terminated, operator shall decommission small vehicle fleet within thirty (30) days unless a different time period is determined by the City of Chattanooga.

(j) The City may take any appropriate steps or assess any penalties or sanctions to compel operators to comply with this ordinance, any other City ordinance, or any other law. This shall include termination of an operator's permit.

(k) The City shall establish, and all operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special events.

(l) The City has the power and is authorized to do all acts and things necessary or convenient to implement this ordinance, to promote and protect public safety, and to ensure the right of way is not impeded.

Sec. 24-517. Data Sharing.

(a) Operators are required to comply with the City's data sharing policy administered as a part of the dockless system permit.

(b) Operators are required to provide accurate data to the City for planning, analysis, program management, public engagement, and any other municipal purpose through an Application Programming Interface (API) that meets the requirements of the General Bikeshare Feed Specification(GBFS) and the Mobility Data Specification (MDS,version 0.3.0). The GBFS API will be made available to the public, while the MDS API will be secured with access credentials. The City may, at its sole discretion, require Operator to use the newer versions of these specifications upon release. If the City requires a newer version of a specification,

DRAFT

Operators will have 90 days to comply. The Operator may not change any API URL without notifying the City at least 30 days in advance.

(c) The City may share data with any third-party software or service companies with which it contracts for mobility management or data analysis services. The City's contract with any third-party will govern the manner in which data is used, and will be consistent with the scope and purpose of these regulations. The City may require Operators to provide direct API access to third-parties so that they may perform the services for which the City has contracted.

(d) Operators must provide accurate weekly summaries to the City describing customer and staff incidents, injuries, system operation, system use, reported complaints, customer service responses, and system maintenance. Reports will be provided to the City in the format defined by the City.

Sec. 24-518. Number of small vehicles allowed

(a) An operator's fleet is limited to 300 small vehicles during for the first month of the approved permit during the Pilot Period.

(b) After the first month, an Operator may submit a request to increase its fleet size based on demonstration of utilization rate. Fees based on new fleet size apply. During a permitted month, an Operator will be permitted to operate with less than but not more than the fleet size permitted for any given month.

(c) Operators must demonstrate successfully meeting a minimum average utilization threshold of 2 rides per day per vehicle for each type of dockless vehicle and these utilization rates must be demonstrated after the first and each consecutive month thereafter during the Pilot period.

(d) City may require permitted operators to reduce their fleet size on a monthly basis if operator's provided data demonstrates its fleet is being used below the average utilization threshold.

(e) Operators shall notify the City if they plan to change their fleet size two weeks before deployment. This notice shall include the additional program administrative fee for the expanded fleet and documentation of their updated performance bond.

Sec. 24-519. Adoption of state laws relating to bicycles and electric bicycles.

Except as otherwise specified by this article or state law, the Tennessee requirements and laws applicable to bicycles and electric bicycles shall apply to small vehicles.

DRAFT

Sec. 24-520. Child small vehicle safety rules and regulations.

The following is prohibited:

(1) For any person under sixteen (16) years of age to operate a small vehicle unless at all times when so engaged the person wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet;

(2) For any parent or legal guardian of a person under twelve (12) years of age to knowingly permit the person to operate a small vehicle in violation of subdivision (1); and

(3) To rent or lease any small vehicle to or for the use of any person under sixteen (16) years of age unless:

(A) The person is in possession of a protective bicycle helmet of good fit at the time of the rental or lease; or

(B) The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subdivision (1), at all times while operating or being a passenger on the bicycle.

Sec. 24-521. Equitable access.

Operators shall have a plan to provide equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options. Plans should include consideration of:

(1) Pricing options that address the needs of low-income residents

(2) Discount programs to low income individuals;

(3) Options that do not require a smartphone;

(4) Cash-payment options; and

(5) Adaptive small vehicles that enable operation by people with disabilities.

Sec. 24-522. Appeals.

(a) An appeal to the Passenger Vehicle for Hire Board from any adverse decision of the Chattanooga Department of Transportation may be filed in writing with the Chattanooga Police Department Regulatory Bureau within ten (10) days of any such decision. The secretary to the Board shall notify the person filing the appeal of the hearing date.

DRAFT

(b) The action of the Passenger Vehicle for Hire Board shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved or affected party.

Sec. 24-523 Health and Safety.

For any reason, such as, but not necessarily including, safety concerns or multiple violations of this Article, the City Council may at any time suspend or terminate the operations of any or all dockless small vehicle systems in order to maintain health and safety in the City. Should dockless small vehicle systems be suspended or terminated, operators will not be entitled to the refund of any fee or expense.

SECTION 5. BE IT FURTHER ORDAINED, that 12 months after the passage of this Ordinance, this ordinance expires, permits become invalid and Operators must remove all equipment. The City Council can evaluate the success of the program and may adopt a permanent permitting process.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately upon and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

BB/kjr - Pilot