Introduced by Council Member Cumber and Co-Sponsored by Council Members White, Carlucci, Diamond, Gaffney, Priestly Jackson, Morgan, Bowman, Hazouri, Pittman, DeFoor, Freeman, Salem and Newby, amended by the Neighborhoods, Community Services, Public Health & Safety Committee and amended on the Floor by Council:

ORDINANCE 2020-26-E

AN ORDINANCE REGARDING DOCKLESS MOBILITY PROGRAMS; CREATING A NEW CHAPTER 235 (DOCKLESS MOBILITY PROGRAMS), *ORDINANCE CODE*, TO CREATE AND PROVIDE FOR A ONE-YEAR PILOT PROGRAM TO ALLOW PERMITS FOR PROVIDING DOCKLESS BICYCLE, ELECTRIC SCOOTER AND ELECTRIC BICYCLES (DOCKLESS MOBILITY UNITS) WITHIN THE CITY'S RIGHTS-OF-WAY; PROVIDING FOR A DIRECTIVE TO THE LEGISLATIVE SERVICES DIVISION TO CIRCULATE ENACTED LEGISLATION TO THE WEBMASTER FOR IMMEDIATE UPDATE OF FEES ONLINE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Creating a new Chapter 235 (Dockless Mobility Programs), *Ordinance Code*. Chapter 235 (Dockless Mobility Programs), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 235 - DOCKLESS MOBILITY PROGRAMS.

Sec. 235.101. - Purpose.

The purpose of this Chapter is to create a one (1) year pilot program to permit and regulate Dockless mobility programs in the City of Jacksonville.

Sec. 235.102. - Applicability.

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

Sec. 235.103. - Definitions.

For the purpose of this Chapter, 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.

Corral means Dockless Mobility Unit parking facilities that can accommodate a group of Dockless Mobility Units typically installed in the right-of-way and may include the space occupied by a single vehicle parking space.

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 Dockless mobility unit 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.

Customer or *User* means the individual who rents or uses a Dockless mobility unit that is provided by an Operator.

Department means the Planning and Development Department.

Director means the Department Director.

Dockless bicycle program means a program authorized by this Chapter that provides bicycles or electric bicycles for short-term rentals for point to point trips where, by design of the Operator,

the bicycles and electric bicycles are intended to remain in the designated areas during use by a Customer.

Dockless mobility program means a Dockless bicycle program, Dockless scooter program or Dockless electric bicycle program.

Dockless scooter program means a program authorized by this Chapter that provides electric scooters for short-term rentals for point to point trips where, by design of the Operator, the electric scooters are intended to remain in the designated areas during use 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 wheels, steered using a long handle, does not include a seat, is intended to be operated while standing up, 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 Dockless mobility units, and services a Dockless mobility program.

Permit application means the application required by the Department in order to participate in the Dockless mobility unit program.

Redistribution or Redistributing means the process by which Dockless mobility units are redistributed to ensure bicycle, E-bike

or scooter availability throughout a service area and to prevent excessive buildup of Dockless mobility units at locations throughout the Service area.

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.

Service area means the geographical area within the City of Jacksonville where the Dockless mobility program is intended to offer service for its users/customers as defined by the permit application.

User shall mean the same as *Customer*, above.

Sec. 235.104. - Dockless mobility unit pilot program permitting.

(a) 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) 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 Service area. The Director shall determine what information should be provided in the application.

(d) Operators shall obtain a separate permit for each Dockless Mobility Unit type provided by that Operator.

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

(f) Permits will be effective during the one-year pilot program period. The Council may make the program permanent after the one-year pilot program if it is determined to be in the best interests of the City. If the program is made permanent, Operators under the pilot program shall be required to re-apply for a permit upon the conclusion of each one-year period. The Council may also reexamine the program's geographic limitations to determine whether the program shall be applicable in other locations.

(g) Operators must comply with the requirements of this Chapter.

Sec. 235.105. - Dockless mobility program requirements.

(a) *General regulations pertaining to Dockless mobility units:*

(1) All Dockless bicycles utilized in a Dockless mobility program shall conform to 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 F.S. §316.2065, as may be amended or revised.

(2) All Dockless mobility units utilized shall comply with the lighting standards set forth in F.S. §316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least five hundred (500) feet and a reflective rear red light visible from a distance of at least six hundred (600) feet.

(3) All Dockless mobility units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including but 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 and with the requirements of F.S. ch. 316.003, which defines bicycles. This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than seven hundred and fifty (750) watts, and a top motor-powered speed of less than fifteen (15) miles per hour when operated by a rider weighing one hundred and seventy (170) pounds.

(5) Dockless scooters and E-bikes must have a top overall motor-powered speed of less than fifteen (15) miles per hour. Operators must educate customers that it is only lawful to operate at a top motor-powered speed of less than ten (10) miles per hour when operating on a sidewalk, and a top motor-powered speed of less than 15 miles per hour when operating in the ROW.

(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 Dockless mobility unit.

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

(8) Advertising and signage on Dockless mobility units and Corrals are authorized, but must comply with the City's sign regulations. As a condition of approval, the applicant must agree and acknowledge that all signs on Dockless mobility units are subject to the provisions of the City's sign regulations. Further, the Operator agrees to give the Chief Executive Officer of the DIA final approval of the specifications for any signs displayed, and such approved specifications shall be included in the permit required under section 235.104. No vertical signage shall be

allowed.

(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) Dockless mobility units shall only be parked in designated Corrals. The Chief Executive Officer of the DIA shall create designated Corrals in certain areas where Dockless mobility units shall be parked or stored when not in use. In designating the locations of Corrals, the Chief Executive Officer of the DIA shall discuss with the Director the location of each corral and shall consider the following: if use of public sidewalks for parking Dockless mobility units is considered, locate the Corrals in areas for which sidewalks are greater than eight feet in width, so long as there remains at least an eight foot clear area for unimpeded pedestrian travel and which do not:

i. Adversely affect the streets or sidewalks by creating a nuisance;

ii. Inhibit pedestrian movement;

iii. Inhibit the ingress and egress of vehicles parked on- or off-street or the entranceway of any building, structure or space;

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

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

(2) Corrals shall be placed in a way that maintains unimpeded access to Dockless mobility units.

(3) Corrals shall not be placed within the following areas: loading zone, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, street furniture, curb ramps, public art installations, JTA bus shelters,

pocket parks, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within fifteen (15) feet of a fire hydrant.

(4) Corrals shall not be placed in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.

(5) The Chief Executive Officer of the DIA shall coordinate with the JTA whenever possible to locate Corrals within close proximity to JTA transit stops.

(6) Dockless mobility units shall be parked upright in the Corrals at all times.

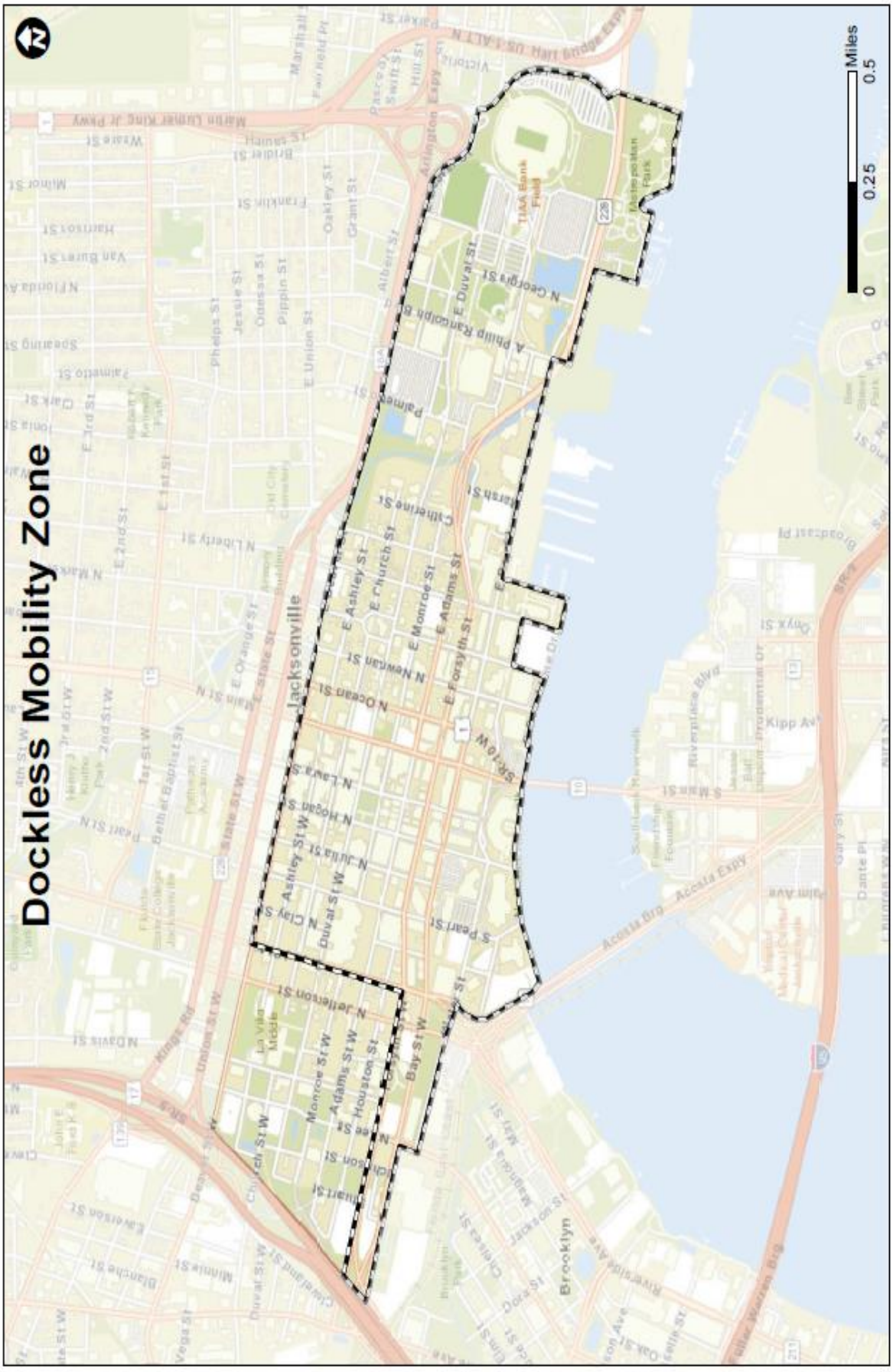
(7) Dockless mobility programs that utilize equipment capable of being locked directly to a bicycle rack within a Corral shall not rely solely on publicly-placed bicycle racks for their operation.

(8) The Corrals shall be able to contain up to 5 Units at a time. Parking Corrals shall be clearly marked in a manner approved by the City.

(9) Any Dockless mobility unit parked in violation of this subsection may be removed by the City, and the Operator will be assessed a fee as set forth in section 235.107.

(c) Geofencing.

(1) During this pilot program, Dockless mobility units are restricted to the Dockless Mobility Zone (DMZ), which is approximately defined as that area from I-95 east to Broad Street between Bay Street and Water Street and also bordered by Broad Street and the Acosta Bridge on the west, Beaver Street on the north, Gator Bowl Boulevard on the east and the Northbank Riverwalk on the south, but which is depicted on the following map:


Dockless Mobility Zone
Miles
0
0.25
0.5
Jacksonville
Brooklyn
TIAA Bank Field
Metropolitan Park
A Philip Randolph Blvd
E Duval St
N Georgia St
E Ashley St
E Church St
E Monroe St
E Adams St
E Forsyth St
N Ocean St
N Newnan St
N Laura St
N Hogan St
N Julia St
N Clay St
S Pearl St
Ashley St W
Duval St W
Monroe St W
Adams St W
Houston St
Bay St W
Church St W
Myrtle Ave
Riverside Ave
Acosta Expy
Gilbert Warren Blvd
Kipp Ave
Dante Pl
Oary St
Dora St
Oak St
Elm St
Maple St
Magnolia St
Cleveland St
Vega St
Davis St
Kings Rd
Stone St W
Lo Vila Middle
Phelps St
Jessie St
Oonssa St
Pippin St
Oakley St
Grant St
Albert St
E Union St
Franklin St
Bridier St
Haines St
Wade St
Victoria St
Hill St
Swift St
Pacific Ave
Fairfield Pl
Marshall St
Parker St
Hart Bridge Expy
Martin Luther King Jr Pkwy
Arlington Expy
Van Buren St
Harrison St
Monroe St
Palmetto St
Spearing St
Oak St
E 3rd St
E 2nd St
E 1st St
N Liberty St
N Main St
E Orange St
E State St
W 1st St
W 2nd St
W 3rd St
W 4th St
Pearl St N
Bethel Baptist St
Florida State College Jacksonville
Kennedy Park
Hemming Park
Palmetto Leaves
Old City Cemetery
Dyrx St
Riverplace Blvd
Jessie Ball duPont Fountain
Jessie Ball duPont Park
Jessie Ball duPont Center
Southbank Riverwalk
Florida Blue
Medical Center Jacksonville
Broadcast Pl
Blue Cross Park
S Main St
Acosta Brg
SR 9
SR 5
SR 13
SR 115
SR 228
SR 21
SR 10
SR 1
SR 111
SR 139

(2) An Operator must have the technology available to limit operations to within the DMZ.

(3) If Dockless mobility units operate outside the DMZ, the Operator shall charge the User $1 for every 5 minutes the Unit is outside the DMZ.

(d) *Maintenance, operations, and fleet size.*

(1) Operators shall comply with F.S., ch. 316, State Uniform Traffic Control.

(2) Operators must comply with F.S. §316.2065(15) which prohibits the rental of Dockless mobility units to persons under sixteen (16) years of age without also providing or requiring the use of a helmet. The Operator's mobile application must inform users of helmet laws and encourage the use of helmets.

(3) Operators participating in the program must Redistribute Dockless mobility units daily, in the manner described in their permit application, based on use within the DMZ.

(4) 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 a complaint between the hours of 7:00 a.m. and 7:00 p.m., seven (7) days per week and within twelve (12) hours upon receipt of a 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, dead battery) or is missing components (i.e., fenders, grips, chain guards) 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 removed or stored by the City is subject to the storage fees set forth in section 235.107.

(5) The City, 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.

(6) Operators must detail a plan to relocate the Dockless mobility units to a safe, indoor facility within twenty-four (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. The City may remove any Dockless mobility unit that is not relocated as required by this subsection, and the Operator shall be assessed a removal fee as provided in section 235.107.

(7) The Operator's smartphone application and website must inform users of how to safely and legally ride a Dockless mobility unit, including the rights and duties associated with riding on sidewalks or in streets.

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

(9) The Operator must provide a staffed, toll-free customer service line which must provide support twenty-four (24) hours per day, three hundred and sixty-five (365) days per year.

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

(11) Operator’s initial fleet must be a minimum of one hundred (100) Dockless mobility units. Operator’s initial fleet may not exceed more than two hundred and fifty (250) Dockless mobility units. Operators may request an increase to their initial fleet of up to two hundred and fifty (250) Dockless mobility units no sooner

than one hundred and twenty (120) 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 Director.

(e) *Equity of access.*

(1) Operators shall provide the pricing structure prior to start of service.

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

(3) Operators must provide service throughout the Dockless Mobility Zone. This includes Redistributing as needed in order to maintain a reasonable level of convenience in renting a Dockless mobility unit.

(f) *Data sharing.*

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

i. Number and type of Dockless mobility units in circulation;

ii. Number of daily, weekly, and monthly riders;

iii. Total number of miles traveled by Users (daily, monthly, quarterly, annually) broken down by Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter;

iv. Average time each Dockless mobility unit spends available (not in use);

v. Number of rides per User per day;

vi. Number of rides per Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter per day;

vii. Average duration of rides per User per day as well as average duration of rides per Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter per day;

viii. Average duration of ride per day of the week;

ix. Monthly summary of Dockless mobility unit distribution and GPS-based natural movement in heat map format;

x. Summary of fleet numbers lost to theft/vandalism;

xi. Summary of customer comments/complaints, resolution to, and time it took to resolve each complaint.

xii. 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 (14) 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
End time	HH:MM:SS (00:00:00-23:59:59)	n/a

Field Name	Format	Description
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)

The Department may request such other information from each Operator as it deems necessary to evaluate the program.

(3) All permitted Operators shall distribute a six (6) 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. 235.106. - Indemnification and insurance.

(a) As a condition of the permit, the Operator agrees to indemnify, hold harmless and defend the City of Jacksonville, 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, 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 Chapter or with any other federal, state, or local traffic law or any combination of same, with the exception that this condition will not apply to claims arising out of the City's own negligence or willful misconduct. This agreement shall be reviewed and approved by the City's Risk Manager and the Office of General Counsel.

(b) The Operator shall provide and maintain such public liability and property damage insurance to protect the City of Jacksonville and 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 the City of Jacksonville as additional insured. The policy shall further provide that coverage 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.

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

Sec. 235.107. - 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) Unit Removal Fee	$75 per Unit
(vi) Unit Storage Fee	$25 per Unit, per 24-hour period, or part thereof

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

(i) If violations of the regulations set forth in this Chapter are not addressed in a timely manner or;

(ii) Fifteen (15) unaddressed violations of the regulations set forth by this Chapter within a 30-day period or;

(iii) Submission of inaccurate or incomplete data.

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

Sec. 235.108. - Appeal from revocation.

(a) Operators who have been subject to a permit revocation may appeal the revocation of such permit to the City's Special Magistrate established in Chapter 91. Should an Operator seek an appeal from the revocation, the Operator shall furnish notice of

such request for appeal to the Director no later than ten (10) business days, after the date of mailing of the certified letter informing the Operator of the revocation.

(b) Upon receipt of a request for appeal, the clerk to the Special Magistrate shall fix the date and time at which the Special Magistrate 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 Director. Upon setting the matter for hearing, the clerk to the Special Magistrate shall notify the Operator of the date and time of such hearing. At the conclusion of the hearing, the Special Magistrate shall either sustain the decision of the Director or direct the Director to reinstate the permit.

Section 2. Directive to Legislative Services Division. The Chief of Legislative Services is hereby directed to forward a copy of the enacted legislation to the City webmaster at webmaster@coj.net for immediate fee updates to http://www.coj.net/fees.

Section 3. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Jason R. Teal

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