

(Summary Published in the Morning Sun on November 15th, 2019)

ORDINANCE NO. G-1300

AN ORDINANCE creating Article VIII in Chapter 42 of the Pittsburg City Code to regulate the use of dockless vehicles within the city limits of the City of Pittsburg, Kansas, and providing for regulation of permits, fees and penalties for violations thereof.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Article VIII in Chapter 42 of the Pittsburg Municipal Code is hereby created to read as follows:

ARTICLE VIII. – DOCKLESS VEHICLE PERMIT.

Sec. 42-315. Definitions.

For the purposes of this article the following definitions shall apply

(1) *Director* means the Director of Public Works and includes representatives, agents, or department employees designated by the Director.

(2) *Dockless vehicle* means a bicycle, an electric bicycle, or an electric motor-assisted scooter that can be located and unlocked remotely.

(3) *Operator* means an individual or other legal entity that has been issued an operating authority permit under this article.

(4) *Rebalance* means moving dockless vehicles from an area of low demand to an area of high demand.

Sec. 42-316. General Authority and Duty of Director.

The Director shall implement and enforce this article.

Sec. 42-317. Operating Authority Permit.

A person or legal entity commits an offense if, within the city, he or she operates, or causes or permits the operation of, a dockless vehicle service without a valid operating authority permit issued under this article.

Sec. 42-318. Application for Operating Authority Permit.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the Director. The applicant must be the person or legal entity who will own,

control, or operate the proposed dockless vehicle program.

(b) An applicant shall file with the Director a verified application statement containing the following:

(1) Documentary evidence of having obtained a business license to operate within the City of Pittsburg as outlined in Chapter 42, Article II of the Pittsburg City Code;

(2) the authorized signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's home office, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes currently due on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of dockless vehicles to be operated; and

(9) an agreement to indemnify the city against any and all claims arising out of or from applicant's operation of the proposed dockless vehicle program.

(c) An operating authority permit may be renewed following the process in this section.

Sec. 42-319. Changes to Information in Operating Authority Application.

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the Director, within ten (10) days of the change.

(b) If the information reported to the Director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 42-329 must be submitted to the Director simultaneously with the change in information.

Sec. 42-320. Expiration of Operating Authority Permit.

An operating authority permit expires one (1) year from the date it is issued.

Sec. 42-321. Refusal to Issue or Renew Operating Authority Permit.

(a) The Director shall refuse to issue or renew an operating authority permit if the applicant:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or

(2) has been convicted twice within a twelve (12) month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has had an operating authority permit revoked within two (2) years of the date of application.

(b) If the Director determines that a permit should be denied, the Director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

Sec. 42-322. Suspension or Revocation of Operating Authority Permit.

(a) Suspension. The following shall apply to the suspension of an operating authority permit:

(1) The Director may suspend an operating authority permit if the Director determines that the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the Director within the time specified in the order.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following shall apply to the revocation of an operating authority permit:

(1) The Director shall revoke an operating authority permit if the Director determines that the operator has:

(A) made a false statement as to a material matter in the application concerning the operating authority permit;

(B) failed to maintain the insurance required by this article;

(C) failed to maintain the performance bond or irrevocable letter of credit required by this article;

(D) operated dockless vehicles that were not authorized by the operating authority permit; or

(E) failed to pay a fee required by this article.

(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a time period of up to two (2) years, depending on the severity of the violation resulting in the revocation.

Sec. 42-323. Appeals.

Any person or legal entity whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the Director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the Governing Body, and the Governing Body shall fix a date, place, and time for the hearing on the appeal.

Sec. 42-324. Nontransferability.

An operating authority permit is not transferable.

Sec. 42-325. Operations.

(a) Each operator shall provide dockless vehicles to accommodate a wide range of users and should accept multiple forms of payment.

(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) Dockless vehicles may display third party advertising as defined by the Director.

(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 4210-2:2015 and ISO/DIS 4210-10, as amended.

(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for three (3) years.

(f) Dockless vehicles must be well maintained and in good, safe riding condition.

(g) Each dockless vehicle permitted under this article must be equipped with active locating system technology capable of location within three (3) meters.

(h) All dockless vehicle alarm systems must be approved by the director.

(i) Operators shall maintain a twenty-four (24) hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(j) Operators shall rebalance dockless vehicles at least once per week.

(k) Operators shall provide the Director with contact information for an employee who

can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within four (4) hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within twelve (12) hours of receiving notice at all other times. An operator shall notify the director within twenty-four (24) hours of a change of contact information.

(l) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within four (4) hours of notice from the Director. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

(m) An operator shall provide the Director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way. The Director may also require special access be provided to emergency personnel.

(n) Any dockless vehicle retrieved by the director from a stream, lake, fountain, or other body of water will be disposed of if not collected by the operator within forty-eight (48) hours after notification.

(o) If the city incurs any costs addressing or abating any violations of this section, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within sixty (60) days of receiving written notice from the Director.

(p) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(q) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(r) An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator's mobile application must provide information notifying the user that:

- (1) dockless vehicles must be parked legally and properly;
- (2) bicyclists and motor assisted scooters must yield to pedestrians; and
- (3) bicycles and motor assisted scooters may not be ridden on all sidewalks on North Broadway between the intersection of First Street and the intersection of Eleventh Street;
- (4) Any other notices required by the Director.

(s) The number of dockless vehicles in a fleet must be commensurate with the expected level of service.

Sec. 42-326. Dockless Vehicle Parking, Deployment, and Operation.

- (a) Dockless vehicles may not be parked in a manner that would impede normal and

reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than forty-eight (48) inches.

(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) Dockless vehicles may not be parked on a public street without specific permission from the Director.

(e) Dockless vehicles stations must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(f) Dockless vehicles must stand upright while parked.

(g) Dockless vehicles may not be parked within five (5) feet of a crosswalk or curb ramp, unless given specific permission by the Director.

(h) Dockless vehicles may not be parked in a way that blocks:

(1) Transit stops.

(2) Commercial loading zones.

(3) Railroad tracks or crossings.

(4) Passenger loading zones or valet parking service areas.

(5) Disabled parking zones.

(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).

(7) Building entryways.

(8) Vehicular driveways.

(i) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the Director.

(j) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within four (4) hours of receiving notice from the Director on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the Director at all other times.

(k) A dockless vehicle that is parked in a residential area may remain in the same location for up to forty-eight (48) hours as long as it is parked in accordance with this section. An

operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 42-326(j).

(l) The Director may remove and store any dockless vehicle that is left parked at the same location for seven (7) or more consecutive days if the Director has sent the operator a notification to rebalance the dockless vehicle.

(1) The operator is responsible for the costs of removal and storage.

(2) The Director shall invoice the operator for the cost of removal and storage.

(3) Any dockless vehicle that remains unclaimed with the city for sixty (60) days is subject to sale.

(4) The Director may identify designated dockless vehicle parking zones. Subject to advance approval of the Director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

(m) Dockless vehicles are not to exceed 15 mph.

(n) Dockless vehicles may only be operated within the city limits of Pittsburg.

(o) Dockless vehicle riders must be at least eighteen (18) years of age.

(p) Dockless vehicles shall only be ridden by one (1) person at a time.

(q) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.

Sec. 42-327. Insurance Requirements.

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Kansas;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(3) Worker's compensation insurance which meets Kansas statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident; and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the Director in writing not fewer than thirty (30) days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than ten (10) days before cancelling for non-payment;

(3) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the Director if the policy is cancelled or if there is a reduction in coverage; and

(6) comply with all applicable federal, state, and local laws.

(e) No person who has a twenty percent (20%) or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city upon the issuance of the initial operating authority permit, and upon expiration or termination of a previously issued policy.

Sec. 42-328. Data Sharing.

(a) An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations.

(b) An operator shall provide a monthly report to the Director that includes:

(1) Total number of rides for the previous month.

(2) Total number of vehicles in service for the previous month.

(3) Number of rides per vehicle per day.

(4) Anonymized aggregated data taken by the operator's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.

(5) Anonymized trip data taken by the operator's dockless vehicles that includes the origin and destination, trip duration, and date and time of trip.

(c) An operator shall provide other reports at the Director's request.

(d) An operator shall provide real-time or semi-real-time location data via an API acceptable to the Director.

Sec. 42-329. Vehicle Fee.

(a) An operator shall pay an annual vehicle fee as follows:

Number of Dockless Vehicles	Fee
1-50	\$500
51-100	\$1000
Fee per dockless vehicle in excess of 100	\$10

Sec. 42-330. Performance Bond or Irrevocable Letter of Credit.

Before issuance of an operating authority permit, the operator shall give the Director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Kansas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Kansas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the Director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

Sec. 42-331. Enforcement.

(a) The Director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The Director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the Director, the Director shall take necessary action to ensure effective regulation of dockless vehicles.

(c) The police department shall also operate as an enforcement agent for this article and established and approved rules and regulations.

Sec. 42-332. Criminal Offenses.

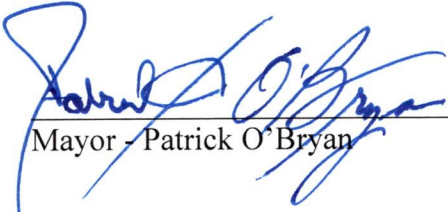
(a) A person commits an offense if he or she violates or attempts to violate a provision of this article, or a rule or regulation established by the Director under this article. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(c) A person or legal entity violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

Section 2. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS 12th DAY OF
NOVEMBER, 2019.



Mayor - Patrick O'Bryan

ATTEST:



Tammy Nagel - City Clerk

