

*\* No Certification of Funds required.*

**ADMINISTRATIVE REPORT**

Ordinance No. 396-2020

Resolution No.

Estimated Cost \$

**Certificate of Funds**

The sum of \_\_\_\_\_ dollars required for this contract was on \_\_\_\_\_, 2020, and is at this date in the City Treasury or in process of collection to the credit of Fund \_\_\_\_\_ and not appropriated for any other purpose.

Date 6-3-2020

Entered by \_\_\_\_\_ Indexed by [Signature]  
Appropriation Clerk (Accountant)

[Signature] Commissioner of Accounts  
Director of Finance

.....

**APPROVED**

[Signature]  
Manager of Engineering and Construction

.....

Approved for Passage or Adoption by requesting Department because: To amend Section 4 of Ordinance No. 464-2019, passed June 3, 2019, in order to repeal a sunset expiration of Sections 401.152, 401.153, 401.231, 473.10, Chapter 517, Shared Mobility Device and Bicycle Vendors, Section 517.01 through 517.08, and amended Sections 473.01 through 473.03, 473.05, 473.07 through 473.09, 431.03, and 431.15, regulating the vendors and use of shared mobility devices; and amending Section 473.02 of the Codified Ordinances, Cleveland, Ohio 1976, as amended by Ordinance No. 464-19, passed June 3, 2019, regarding the speed limit while operating an e-scooter.

Date May 27, 2020 [Signature]  
Director, Mayor's Office of Capital Projects

.....

**THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:**

1. Strike the title in its entirety and insert: "An Emergency Ordinance to amend Section 4 of Ordinance No. 464-2019, passed June 3, 2019, to remove the sunset provision of certain codified ordinance sections relating to shared mobility devices; and to amend Sections 401.231, 473.02, 473.07, 473.09, 517.02, and 517.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No 464-2019, passed June 3, 2019; to supplement the codified ordinances by adding new Sections 517.071 and 517.072, relating to shared mobility grants and contributions and fines for violating rules and regulations; and notwithstanding and as an exception to Sections 517.02 and 517.03, to authorize the Director of Capital Projects to extend the permits issued in 2019 until May 31, 2021 at no additional cost to the shared mobility device and bicycle vendors."

2. Strike Section 3 in its entirety and insert:

Section 3. That Sections 401.231, 473.07, 473.09, 517.02, and 517.04, as amended by Ordinance No. 464-2019, passed June 3, 2019, are amended to read as follows:

Section 401.231 Mobility Device

"Mobility device" means small mobility devices, such as scooters, e-scooters, e-bikes, or other similar devices. A mobility device does not include those designed solely for use by a child, or those used as assistive mobility devices by persons with disabilities, or those defined as an electronic personal assistive mobility device.

Section 473.07 Operating Bicycles, Mobility Devices and Motorcycles on Roadway

- (a) Every person operating a bicycle or mobility device upon a roadway shall ride as near to the right side of the roadway where practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles mobility devices or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on shared-use paths or parts of roadways set aside for the exclusive use of bicycles, mobility devices or motorcycles.
- (c) This section does not require a person operating a bicycle or mobility device to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow

for the bicycle or mobility device and an overtaking vehicle to travel safely side by side within the lane.

Section 473.09 Riding on Sidewalks

- (a) No person shall ride a bicycle, mobility device, skateboard or roller skates upon a sidewalk within a business district.
- (b) No person shall ride a bicycle, mobility device, skateboard or roller-skates upon a sidewalk within the City or paved area within a public park owned by the City when the Chief of Police or Traffic Control Commissioner has prohibited the riding of a bicycle, mobility device, skateboard or roller- skates thereon and, with the consent of the member or members of Council in whose ward(s) the sidewalk or paved area within a public park is located has erected signs on or along such sidewalks or paved areas setting forth such prohibition.
- (c) Whenever a person is riding a bicycle, mobility device, skateboard or roller skates upon a sidewalk within the City or paved area within a public park owned by the City, such person shall yield the right-of-way to any pedestrian and give an audible signal before attempting to overtake and pass such pedestrian.
- (d) Whoever violates this section is guilty of a minor misdemeanor.
- (e) This section shall not apply to the Cleveland Divisions of Police, Emergency Medical Services, and Fire personnel, nor to any private safety/security personnel, when personnel are acting within the scope of their official duties while riding a bicycle or mobility device

Section 517.02

Shared Mobility Device and Bicycle Vendor Permit Application

(a) An application for a permit to operate as a shared mobility device and bicycle vendor shall be made to the Director of Capital Projects upon a form provided by the Director for that purpose. The application form shall include the following:

- (1) The name, address, telephone number, e-mail address of the applicant and a contact person primarily responsible for the vendor's shared mobility device and bicycle operations;
- (2) Images and descriptions of the devices and mobile application;
- (3) Size of initial fleet at launch, including any planned fleet expansions;
- (4) Preferred service area at launch, including any planned expansions;
- (5) Detailed plan for educating users on proper shared mobility device operation and parking;
- (6) Detailed plan for providing an equitable shared mobility device and bicycle service;
- (7) Detailed plan for complying with all applicable codified ordinance requirements and rules and regulations;
- (8) Any additional information deemed necessary by the Director.

(b) Upon initial application, a permit shall be valid for not more than a 6-month demonstration period. Following successful completion of the demonstration period, as determined by performance criteria established by the Director of Capital Projects in the Rules and Regulations, the permittee may apply for a 6-month permit renewal followed by ~~annual permits thereafter~~. Permits may be renewed, on a form provided by the Director, provided all the requirements of this chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be waived for the 6-month permit following the demonstration period. If there are changes to the application, a new application must be made and the appropriate permit fee shall accompany the application.

(c) Beginning in 2021, the applications for and issuance of permits shall be in accordance with the schedules established by the Director in the rules and regulations.

(e) ~~(d)~~ Permittees must remove all devices and associated equipment within thirty (30) days after the expiration of the term.

Section 517.04

Rules and Regulations

Within thirty days after the effective date of this ordinance, the Director shall establish rules and regulations governing the operation of shared mobility device and bicycle vendors. Rules and regulations will include, but are not limited to, schedules for permit applications and issuances, applicable procedures, fee schedule, indemnification agreement, operating regulations, insurance requirements, maximum number of vendor permits, maximum number of devices, fleet maintenance requirements, data sharing plan, and communications plan, and fines for violations. Such rules and regulations shall become effective seven (7) days after publication in the City Record. The issuance of permits and all permittees shall be subject to the rules and regulations established by the Director.

3. Insert new Sections 4, 5 and 6 to read as follows:

"Section 4. That existing Sections 401.231, 473.02, 473.07, 473.09, 517.02, and 517.04, as amended by Ordinance No. 464-2019, passed June 3, 2019, are repealed.

Section 5. That the Codified Ordinances of Cleveland Ohio, 1976, are supplemented by adding new Sections 517.071 and 517.072 to read as follows:

Section 517.071 Shared Mobility Grants and Contributions

The Director of Capital Projects is authorized to apply for and accept from various entities, both public and private, such grants and contributions as they become available; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited in the Shared Mobility Fund.

Section 517.072 Fines for Violating Rules and Regulations

(a) The Director of Capital Projects shall have the authority to set and assess fines against permittees for violations of the rules and regulations as published in the City Record.

(b) The authority to assess fines under this section does not limit or affect any criminal offense, or the authority of the Director to suspend or revoke a license under Section 517.06, or any other means of enforcement of this chapter provided for in these Codified Ordinances."

Section 6. That, notwithstanding and as an exception to Sections 517.02 and 517.03, the Director of Capital Projects is authorized to extend the permits issued in 2019 until May 31, 2021 at no additional cost to the shared mobility device and bicycle vendors."

4. Renumber existing Section 4 to new "Section 7".

Date: 6/3/2020 (Signed):

  
Stephanie Melnyk

Chief Assistant Director of Law

Ord. No. 396-2020