

# Ordinance No. 464-2019

Council Members McCormack, Zone,  
Brancatelli and J. Jones

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Sections 401.152, 401.153, 401.231, 401.532, 473.10 and new Chapter 517, Shared Mobility Device Vendors, Sections 517.01 through 517.05, and to amend Sections 473.01 through 473.03, 473.05, 473.07 through 473.09, 405.09, 431.03, and 431.15, as amended by various ordinances, regulating the vendors and use of shared mobility devices.

WHEREAS, the City of Cleveland seeks to promote shared mobility in the short and long term as a way to increase connectivity and opportunity for mobility options, as well as improve quality of life for its residents; and

WHEREAS, the City of Cleveland recognizes that shared mobility is key to reducing environmental impact, decreasing motor vehicle traffic, and improving access to other forms of transportation; and

WHEREAS, the rental of shared mobility devices is a fast-emerging industry that has taken root in many cities, including Columbus, Nashville, and Memphis; and

WHEREAS, establishing regulations for shared mobility devices is critical to ensuring the health, safety, and well-being of shared mobility riders, pedestrians and other users of the public right-of-way, and the general public; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of the City of Cleveland, 1976 are supplemented by enacting new Sections 401.152, 401.153, 401.231, 401.532, 473.10 and new Chapter 517, Shared Mobility Device Vendors, Sections 517.01 through 517.05 to read as follows:

Section 401.152      E-Bike

E-Bike means a two-wheeled device that has handlebars, a seat, and pedals designed to be operated similar to a bicycle, and is powered by electricity. The electricity is stored on board in a rechargeable battery.

Section 401.153      E-Scooter

“E-Scooter” means a two-wheeled device that has handlebars, a floor board, designed to be stood upon when operating and is powered by electricity. The electricity is stored on board in a rechargeable battery.

Section 401.231      Mobility Device

“Mobility device” means a small motorized or electronic device, such as an e-scooter, e-bike or other similar device as determined by the Director of Capital Projects. 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.

Section 401.532      Shared Mobility Device Vendor

“Shared mobility device vendor” means an entity approved by the Director of Capital Projects, or designee, to use/occupy the public right-of-way for offering shared mobility devices, such a

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bicycle, scooter, or e-bike, e-scooter or any other mobility device as determined by the Director of Capital Projects, to subscribers on a fee basis subscription for short-term rental in point-to-point trips.

Section 473.10      Parking of bicycle or mobility device

- (a) No person shall park a bicycle or mobility device on a sidewalk in such a manner so as to unduly interfere with pedestrian flow. This includes ADA ramps, areas departing to and from buildings and at transit stops.
- (b) No person shall park a bicycle or mobility device on a sidewalk in such a manner as to block crosswalks, curb ramps, transit stops, fire escapes, fire hydrants, loading zones, disability parking, street furniture, building entryways, private property, railroad crossings, or vehicular driveways.
- (c) No person shall park a bicycle or mobility device upon any street including parking spots and loading zones or as to unduly interfere with vehicular traffic.
- (d) All bicycles and mobility devices must be parked in an upright position.
- (e) Whoever violates this section is guilty of a minor misdemeanor.

Chapter 517      Shared Mobility Device Vendors

517.01      Shared Mobility Device Vendor Permit Application

Shared mobility device vendors, as defined in Section 401.532 of this code, shall apply for and receive an annual permit from the Director of Capital Projects (Director) prior to occupying any portions of the public right-of-way.

An application for a permit to operate as a shared mobility device 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:

- (a) The name, address, telephone number, e-mail address of the applicant and a contact person primarily responsible for operating the shared mobility devices;
- (b) Images and descriptions of the shared mobility devices and mobile application;
- (c) Size of initial fleet at launch, including any planned fleet expansions;
- (d) Service area at launch, including any planned expansions;
- (e) Detailed plan for educating users on proper shared mobility device operation and parking;
- (f) Detailed plan for providing an equitable shared mobility device service;
- (g) Detailed plan for complying with all applicable codified ordinance requirements and rules and regulations;
- (h) Any additional information deemed necessary by the Director.

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Section 517.02      Permit Fee; Issuance

- (a) An application for a permit shall be accompanied by a fee in an amount not to exceed the cost of administering the application as established by the Board of Control.
- (b) On the approval of an application by the Director, the Commissioner of Traffic Engineering, the City Planning Commission, the Chief of Sustainability, and upon compliance with the Council notification provision described below, the Director shall issue a permit in accordance with this Chapter.

Section 517.03      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 vendors. Rules and regulations will include, but are not limited to, applicable procedures, fee schedule, indemnification agreement, operating regulations, insurance requirements, vendor agreement, maximum number of vendor permits, maximum number of shared mobility devices, fleet maintenance requirements, data sharing plan, and social media platform plan. The issuance of permits and all permitted vendors shall be subject to the rules and regulations established by the Director.

Section 517.04      Permit Conditions

- (a) *Insurance.* The permitted vendor shall maintain insurance and limits of liability, the amounts to be specified in the Director’s rules and regulations, at no cost to the City of Cleveland.
- (b) *Indemnification.* If a permit is granted, the permitted vendor shall agree to indemnify the City of Cleveland against liability, loss, or damage.
- (c) Any damage to the City of Cleveland from shared mobility devices shall be paid by the vendor.
- (d) No permit shall be transferable in any manner.
- (e) No vendor has the exclusive right to operate within the City of Cleveland.
- (f) *Permit Revocation.* A permit granted under this Chapter may be revoked by the Director at any time if the vendor violates the conditions or rules and regulations of the permit. Upon revocation of a permit, the vendor shall, at no cost to the City, remove all shared mobility devices from the right-of-way. Prior to revocation of a permit under this division, the City shall send written notice to the vendor.

Section 517.05      Transportation Infrastructure Fund

The Director of Finance shall establish a Transportation Infrastructure Fund for the purpose of supporting the expansion of multi-modal infrastructure. Vendors shall pay the City of Cleveland an endowment of \$1.00 per shared mobility device per day. This endowment shall be earmarked to the Transportation Infrastructure Fund to support multi-modal infrastructure, including bicycle and mobility device racks and shared bicycle and mobility device lanes.

Section 2. That Chapter 473 title, Sections 473.01 through 473.03, 473.05, and 473.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 658-17, passed October 16, 2017, Sections 473.08 and 405.09, as amended by Ordinance No. 1684-76, passed June 29, 1976, Section 473.09, as amended by Ordinance No. 1473-06, passed June 11, 2007, and Sections 431.03 and 431.15, as amended by Ordinance No. 1279-015, passed April 24, 2017, are amended to read as follows:

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Chapter 473 – Bicycles, Motorcycles, Mobility Devices

Section 473.01      Code Application to Bicycles and Mobility Devices

(a) The provisions of this Traffic Code that are applicable to bicycles and mobility devices apply whenever a bicycle or mobility device is operated upon any highway or upon any path set aside for the exclusive use of bicycles or mobility devices.

(b) The provisions of this Traffic Code, shall apply to bicycles and mobility devices, and any person operating a bicycle or mobility device on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic, whenever possible.

(c) Except as provided in division (e) of this section, a bicycle or mobility device operator who violates any provision of this Traffic Code described in division (a) of this section that is applicable to bicycles and mobility devices may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or mobility device shall not have any points assessed against the person’s driver’s license, commercial driver’s license, temporary instruction permit, or probationary license under RC 4510.036.

(d) Except as provided in division (e) of this section, in the case of a violation of any provision of this Traffic Code described in division (a) of this section by a bicycle operator, a mobility device operator, or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or mobility device operators at the time of the violation, the court, notwithstanding any provision of this Traffic Code or the Revised Code to the contrary, may require the bicycle operator, mobility device operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Revised Code for that violation.

(e) Divisions (c) and (d) of this section do not apply to violations of RC 4511.19 or Chapter 433.

Section 473.02      Operation of Bicycles, Motorcycles, Mobility Devices, and Snowmobiles

(a) For purposes of this section, “snowmobile” has the same meaning as given that term in RC 4519.01.

(b) (1) No person operating a bicycle, mobility device, or motorcycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle, mobility device, or motorcycle other than upon a separate firmly attached and regular seat thereon, and no person shall ride upon a bicycle, mobility device, or motorcycle other than upon such a firmly attached and regular seat.

(2) A person operating a mobility device without a permanent and regular seat attached thereto shall not ride other than standing upon the footboard.

~~(2) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.~~

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(3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

~~(4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.~~

(4) No person operating a bicycle or a mobility device shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handlebars.

(5) No person operating a mobility device should do so on any streets if the posted speed limit is over 35 mph unless in a dedicated bike lane or shared use path.

(6) No person operating a mobility device shall exceed a speed at greater than fifteen (15) miles per hour.

(7) No person under the age of eighteen (18) shall operate a mobility device upon any street or highway or any public or private property used by the public for purposed of vehicular travel or parking except on a shared use path.

(8) No bicycle, mobility device or motorcycle shall be used to carry more persons ~~at one (1) time~~ than the number for which it is designed and equipped. No motorcycle shall be operated on a street or highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(c) (1) Except as provided in division (c)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (c)(2) of this section, no person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in RC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(2) Division (c)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(3) A. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to RC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.

B. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to RC 4507.05 in any of the following circumstances:

1. At any time when lighted lights are required by RC 4513.03(A)(1);
2. While carrying a passenger;
3. On any limited access highway or heavily congested roadway.

(d) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

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(e) Except as otherwise provided in this division, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a misdemeanor of the third degree.

Section 473.03                      Prohibition against Attaching to Vehicles

- (a) No person riding upon any bicycle, mobility device, coaster, roller skates, sled, or toy vehicle shall attach the same or self to any streetcar, trackless trolley, or vehicle upon a roadway.
- (b) No operator shall knowingly permit any person riding upon any bicycle, mobility device, coaster, roller skates, sled, or toy vehicle to attach the same or self to any streetcar, trackless trolley, or vehicle while it is moving upon a roadway.
- (c) This section does not apply to towing a disabled vehicle.

Section 473.05                      Bicycle and Mobility Device Signal Devices, Lights, Reflectors and Brakes

- (a) Every bicycle or mobility device when in use at the times specified in Section 437.02, shall be equipped with the following:
  - (1) A lamp mounted on the front of either the bicycle, mobility device, or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator-powered lamp that emits light only when the bicycle or mobility device is moving may be used to meet this requirement.
  - (2) A red reflector on the rear that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;
  - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (b) Additional lamps and reflectors may be used in addition to those required under division (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or mobility device and white lamps and white reflectors shall not be used on the rear of the bicycle or mobility device.
- (c) A bicycle or mobility device may be equipped with a device capable of giving an audible signal, except that a bicycle or mobility device shall not be equipped with nor shall any person use upon a bicycle or mobility device any siren or whistle.
- (d) Every bicycle or mobility device shall be equipped with an adequate brake when used on a street or highway.

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 in any bike lane or traffic lane as near to the right side of the roadway as where practicable obeying all traffic

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rules applicable to vehicles and exercising due care when passing a standing vehicle or one (4) proceeding in the same direction.

(b) Persons riding bicycles mobility devices or motorcycles upon a roadway shall ride not more than two (2) 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 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 and an overtaking vehicle to travel safely side by side within the lane.~~

Section 473.08

Reckless Operation; Control, Course and Speed

No person shall operate a bicycle or mobility device:

(a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(b) Without exercising reasonable and ordinary control over such bicycle or mobility device;

(c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;

(d) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 473.02(d);

(e) At a speed greater than is reasonable and prudent under the conditions then existing;

(f) Without complying with the instructions of any traffic control device applicable to vehicles unless otherwise directed by a police officer;

(g) Without giving the hand and arm signals as provided in Section 431.15 when turning or altering course.

Section 473.09

Riding on Sidewalks

(a) No person shall ride a ~~bicycle~~, skateboard or roller skates upon a sidewalk within a business district.

(b) No person shall ride a bicycle or mobility device upon a sidewalk, except when necessary to go on or off adjacent properties or to park.

(c) 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, 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.

(d) 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

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yield the right-of-way to any pedestrian and give an audible signal before attempting to overtake and pass such pedestrian.

(e) Whoever violates this section is guilty of a minor misdemeanor.

(f) This section shall not apply to Cleveland Police Department, Cleveland Emergency Medical Services, and Cleveland Fire Department 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 405.09                      Impounding Bicycles for Violations

Whenever any bicycle or mobility device is operated by any person ~~minor under the age of eighteen (18) years~~ in violation of the provisions of this Traffic Code, such bicycle or mobility device may be seized and impounded for not more than thirty (30) days by any police officer in any vehicle pound established under authority of Section 405.01. ~~When any bicycle has been impounded, written notice or personal service shall be made forthwith by the officer in charge of such pound to a parent or guardian of the licensee of such bicycle. The bicycle so impounded shall be surrendered to a parent or guardian of such minor after payment of any impounding charge and a full explanation to the parent or guardian of the reason for seizing the bicycle. When any impounded bicycle is not redeemed within three (3) days after mailing of notice or personal service, a charge of twenty five cents (\$0.25) per day but not to exceed one dollar (\$1.00) shall be made by the officer in charge of the pound and collected by the Clerk of the Municipal Court for such impounding.~~

## Section 431.03                      Overtaking and Passing of Vehicles Proceeding in the Same Direction

(a) The following rules govern the overtaking and passing of vehicles or trackless trolleys proceeding in the same direction:

(1) The operator of a vehicle or trackless trolley overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle or trackless trolley to be overtaken, 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 or trackless trolley. When a motor vehicle or trackless trolley overtakes and passes a bicycle or mobility device, three (3) feet or greater is considered a safe passing distance.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle or trackless trolley overtaking and passing another vehicle or trackless trolley proceeding in the same direction on a divided highway as defined in Section 431.31, a limited access highway as defined in RC 5511.02 or a highway with four (4) or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed. (RC 4511.27)

(b) The operator of a motor vehicle overtaking a bicycle or mobility device proceeding in the same direction on a roadway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle or mobility device and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle or mobility device. The same requirements shall apply to the operator of a commercial motor vehicle, commercial truck, commercial unit, or bus, except that the safe distance shall not be less than six (6) feet. However, in the case of a bus operated by a transit authority that has implemented a training program that



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promotes safe bus operation while overtaking a bicycle or mobility device, that safe distance shall be not less than three (3) feet.

(c) The operator of a motor vehicle overtaking a bicycle or mobility device proceeding in the same direction on a roadway shall vacate the lane in which the bicycle user is located if the roadway has two (2) or more marked lanes running in the same direction.

Section 431.15                      Hand and Arm Signals

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code and RC 4511.01 to 4511.78, when given by hand and arm, shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn, hand and arm extended horizontally;
- (2) Right turn, hand and arm extended upward;
- (3) Stop or decrease speed, hand and arm extended downward.

(b) As an alternative to division (a)(2) of this section, a person operating a bicycle or mobility device may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or mobility device.

Section 3.        That existing Chapter 473 title, Sections 473.01 through 473.03, 473.05, and 473.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 658-17, passed October 16, 2017, Sections 473.08 and 405.09, as amended by Ordinance No. 1684-76, passed June 29, 1976, Section 473.09, as amended by Ordinance No. 1473-06, passed June 11, 2007, and Sections 431.03 and 431.15, as amended by Ordinance No. 1279-015, passed April 24, 2017, are repealed.

Section 4.        That the provisions of this ordinance shall take effect thirty days after the effective date of this ordinance. The provisions of this ordinance shall be of no force and effect one year after the effective date of this ordinance unless reauthorized by Cleveland City Council. Consideration for reauthorization shall take place one month prior to expiration, and the Director of Capital Projects shall provide the members of Council with a review of this legislation at that time.

Section 5.        That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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4/8/19

Council Members McCormack, Zone, Brancatelli and J. Jones

AN EMERGENCY ORDINANCE

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READ FIRST TIME on APRIL 8, 2019  
and referred to DIRECTORS of Capital Projects, Public Works,  
Public Safety, City Planning Commission, Sustainability, Finance, Law;  
COMMITTEES on Municipal Services and Properties, Safety,  
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE