

AN ORDINANCE ADOPTING A NEW PART 13 (BICYCLE-SHARE BUSINESSES) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATIONS AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BICYCLE-SHARE BUSINESS LICENSES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. A new Part 13 (Bicycle-Share Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is adopted to read as follows:

**PART 13: BICYCLE-SHARE BUSINESSES**

<b>2.3.1301</b>	<b>PURPOSE</b>				
<b>2.3.1302</b>	<b>DEFINITIONS</b>				
<b>2.3.1303</b>	<b>BICYCLE-SHARE BUSINESS LICENSE REQUIRED;</b>	<b>BUSINESS LICENSE</b>	<b>REQUIRED;</b>	<b>EXPIRATION;</b>	
	<b>TRANSFERABILITY; FEES:</b>				
<b>2.3.1304</b>	<b>INSURANCE REQUIREMENTS</b>				
<b>2.3.1305</b>	<b>BICYCLE PARKING SPACES REQUIRED</b>				
<b>2.3.1306</b>	<b>TRAFFIC LAWS APPLICABLE TO BICYCLE-SHARE BICYCLES</b>				
<b>2.3.1307</b>	<b>ENFORCEMENT AND FEES</b>				
<b>2.3.1308</b>	<b>DENIAL, SUSPENSION, OR REVOCATION OF LICENSE</b>				
<b>2.3.1309</b>	<b>UNLAWFUL ACTS; VIOLATIONS; PENALTY</b>				

**2.3.1301: PURPOSE:**

The purpose of this part is to establish bicycle-share business requirements that achieve the City's goals of encouraging bicycling and providing adequate bicycle parking to meet the needs of shoppers, visitors, and residents while also ensuring public health, safety, and welfare. Accordingly, without limitation, City Council exercises its police powers to govern bicycle-share businesses for the purposes of:

- A. Ensuring safe operation of bicycle-share businesses in the City;
- B. Reducing the potential for bicycles to block or interfere with pedestrian and emergency service use and access to all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic;

- C. Protecting the public right-of-way from uncontrolled, unmanaged encroachment;
- D. Creating clear expectations for bicycle-share management and operations;
- E. Establishing responsible parties and processes to address nuisances;
- F. Ensuring equitable access and investment in the City;
- G. Reducing blight in residential and non-residential neighborhoods; and
- H. Reducing the numbers of calls for police or other City services for bicycle-share related business activities.

**2.3.1302: DEFINITIONS:**

BICYCLE FLEET: All bicycles operated by a specific bicycle-share business.

BICYCLE PARKING SPACE: Any space in the public right-of-way in which a bicycle-share bicycle may be docked or tethered in compliance with this part.

BICYCLE RACK: A stationary fixture, including charging stations, intended to be used for securely attaching a bicycle to prevent movement or theft.

BICYCLE-SHARE BICYCLE: A bicycle available to persons for rent through an automated system on a self-service basis, including every device propelled completely or in-part by human power and upon which any person may ride, having two (2) or more wheels.

BICYCLE-SHARE BUSINESS: A business owning, managing, or making available bicycle-share bicycles.

BICYCLE-SHARE OPERATOR: A person that manages, owns, or operates a bicycle-share business.

CODE ENFORCEMENT ADMINISTRATOR: The Manager of Community Development or the Manager's designee.

**2.3.1303: BICYCLE-SHARE BUSINESS LICENSE REQUIRED; EXPIRATION; TRANSFERABILITY; FEES:**

A. Each bicycle-share business license shall specify the name under which the licensee is to operate, the address of the principal place of business, the expiration date, the number of the license and any other information the City Clerk deems necessary. A licensed bicycle-share business shall notify the City Clerk's Office within ten (10) business days of any change of address of the local principal place of business;

B. All licenses issued under this part shall expire one (1) year from the date of issuance, unless suspended or revoked earlier;

- C. No bicycle-share business license granted or renewed shall be transferable from one (1) business to another;
- D. Licensing fees shall be as established by City Council under article 1, part 5 of this chapter; and
- E. Comply with all other licensing requirements set forth in article 1, part 3 of this chapter.

**2.3.1304: INSURANCE REQUIREMENTS:**

Each bicycle-share business shall keep and maintain the following insurance policies and requirements:

- A. Workers' compensation and employers' liability as required by statute. Employers' liability coverage is to be carried for a minimum limit of one hundred thousand dollars (\$100,000.00), or a statement that worker's compensation insurance coverage is not required.
- B. Automobile liability for limits not less than five hundred thousand dollars (\$500,000.00) combined single limit for bodily injury and property damage for each occurrence. Coverage shall include owned, non-owned and hired automobiles.
- C. Commercial general liability for limits not less than one million dollars (\$1,000,000.00) combined single limit for bodily injury and property damage for each occurrence. Coverage shall include blanket contractual, broad form property damage, products and completed operations endorsements.
- D. Certificates of insurance shall be submitted before the license is issued or renewed.
- E. Each insurance policy required shall not be reduced, suspended, voided or canceled except after prior written notice has been given to the City. Such notice shall be sent directly to the City Clerk's Office. If any insurance company refuses to provide the required notice, the licensee or its insurance broker shall notify the City of any reduction, suspension, voiding, cancellation, or nonrenewal of any insurance upon receipt of an insurer's notification to that effect.
- F. The licensee shall indemnify and save harmless the City and its officers, agents and employees from all suits, actions or claims of injuries received or sustained by any person or persons or property on account of any act or omission of the licensee, its agents or employees, or due to the failure of the licensee to observe the provisions of this section.
- G. The suspension, voiding, nonrenewal, cancellation or reduction of insurance shall be cause for automatic suspension of the license until the coverage shall be reinstated. All policies shall be kept in force and effect for the term of the license.

**2.3.1305: BICYCLE PARKING SPACES REQUIRED:**

No person shall operate a bicycle-share business unless they have provided and maintain at least 1.3 bicycle parking spaces using bicycle racks for every one (1) bicycle-share bicycle operated by the bicycle-share business. The installation of bicycle parking spaces and bicycle racks are subject to encroachment permit requirements, as set forth in City Code section 3.2.201, et seq.

**2.3.1306: TRAFFIC LAWS APPLICABLE TO BICYCLE-SHARE BICYCLES:**

Bicycle-share bicycles shall be operated in accordance with provisions of chapter 10, article 19 of this Code.

**2.3.1307: ENFORCEMENT AND FEES:**

A. Provisions of this section shall be enforced by the Code Enforcement Administrator or the Administrator's designee.

B. Every bicycle-share bicycle shall be clearly marked with the bicycle-share business name and the bicycle-share operator phone number, email address, and unique bicycle identification number.

C. Retrieval of Bicycle-Share Bicycles: Licensee shall, within four (4) hours of notice by the City, retrieve their bicycle-share bicycles that are in any of the following conditions:

1. Improperly parked:
  - a. On any portion of a sidewalk that prevents pedestrians from passing through; or
  - b. On any public right of way where signs prohibit bicycle parking, or where bicycle parking is otherwise prohibited by state or local law; or
  - c. Improperly secured to a bicycle rack.
2. Inoperable, damaged or not safe to operate or not in conformance with City Code section 10.19.108;
3. Impeding free movement of pedestrians, vehicles, or other lawful users of public areas; or
4. Abandoned, causing a nuisance, or obstructing creeks or stormwater drainage conveyances and appurtenances.

D. Impoundment: The City shall be permitted to impound a bicycle-share bicycle that is not retrieved by the bicycle-share business within four (4) hours of notice by the City.

E. Impoundment Fee: The bicycle-share business shall within thirty (30) days of the date of written notice of impoundment reimburse the City for the costs of impoundment pursuant to an impoundment fee as set by the Mayor.

F. Storage Fee: In addition to the other remedies provided in this section, the bicycle-share business shall be subject to a storage fee as set by the Mayor for each day the bicycle-share bicycle is within the City's possession and shall remit payment to the City within thirty (30) days of the date of billing.

G. Appeal of Fees: Within ten (10) days of the postmark on the written notice of assessment of reimbursement for impoundment or storage fees, the bicycle-share business shall have the right to appeal such assessment in accord with City Code section 10.25.105. The burden of proof shall be on the Code Enforcement Administrator or the Administrator's designee to establish by a preponderance of the evidence probable cause for the impoundment of the bicycle pursuant to this part 13.

H. Release of Impounded Bicycle-Share Bicycles: The Code Enforcement Administrator or the Administrator's designee shall release impounded bicycle-share bicycles pursuant to City Code section 10.19.112.

### **2.3.1308: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE:**

A. In addition to the grounds set forth in article 1 of this chapter, a bicycle-share license may be denied, suspended or revoked if the applicant or a principal of the applicant:

1. Has made a willful misrepresentation in applying for and obtaining a license;
2. Has been previously denied a license under this part or has had a license issued under this part suspended or revoked;
3. Has had a bicycle-share business license/permit revoked/denied or suspended in another jurisdiction;
4. Applicant's operation of a bicycle-share business would be a threat to the public, health or safety;
5. Has violated any provision of this Part or any other applicable law;
6. Has failed within the required timeframe to remit payment to the City for any fees incurred pursuant to City Code section 2.3.1307;
7. Has been convicted of operating without a license under this part or performing any act for which a license is required under this part; or
8. Has violated any of the provisions of this General Licensing Code.

B. The suspension or revocation of a bicycle-share license shall be subject to the provisions of section 2.1.801, et seq., of this chapter.

**2.3.1309: UNLAWFUL ACTS; VIOLATIONS; PENALTY:**

A. License Required: No person shall operate a bicycle-share business or act as a bicycle-share business unless licensed.

B. Misrepresentation: No person shall make willful misrepresentation in applying for or obtaining a license.

C. Use Of License: No bicycle-share business shall knowingly allow the license to be used by any other person, and no person shall knowingly use a license issued to some other person.

Section 2. Any person convicted of violating Section 1309 (Unlawful Acts; Violations; Penalty) of Part 13 (Bicycle-Share Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) shall be punished as provided in Sections 201 (General Penalty) and 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2018.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk