



Legislation Text

File #: ORD. 2018-288, **Version:** 1

To amend ch. 24, art. II of the City Code by adding therein a new div. 4.1 [(§§ 24-125-24-132)] (§§ 24-125-24-133), to amend City Code § 27-197, concerning parking prohibited in specified places, and to amend Appendix A of the City Code by adding therein new fees for §§ 24-128, concerning permit applications for the parking of certain vehicles, [and] 24-129, concerning the reinstatement of revoked permits, and 24-133, concerning increasing the number of permitted shared mobility devices, for the purpose of establishing a permit program for parking certain vehicles on sidewalks. (As Amended)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 24, Article II of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 4.1, consisting of sections numbered 24-125 through 24-132, as follows:

DIVISION 4.1

PERMIT PROGRAM FOR PARKING OF SHARED MOBILITY DEVICES ON SIDEWALKS

Sec. 24-125. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Applicant means any person who files an application in accordance with this division.

Application means an initial application, any renewal application, and any reinstatement application filed in accordance with this division.

Director means the Director of Public Works or the designee thereof.

Permittee means any person who holds a permit issued in accordance with this division.

Shared mobility device means a vehicle, including a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or foot-scooter, (i) for which no docking station is

provided and (ii) which is offered by the owner thereof for rent to the public for a fee. For purposes of this definition, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, and motorized skateboard or foot-scooter shall have the meaning set out for those terms in Code of Virginia, § 46.2-100.

Sec. 24-126. Administration of permit program for shared mobility devices.

The Director shall administer the permit process for which this division provides. The Director shall issue, enforce, and, from time to time, modify rules, regulations, or guidelines consistent with this division and other applicable law to carry out the requirements of this division. Such rules, regulations, and guidelines, and any and all modifications thereto, must be approved as to form by the City Attorney or the designee thereof prior to issuance.

Sec. 24-127. Permit requirement.

No person shall park a shared mobility device on any sidewalk within the city of Richmond unless such person has obtained or such shared mobility device is covered by a permit in accordance with this division. Any shared mobility device not parked pursuant to a permit issued in accordance with this division may be removed as an unattended motor vehicle as provided in subsection (b) of section 27-330.

Sec. 24-128. Application; issuance and denial of permits.

(a) Any person may file an application on forms provided by the Director to obtain a permit or, as applicable, a renewal permit, or a reinstated permit for the parking of one or more shared mobility devices on sidewalks within the city of Richmond. The Director shall review all applications according to the provisions of this division and the rules, regulations, and guidelines issued in accordance the Section 24-126.

(b) Permits issued in accordance with this division shall be subject to the following general terms and conditions:

(1) The applicant shall demonstrate on such applicant's application that the applicant has met all of the requirements of this division.

(2) Each application to obtain, renew, or reinstate a permit shall be accompanied by payment

of an application fee and the annual fee set forth in Appendix A to this Code, except as may be provided otherwise in this division.

(3) Each application to obtain or renew a permit shall, in accordance with the rules, regulations, and guidelines issued in accordance with Section 24-126, be accompanied by a certificate of insurance demonstrating evidence of commercial general liability insurance coverage of at least \$3,000,000.00 for each occurrence and at least \$5,000,000.00 in the aggregate, listing the City as an additional insured, and indicating that the City will receive at least 30 days' notice of cancellation or material modification of the policy.

(4) Each permit issued by the Director shall state the following:

a. The name of the permittee and the name, address, and phone number of the authorized representative of the permittee, if applicable.

b. The date and time period during which the permit shall be effective.

c. Specifications concerning the parking of the shared mobility device on City sidewalks, including, but not limited to, a requirement that the shared mobility device shall be parked in an upright position on City sidewalks so as not to create a hazard for or interfere with public use and travel.

d. A prohibition against the parking of the shared mobility device on shared-use paths, and in parks and athletic fields owned by the City. For purposes of this subparagraph, the term "shared-use path" shall have the meaning set out for that term in Code of Virginia, § 46.2-100.

e. A prohibition against the parking or leaning of the shared mobility device on park benches located on City-owned real estate.

f. A requirement that the permittee ensure that each user of shared mobility devices covered by a permit issued in accordance with this division have a valid driver's license to the

extent that a driver's license is required by law for operation of a shared mobility device.

g. Any other information, as permitted by law, that the Director deems necessary for the administration of the permit.

(5) Permits may be issued and renewed annually for a period not to exceed 12 months from the date of any such issuance, subject to the requirements of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126.

(6) Permits shall incorporate by reference the provisions of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126.

(7) No permit shall be issued to any person for more than 500 shared mobility devices. Any impounded shared mobility devices shall count against the total number of shared mobility devices that the permittee may have in operation under such permittee's permit. Multiple permits covering all or part of the same period shall not be issued to the same person for more than 500 shared mobility devices in the aggregate.

(8) The permittee shall execute a release, waiver of liability, and indemnification agreement prior to the issuance of any permit. This subdivision (8) shall not apply to governmental organizations.

(9) Upon revocation or expiration of a permit, the permittee shall be responsible for ensuring that any and all shared mobility devices to which a permit relates are removed permanently from every sidewalk unless another permit is obtained and are otherwise stored in the manner provided in the rules, regulations, and guidelines issued in accordance with Section 24-126.

(10) The Director may deny a permit to any applicant upon determining that the applicant has not complied with any requirement of this division or the rules, regulations, or guidelines issued in accordance with Section 24-126.

(11) The Director may deny a permit to any applicant upon determining that the applicant has not complied with any applicable federal, state, or local law or that the applicant is delinquent on any

tax, fee, fine, or other obligation to the City.

(12) The total number of shared mobility devices covered by any permits issued in accordance with this division shall not exceed 1,500 at any given time.

(13) The Director shall issue permits based on completed applications on a first come, first served basis.

(14) No permits shall be issued for any shared mobility device that is not equipped with a speed controller limiting the maximum speed of such device to no more than ten miles per hour or that is not equipped with a global positioning system.

(15) Permits issued in accordance with this division may be transferred or assigned, subject to the express written approval of the Director. The person to whom any permit is transferred or assigned shall be responsible for compliance with all terms and conditions applicable to the permit transferred or assigned.

(16) Permits issued in accordance with this division may be modified by the Director upon request of the permittee or as the Director determines may be necessary for the preservation of the safety, health, and welfare of the citizens of the City.

Sec. 24-129. Revocation of permit; reinstatement; unlawful actions.

(a) The Director shall have the authority to revoke, which revocation shall not be appealable, a permit issued in accordance with this division if the Director determines that any of the following have occurred:

(1) The permittee has not complied with the requirements of such permittee's permit, this division or the rules, regulations, or guidelines issued in accordance with Section 24-126, other applicable federal, state, or local law, or that the permittee is delinquent on any tax, fee, fine, or other obligation to the City.

(2) The permittee has misrepresented or provided false information in an application.

(3) The permittee has parked, or suffered to be parked, a shared mobility device in such manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare.

(4) The permittee has any unsatisfied final judgments arising out of the permittee's operations within the city of Richmond.

(5) The permittee has transferred or assigned such permittee's permit without the express written approval of the Director as required by this division.

(b) An applicant whose permit has been revoked pursuant to this section may submit a reinstatement application to reinstate such permit. If such reinstatement application is submitted before the expiration of the permit period covered by the permit that was revoked, such application shall be accompanied by the reinstatement fee set forth in Appendix A to this Code and the reinstated permit issued shall cover only the period remaining on the revoked permit. If such application is submitted on the date of or after the expiration of the permit period covered by the permit that was revoked, such application shall be accompanied by the application fee set forth in Appendix A to this Code and an annual fee set forth in Appendix A to this Code. Any permittee who has a permit revoked during any part of a period covered by a previously issued permit that has been revoked shall not be eligible to file a reinstatement application for a reinstated permit until after the expiration of the period covered by the permit that was previously revoked.

(c) It shall be unlawful for any permittee whose permit has been revoked, or any employee or agent thereof, to park, or suffer to be parked, on any sidewalk a shared mobility device owned or controlled by that permittee or to commit, or suffer to be committed, any act that is a violation of this division or any applicable law or regulation. The Director shall provide the permittee with written notice of any costs incurred by the City for removing from sidewalks any shared mobility device owned by the permittee whose permit has been revoked, which costs the permittee shall reimburse the City within 30 days from the date of the written notice.

Sec. 24-130. Permission to park granted.

A permit issued pursuant to this division shall permit a person authorized by the permittee to operate a

shared mobility device owned by the permittee, for the period specified in the permit and the shared mobility device or shared mobility devices covered by such permit, to park such shared mobility device on sidewalks within the city of Richmond, in accordance with the provisions of this division and the rules, regulations, and guidelines issued pursuant to Section 24-126.

Sec. 24-131. Safety requirements.

In accordance with the powers granted by section 2.04 of the Charter and to ensure that permits issued in accordance with this division for the parking of shared mobility devices on the City's sidewalks do not create hazards to the safety, health, and welfare of the citizens of the City, the City hereby requires that all permittees follow the following safety requirements:

- (a) Permittees shall perform regular maintenance on the shared mobility devices covered by a permit issued in accordance with this division to ensure that each such device is in safe working condition.
- (b) Permittees shall ensure that all shared mobility devices covered by a permit issued in accordance with this division are equipped with brakes, reflectors, a bell, and front and rear lighting.
- (c) Permittees shall ensure that all shared mobility devices covered by a permit issued in accordance with this division are only operated from sunrise to sunset.

Sec. 24-132. Reporting requirements.

Each permittee shall provide to the Director at such intervals, no more frequently than once a month, from the date of issuance of the permit as may be determined by the Director and based on the length of the permit period, reports demonstrating the permittee's compliance with the requirements of this division, the rules, regulations, and guidelines issued in accordance with section 24-126, and any other applicable federal, state, or local laws. Each permittee shall also provide the Director, as may be requested by the Director, reports containing trip origination and destination information and such other information as may be necessary for the Director to determine the allocation of City resources to carry out the requirements of this division.

§ 2. That section 27-197 of the Code of the City of Richmond (2015) be and is hereby **amended** and

reordained as follows:

Sec. 27-197. Parking prohibited in specified places.

(a) No person shall park a vehicle, except as may be permitted in accordance with Chapter 24, Article II, Division 4.1 or when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) In front of a ramp leading to the crosswalk at an intersection or located at any other point along a curb, constructed for use of persons with disabilities.
- (8) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (9) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
 - (10) Within 50 feet of the nearest rail of a railroad grade crossing.
- (11) Within 15 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.
- (12) Alongside or opposite any street excavation or obstruction where such parking would obstruct traffic.

(13) On the roadway side of any vehicle parked at the edge or curb of a street.

(14) At any place where official signs prohibit parking or during street cleaning.

(15) At any place where an order, rule, or regulation issued under section 2-428 prohibits or restricts parking.

(16) On a curb, or with any wheels off of the roadway and on the far side of the curb from the roadway.

(17) On a median.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful; start or cause to be started the motor of any motor vehicle; or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof or attempt to do so.

§ 3. That Appendix A of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** fee for sections 24-128 and 24-129 of the Code of the City of Richmond (2015) as follows:

<i>Code Section</i>	<i>Description</i>	<i>Fee</i>
24-128	Application fee Annual fee:	\$1,500.00
	From one to 100 shared mobility devices	\$25,000.00
	From 101 to 200 shared mobility devices	\$40,000.00
24-129	From 201 to 500 shared mobility devices	\$60,000.00
	Reinstatement fee	\$2,500.00

§ 4. This ordinance shall be in force and effect upon adoption.