



TOWN OF HAYMARKET TOWN COUNCIL

WORK SESSION
~ AGENDA ~

Chris Coon, Business Manager
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, November 4, 2019

6:00 PM

Council Chambers

I. Call to Order

II. Agenda Items

1. Discuss Lighting Options for the Town Playground
2. Bleight Drive Fence Discussion
3. Haymarket Day Questions from Council
4. Conflict of Interest Training
5. Shared Mobility Systems Ordinance
6. Approval of Business Manager as Second Signer for Checks

III. Adjournment



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Christopher S. Coon
Town Business Manager

MEMORANDUM

TO: Honorable Mayor and Town Council
FROM: Chris Coon, Business Manager
DATE: November 01, 2019
SUBJECT: Directive for Planning Commission

Background:

Town Staff has been notified of Virginia Code §46.2-1315, which has a January 1, 2020 deadline to adopt a pilot program or ordinance to regulate motorized skateboards, scooters, etc.

Virginia Code § 46.2-1315 states:

Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after January 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

Staff Recommendation:

Staff recommends Town Council adopt Shared Mobility Systems Ordinance.

Draft Motion:

1. *I move to adopt Ordinance to amend the Town Code by adding an Article IV in Chapter 46 relating to licensing of shared mobility systems.*

Or,

2. Alternate Motion



ORDINANCE TO AMEND THE TOWN CODE BY ADDING AN ARTICLE IV IN CHAPTER 46
RELATING TO LICENSING OF SHARED MOBILITY SYSTEMS

WHEREAS, Shared Mobility Systems of electric scooters, motorized skateboards, bicycles and/or electric power-assisted bicycles for hire have become prevalent in the United States since 2018 without significant protection for public health, safety and welfare, and

WHEREAS, Shared Mobility Systems create risks to life, limb, and property for users and non-users alike, and

WHEREAS, Virginia Code § 46.2-1315 allows any person to offer shared mobility systems on or after January 1, 2020 in a locality unless that locality first imposes a licensing requirement,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Haymarket, meeting this ___ day of ____, 2019, in _____ session, that (i) the Town Council finds that public health, safety and welfare require the licensing of shared mobility systems, (ii) the Town Council recognizes that new technologies require careful evaluation based on data, and (iii) the Town Council hereby amends the Town Code to add Article IV in Chapter 46 as follows:

ARTICLE IV. SHARED MOBILITY SYSTEMS.

Section 46-101. Policy Statement and Purpose

The purposes of this Article are (1) to establish rules and regulations governing the operation of Shared Mobility Systems within the Town to protect the health, safety, and welfare of Customers and the general public and (2) to gather data relating to the risks associated with Shared Mobility Systems. These provisions apply to any deployment of Shared Mobility Systems (to include direct rental or similar programs) within the Town's jurisdictional boundaries or on Town-owned property outside its boundaries.

Section 46-102. Definitions

“Customer” means the end user who is riding a Device.

“Geo-fencing” means a virtual perimeter that operates with a Device’s onboard GPS to authorize parking of the Device, to prevent or limit operation of the Device, and/or to provide an alert notice to the Licensee or Customer, whenever the Device crosses the perimeter.

“Operating Regulations” means the regulations imposed on a Shared Mobility System as provided in this Article or in a License issued under this Article.

“License” means a License issued by the Town to operate a Shared Mobility System under this Article.

“Licensee” means any person who holds a License under this Article.

“Shared mobility devices” or “Devices” means any docked or dockless bicycle or electric power-assisted bicycle, motorized skateboard, motorized scooter, or other device specified in Virginia Code § 46.2-1315.

“Shared Mobility System” means a system for sharing Devices for compensation.

“This Article” means this Article IV of Chapter 46 of the Town Code.

“Town Manager” means the Town Manager or their designee.

Section 46-103. License Requirement

- A. Any person seeking to operate a Shared Mobility System within the Town shall first obtain a License from the Town Council, conditioned on compliance with the Operating Regulations contained in this Article or additional regulations issued by the Town Manager pursuant to this Article. Each Licensee must obtain a business license and will be responsible for all applicable local fees and taxes as a condition of retaining their License. The Town Council shall set and may modify the fee for application for a License by uncodified ordinance.
- B. The Town Council may set and modify an annual registration fee per Device by uncodified ordinance.
- C. Any person who operates a Shared Mobility System within the Town without a License shall be subject to a civil penalty not to exceed one thousand dollars (\$1000.00) for each violation. Each day of violation shall constitute a separate offense.
- D. The Town Manager may revoke any License after notice reasonable under the circumstances for failure to comply with the Operating Regulations.
- E. Any person whose License application has been denied, or whose License has been revoked, may file an appeal with the Town Council by submitting a written statement to the Town Manager within 10 business days of the denial or revocation. The written statement shall describe the basis of the objection. Any Licensee whose License has been revoked may not apply for another License within six months of the revocation effective date.
- F. The Town Manager may require additional Operating Regulations, consistent with this Article, as needed to protect public health, safety, and welfare. Such additional Operating Regulations may apply to all Licensees or, if justified by the operations of a Licensee, single Licensees. Such additional Operating Regulations may include, at the Town Manager’s discretion:
1. An increased or decreased limit on the number of Devices deployed by the Licensee in the Town;
 2. A ban or limit on use of some or all Devices on some or all sidewalks or in other specified areas;
 3. A bond to cover costs incurred by the Town.

4. An increase or decrease in the speed limit for Devices.
5. Additional data sharing.
6. Changed or additional insurance requirements.
7. Similar requirements needed to protect public health, safety, and welfare, public assets, and Town staff time.

Section 46-104. Operating Regulations

The following subsections set forth the minimum requirements that will be required in any License issued by the Town:

A. Equipment Requirements

1. All bicycles and electric power-assisted bicycles shall meet the standards established in the Code of Virginia, including lighting during operation in darkness.
2. All motorized skateboards or scooters shall meet the safety standards established in the Code of Virginia, requiring both headlight and taillight.
3. Each Device shall be equipped with an on-board GPS capable of providing real-time location and limiting operation of the Device through geo-fencing.
4. An operator identifier must be permanently affixed to each mobility Device.
5. All Devices must be equipped with hardware that allows the Licensee to render a Device inoperable by remote means if it has been reported to Licensee as being damaged or defective.

B. Operations

1. The initial speed limit for Devices shall be 20 miles per hour.
2. Each License shall designate the specific number of shared mobility Devices that the Licensee may deploy in the Town.
3. The Town Manager reserves the right to order the full or partial removal or deactivation of a Shared Mobility System due to weather or other local situations, events, or emergencies for up to 48 hours.
4. Licensees must be aware of and plan for Town events, providing additional staffing, Customer education/awareness, and temporary no-ride and no-park zones as necessary.
5. Licensees shall provide administrative access for town officials to relocate Devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

C. Safe Riding and Parking

1. Licensees shall make training available to all Customers regarding safe operation of Devices.

2. Motorized scooters, as well as bicycles and electric power assisted bicycles, must be parked upright on hard surfaces in a manner that does not obstruct or impede the public right of way.
3. Licensees must apply geo-fencing specifications to direct Customers to parking areas designated by the Town Manager, which the Town Manager may expand, contract, or change from time to time. Customers shall not be allowed to sign out of their rides unless parked in a designated area.
4. Devices are to be parked in such a manner as to provide a 4-foot pedestrian clear zone area in the sidewalk.
5. Devices shall not be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; utility pole or box; evacuation route; snow emergency route; or access to or from any building.
6. Devices cannot be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack, news rack, or commercial window display.
7. The Town Manager reserves the right to determine certain blocks where parking is prohibited. Bicycles and e-scooters may be left in on-street parking spaces only if the Town Manager has officially designated those spaces as shared mobility parking stations. The Licensee will apply visible markings to identify any such parking stations.
8. Shared mobility Devices shall not be parked adjacent to or within:
 - a. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - b. Loading zones;
 - c. Disabled parking zones;
 - d. Street furniture that requires pedestrian access (for example – benches, parking pay stations, bus shelters, transit information signs, etc.);
 - e. Curb ramps; and
 - f. Driveways.
9. To the extent a Licensee desires to park Devices on Town property other than the public right-of-way (e.g., parks, plazas, parking lots, Town Hall grounds, or utility facilities), the Licensee must first obtain the right to do so in writing from the Town Manager.
10. Licensees shall stop placing Devices or allowing Customers or contractors of the Licensee to place Devices in front of any address provided by the Town Manager within 48 hours of notice.

D. Licensees shall apply geofencing specifications provided by the Town to prohibit riding/parking/locking motorized skateboards or scooters in areas of the Town specified by the Town Manager.

E. Any Device found to be in violation of this section is subject to removal by the Town; the Licensee must pay thirty-five dollars (\$35.00) for each Device removed and five dollars (\$5.00) per day of storage, including the day of removal and the day of release from storage. The Town shall provide notice of removal within twenty-four (24) hours of removal.

F. Licensees shall provide notice to all Customers by means of signage and through a mobile or web application that:

1. Helmets are strongly encouraged for all Customers and required for minors 14 and under. If Licensees prohibit use of shared mobility Devices by certain minors, Licensees shall provide conspicuous notice of this policy to Customers;
2. Parking must be done in designated areas; and
3. Wearing headphones on or in both ears while riding a shared mobility Device is prohibited;
4. Operating a shared mobility Device while texting or while under the influence of alcohol is strongly discouraged.

G. Licensees shall provide education on the Town's existing rules and regulations, safe and courteous riding, and proper parking.

H. Customer Service

1. Licensees shall provide easily visible contact information, including a toll-free phone number and e-mail address, on each Device for Town employees and members of the public to make relocation requests or to report other issues with Devices.
2. Licensees shall maintain a representative physically located within 25 miles of the Town and provide a direct point of contact to the Town and its residents for this representative.
3. Licensees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every Device that is in service in the Town.
4. Upon notification that a Licensee's Device is improperly parked, left standing, or unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the Town, the Licensee shall remove the Device within two hours.
5. Licensees shall provide all Customers with a mechanism to report safety or maintenance issues with a Device.
6. In the event a safety or maintenance issue is reported for a specific Device, the Licensee shall immediately deactivate that Device and shall remove it within two hours of deactivation. Any inoperable or unsafe Device shall be repaired before it is put back into service.

I. Data Sharing

Without prejudice to a Licensee's rights to, and interest in, its commercially privileged and sensitive information, Licensees shall provide the Town the following types of data in a monthly report delivered to the Town no later than the 15th day after the month covered in the report:

1. Total active customers, number of trips in the Town each month, average trip duration times, number of Devices in service, GPS tracking data for every trip route, crashes (giving time, date, and location), injuries, and complaints.
2. Additional specific data to be provided by the Licensee may be stated in the License or required by the Town Manager.

J. Insurance

The Licensee must purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits:

1. Workers' Compensation – Statutory requirements and benefits. This policy shall specifically list Virginia as a covered state.
2. Employer's Liability - \$100,000. This policy shall specifically list Virginia as a covered state.
3. Commercial General Liability - \$1,000,000 per occurrence. The Town and its officers, employees, agents and volunteers must be named as an additional insured and so endorsed on the policy.
4. Automobile Liability-\$1,000,000 per occurrence.
5. All insurance coverage:
 - a. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and otherwise acceptable to the Town;
 - b. shall be kept in force throughout the duration of the License.
6. Prior to offering Devices for use, the Licensee shall:
 - a. have all required insurance coverage in effect; and
 - b. deliver to the Town proof of insurance for all lines of coverage satisfactory to the Town in its sole discretion.
7. The Town reserves the right to revise any insurance requirement as may be necessary for the best interests of the Town, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the Town reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

Section 46-105. Transfer of Licenses.

No Licensee may transfer any License without the advance written consent of the Town Manager. The Town Manager may deny a transfer of a License if the transferee has violated a License or violated a similar ordinance in another locality, or if the transferee does not have proof of proper insurance coverage. A transferee shall accept responsibility for all outstanding violations, removal and storage fees for removed Devices, bonds, and Operating Conditions applicable to the transferring Licensee.

THIS ORDINANCE IS EFFECTIVE upon approval.

Done this ___ day of _____, 2019.

TOWN OF HAYMARKET, VIRGINIA

ATTEST:

Town Clerk

Motion to approve:

Second:

Voting Aye:

Voting Nay:

Absent:

Abstaining:

Attachment: Electric Scooter ordinance (4237 : Shared Mobility Systems Ordinance)