

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2018  
Proposal No. 120, 2018

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to establish a licensing process and other regulations for shared mobility systems.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title IV of the Revised Code is hereby amended by the addition of a new Chapter 905, to read as follows:

**Chapter 905 - SHARED MOBILITY OPERATOR**

**Sec. 905-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Public right-of-way* shall have the meaning ascribed thereto in section 645-112.

*Shared Mobility Device* means, but is not limited to, any of the following devices used in a Shared Mobility System:

1. A bicycle, as that term is defined in section 431-601;
2. An electric bicycle shall mean any bicycle equipped with a motor that provides assistance when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches 20 mph or a Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the electric bicycle reaches 20 mph.
3. Scooter, which means a conveyance or device with two (2) or more wheels in contact with the ground with a floorboard for the user to stand upon when using it, and may be propelled by a motor that reaches no more than 20 mph.
4. Any other similar device approved by the license administrator.
5. Shared Mobility Device does not include any other type of motor vehicle as defined in section 441-101 of the Code.
6. Notwithstanding the foregoing, a shared mobility device shall not include a device used to aid a person with a disability, including but not limited to a motorized wheel chair.

*Operator* means a person or entity that owns and/or operates a shared mobility system.

*Shared Mobility System or System* means a system which provides a shared mobility device for short-term rentals for trips and which may be locked or unlocked for use with or without being located on a rack or docking system.

*User* means a person who rents and uses, or allows another person to use a shared mobility device from an operator. A User must be at least eighteen (18) years of age.

**Sec. 905-102. License required; fee.**

(a) It shall be unlawful for a person to operate, or cause to be operated, a Shared Mobility System in the public right-of-way in the city, unless the Operator first obtains a license from the license administrator and registers each shared mobility device as provided in this chapter.

(b) The fee for a Shared Mobility System license and the registration fee for each Shared Mobility Device shall be provided in section 131-501 of the Code. These license and registration fees shall not apply to an Operator that has received an investment of public funds, by grant or otherwise from the city.

(c) A license issued under this section shall expire one year after the issuance of the license, and to continue operating a shared mobility system an operator shall apply for a new license at least 30 days prior to the expiration of its license. The license and registration fees established by this section shall apply to an application for a new license and renewal.

(d) Upon receipt of a completed license application, the execution of an Indemnification Agreement, and the filing of a bond and insurance certificate under section 905-105 of this chapter, the license administrator shall either issue or deny a shared mobility operator license. In making this determination, the license administrator may consider, among other factors, the extent to which the applicant's operations or the use of the applicant's Shared Mobility Devices have complied with current law.

**Sec. 905-103. License application; information**

(a) Applications for a license under this chapter shall be made on forms provided by the license administrator, and shall be signed by an authorized representative of the applicant who is an officer or employee of the applicant with authority to legally bind the applicant, who shall verify under oath that the information contained in the application is true and accurate.

(b) In addition to the information required by section 801-203 of this Code, the applicant shall provide the following information:

- (1) The number of Shared Mobility Devices that will be used in the Shared Mobility System;
- (2) A description of all Shared Mobility Devices that will be used in the Shared Mobility System, including the model, manufacturer, and color of each Shared Mobility Device;
- (3) Color photographs depicting the Shared Mobility Devices to be used in the Shared Mobility System;
- (4) A schedule of rates and charges that the applicant will charge to use a Shared Mobility Device;
- (5) A GPS or GIS based map depicting the proposed service area of the Shared Mobility System;
- (6) A 24-hour customer service telephone number;
- (7) The rules and regulations for the Shared Mobility System Operators' users;
- (8) A signed indemnification agreement as required by section 905-105(a);
- (9) Proof of public liability coverage as required by section 905-105(b);
- (10) Any other information deemed necessary by the license administrator.

(c) Any changes to the information required under subsection (b) shall be submitted to the License Administrator within 15 days of such change.

**Sec. 905-104. Restrictions on operation imposed by regulation.**

(a) Pursuant to section 801-201, the license administrator may by regulation impose appropriate conditions on the operation of Shared Mobility Systems in order to further the purposes of this chapter, including but not limited to, the following:

- (1) Limits on the locations in which a Shared Mobility System may operate;
- (2) Prescribe the locations where Shared Mobility Devices may be stored or parked when not in use;
- (3) Limits on the number of Shared Mobility Devices permitted in the Shared Mobility System;
- (4) Standards for the use and maintenance of Shared Mobility Devices;
- (5) The license administrator may impose any other regulations necessary to further the purposes of this Chapter.

(b) Notwithstanding Section 441-371, Shared Mobility Devices may be operated on bicycle lanes, subject to regulation by the license administrator.

**Sec. 905-105. Indemnification, insurance.**

(a) Any Shared Mobility Device operator issued a license under this chapter shall, as a condition of the issuance and continued validity of the license to operate a Shared Mobility System, indemnify, hold harmless and defend, by counsel of the city's choosing, the Consolidated City of Indianapolis and Marion County and their respective officers, agents, officials and employees for any and all third party claims, actions, causes of action, judgments and liens to the extent they arise out of any negligent or wrongful act or omission, or violation of any provision of this Code or other law by an Operator or any of its officers, agents, employees and users arising from the operation, maintenance, or use of the shared mobility system and the operator's shared mobility devices. Such indemnity shall include attorneys' fees and all costs and

other expenses arising therefrom or incurred in connection therewith and shall not be limited by any insurance coverage required by this chapter or otherwise carried by the Operator. This indemnification requirement shall be memorialized in an agreement signed by an authorized representative of the Operator who is an officer or employee of the Operator with authority to legally bind the Operator, and the Operator shall be required to post an indemnity bond in favor of the city. Such agreement and indemnity bond shall be in a form approved by the corporation counsel.

(b) Any Shared Mobility Device Operator issued a license under this chapter shall, as a condition of the issuance and continued validity of the license to operate a shared mobility system, purchase and maintain a policy of commercial general liability insurance that will protect it and the city from claims for damages because of bodily injury and personal injury, including death, and claims of damages to property which may arise out of or result from the operation, maintenance, or use of the shared mobility system and the operator's shared mobility devices.

The commercial general liability insurance required under this section shall be not less than: (1) each occurrence limit of \$1,000,000.00; (2) \$100,000.00 for damage to rented premises; (3) \$5,000.00 for medical expenses; (4) \$500,000.00 for personal and advertising injury; (5) \$1,000,000.00 products/completed operations; (6) \$1,000,000.00 auto liability; (7) \$2,000,000.00 general aggregate limit; (8) \$5,000,000.00 excess/umbrella liability. Certificates of insurance naming the Consolidated City of Indianapolis, Marion County as an additional insured showing such coverage then in force, but not less than the above amounts, shall be submitted by the operator with its application for a license under this chapter. Such certificates shall contain a provision that the policies and coverage afforded thereunder will not be canceled until at least 30 days after written notice to the license administrator.

(c) The failure to maintain the bond or insurance policies required under this section throughout the entire term of a license shall constitute a violation of this Code and shall be considered an emergency for purposes of emergency suspension under Section 801-413 of this Code.

(d) This section shall not apply to an operator that has received an investment of public funds, by grant or otherwise, from the city.

**Sec. 905-106. Safety, condition and appearance; equipment.**

(a) A Shared Mobility Device shall always be maintained in a reasonably clean and working condition.

(b) All shared mobility operators must meet all safety standards as prescribed by the license administrator.

(c) Every Shared Mobility Device shall have a unique ID number that is visible to the user and nearby pedestrians that clearly identifies both the Shared Mobility System operator and the specific Shared Mobility Device.

(d) Every Shared Mobility Device shall have posted on it a notice to the user of the 24-hour telephone number with live operator, website, and mobile application information of the shared mobility operator.

(e) Every Shared Mobility Device shall be equipped with a bell, horn, or other lawful sound signaling device.

(f) Every Shared Mobility Device shall be equipped with the following if able to operate after sunset and before sunrise:

(1) a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front; and

(2) a lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear.

(g) There shall be only one person on a Shared Mobility Device at any time.

(h) Users may not ride a Shared Mobility Device while controlling an animal, either by hand or on a leash.

(i) Every Shared Mobility Device shall have posted on it language clearly visible to users that:

- (1) Users are encouraged to wear helmets;
- (2) Users shall follow all traffic laws;
- (3) Users shall yield to pedestrians in the public right-of-way;
- (4) Users must follow proper parking procedures; and
- (5) Users must confirm, during the sign up stage and on stand-alone pages, their agreement to comply with user requirements.

(j) Unless approved by the license administrator, it shall be unlawful for any shared mobility operator to advertise for a third party on any equipment related to its Shared Mobility System or on its shared mobility devices. Any violation not corrected within 24 hours of notice shall be in violation of this Code, and if the violation is on a Shared Mobility Device the Device may be removed from the public right-of-way and impounded by the city at the cost of the operator. The penalty for violation of this section and for removing and impounding a shared mobility device shall be set forth in section 103-52.

(k) A Shared Mobility System operator shall be jointly and severally liable for all violations of this chapter, including the violation of any traffic laws and parking restrictions, relating to a user's use of a Shared Mobility Device.

#### **Sec 905- 107. Enforcement, Removal from the Public right-of-way; penalties**

(a) During the hours of 6 AM through 9 PM any Shared Mobility Device that is unsafe to operate or is inoperable shall be removed from the public right of way by the shared mobility operator within two (2) hours of notice made to the shared mobility operator. During the hours of 9:01 PM through 5:59 AM, an inoperable Shared Mobility Device or a Shared Mobility Device that is not safe to operate shall be removed from the public right of way by the shared mobility operator within six (6) hours of notice made to the shared mobility operator. Notice may be given to the Shared Mobility System operator by any person through the 24-hour phone number, website, email, or mobile application.

(b) The license administrator reserves the right to prohibit the use of any Shared Mobility Device in the area surrounding any special event and the area affected by any public safety emergency.

(c) Shared mobility devices that are not removed pursuant to 905-107(a) or 905-106(j), or any Shared Mobility Device that is not parked in accordance with section 905-108 may have a penalty assessed to the shared mobility operator pursuant to Sec. 103-52 of this Code.

(d) Any Shared Mobility Device that poses a hazard to the public health and safety may be removed by the City at the cost of the shared mobility operator. The penalty for the removal of a Shared Mobility Device shall be provided in section 103-52 of the Code.

(e) In addition to enforcement procedures and penalties set forth in Chapter 801, a Shared Mobility System's operator's first violation of any provision of this chapter in a twelve-month period, including, but not limited to, the operation of a Shared Mobility System that is not licensed, or not in compliance with the requirements of this chapter, shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A Shared Mobility System's operator's second and subsequent violations in the twelve-month period are subject to the enforcement procedures and penalties provided in Section 103-3.

**Sec 905-108. Parking**

A Shared Mobility Device that is not in use:

(a) Shall be parked in such a way that leaves at least four (4) feet of unobstructed passage in the public right of way, which shall be documented by a suitable photograph taken by the user upon conclusion of the ride if there is no permanent docked station for the Shared Mobility Device;

(b) May be parked in the grassplot, the grassy section of public right-of-way between the sidewalk and street, but may not park in any landscaped areas in the public right-of-way between the sidewalk, street or buildings;

(c) Shall be parked at a bicycle rack or docking station, if available;

(d) Shall be parked in an upright manner;

(e) Shall not be parked in a way to obstruct;

(1) Any transit infrastructure or public right-of-way, where parking blocks accessibility pursuant to the Americans with Disabilities Act of 1990, bikeshare stations, or bus operations including but not limited to bus stops and signs, shelters, bus rapid transit stations, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

(2) Any loading zone;

(3) Any accessible parking zones or spaces for people with disabilities;

(4) Any street furniture that require pedestrian access;

(5) Any curb ramp;

(6) Any entrance or exit from any building (must be at least ten feet from any entrance or exit);

(7) Any driveway; and

(8) Any raingarden and/or drainage facilities.

(f) Shall not be parked in any street or alleyway, unless approved by the license administrator, or on any private property without the permission of the property owner and compliance with applicable zoning code.

Pursuant to section 905-104, the license administrator may by regulation limit the locations at which a Shared Mobility System may operate or cause Shared Mobility Devices to be stored or parked.

**Sec 905-109. Data Sharing**

(a) To inform and support safe, equitable and effective management of the Shared Mobility Device System throughout the city and inform transportation planning efforts, all Shared Mobility Operators shall provide anonymized data, including but not limited to: (1) origin and destination data; (2) the number of shared mobility users and trips. The license administrator shall determine the scope, format, frequency and manner of data to be collected and transmitted to the City.

(b) All Shared Mobility Operators shall keep records of maintenance, operations, and reported collisions of its Shared Mobility Devices. The license administrator shall determine the frequency and method of reporting this information.

**Sec. 905-110. License application date.**

From and after the effective date of this ordinance, it shall be unlawful to operate a Shared Mobility System without first obtaining a license as provided in this chapter. The license administrator shall be prepared to accept license applications beginning on August 1, 2018.

**Sec. 905-111. Severability.**

If any section, sentence, clause, word or other provision of this article, or any ordinance amendatory thereof or supplemental thereto, shall be held invalid, such fact shall not affect the validity of any other section, sentence, clause, word or other provision herein, which may be severable therefrom and be valid

and capable of reasonable effect and application without such invalid portions, and to this end all such portions of this Chapter are declared severable and shall be so construed whenever possible to do so.

SECTION 2. Section 131-501 of the "Revised Code of the Consolidated City and County," regarding schedule of license and permit fees, hereby is amended by the addition of the following code section citation 905-102 with license/permit identification and maximum allowed fee in sequential order, to read as follows:

**Sec. 131-501. Schedule of license and permit fees.**

The board of business and neighborhood services shall have the power to establish the amount of fees by regulation as granted in section 226-204 of the Code. The following maximum allowed fees are established for their respective licenses and permits issued by the city or county:

Code Section	License or Permit	Maximum Allowed Fee
<u>905-102</u>	<u>Shared mobility system in the public right of way</u>	<u>\$15,000 annually</u>  <u>And</u>  <u>\$1 per day, per Shared Mobility Device operating within a licensee's Shared Mobility System</u>

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding schedule of Code provisions and penalties, hereby is amended by the addition of the following code section citations 905-107 and 905-108 with subject matter and civil penalty in sequential order, to read as follows:

**Sec. 103-52. Schedule of Code provisions and penalties.**

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
<u>905-107</u>	<u>Removal of a Shared Mobility Device</u>	<u>\$100.00 plus \$10.00 per day</u>
<u>905-108</u>	<u>Illegally Parked Shared Mobility Device</u>	<u>\$25.00</u>


SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 16th day of July, 2018, at 9:16 p.m.

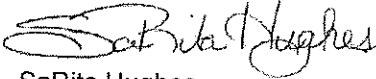
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SaRita Hughes  
Clerk, City-County Council

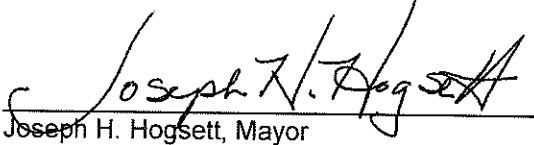
  
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Vop Osili  
President, City-County Council

Presented by me to the Mayor this 17th day of July, 2018.



SaRita Hughes  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_ day of July, 2018.

  
Joseph H. Hogsett, Mayor

STATE OF INDIANA, MARION COUNTY) ) SS:  
CITY OF INDIANAPOLIS ) )

I, SaRita Hughes, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 120, 2018, a Proposal for a GENERAL ORDINANCE passed by the City-County Council on the 16<sup>th</sup> day of July, 2018 by a vote of 19 YEAS and 6 NAYS, and was retitled General Ordinance No. 49, 2018, which was signed by the Mayor on the \_\_\_\_ day of July, 2018, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this \_\_\_\_ day of July, 2018.



SaRita Hughes  
Clerk, City-County Council

(SEAL)