

**AN AMENDED ORDINANCE  
BY TRANSPORTATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 150, (TRAFFIC AND VEHICLES), OF THE ATLANTA CITY CODE OF ORDINANCES TO UPDATE THE REGULATIONS RELATED TO SHAREABLE MOBILITY DEVICES; AND FOR OTHER PURPOSES.**

**WHEREAS**, it is the desire of the City to support a variety of viable transportation options including Shareable Dockless Mobility Devices as alternatives to driving; and

**WHEREAS**, Ordinance Number 18-O-1322 was adopted by the Atlanta City Council on January 7<sup>th</sup>, 2019 which amended Chapter 150 of the City of Atlanta Code of Ordinances to create a new Article X, entitled Shareable Dockless Mobility Devices; and

**WHEREAS**, 18-O-1322 established regulations related to shareable mobility devices, which included a requirement that Dockless Mobility Device System Operators secure a permit issued by the City for the operation of Dockless Mobility Device Systems in the City of Atlanta; and

**WHEREAS**, Ordinance Number 19-O-1429 was adopted by the Atlanta City Council on August 19<sup>th</sup>, 2019 which amended Chapter 150 of the City of Atlanta Code of Ordinances to repeal the Department of City Planning's Authority to issue new Shareable Dockless Mobility Device permits; and

**WHEREAS**, permits for 8,000 Shareable Dockless Mobility Devices across four companies expire in February 2020; and

**WHEREAS**, it is the desire of the City to continue to regulate Shareable Dockless Mobility Devices and issue an updated Shareable Dockless Mobility Device permit to a limited number of companies in 2020; and

**WHEREAS**, 18-O-1332 established a Shareable Dockless Mobility Device Permit Fee and Fee Study; and

**WHEREAS**, the City has reviewed regulations from peer Cities and established itself as a leader in the field of regulating Shareable Dockless Mobility Devices through a flexible program that has allowed administrative improvements to address safety concerns and improve overall operations; and

**WHEREAS**, Ordinance Number 19-O-1159 was adopted by the Atlanta City Council on June 17<sup>th</sup>, 2019 which amended the City of Atlanta Code of Ordinances to create the Department of Transportation to unify the City's transportation related functions; and

**WHEREAS**, the City will continue to improve the program through regular administrative updates under the Department of Transportation.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That Chapter 150 Article X of the City of Atlanta Code of Ordinances, entitled “Shareable Dockless Mobility Devices”, shall be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in bold underlined font):

**ARTICLE X. - SHAREABLE DOCKLESS MOBILITY DEVICES**

Sec. 150-400. - Definitions.

*Shareable dockless mobility device permit ("dockless permit")* means a permit required to operate a shareable dockless mobility device system within the city **prior to August 19, 2019.**

Sec. 150-401. - Permit requirements.

- ~~(a) No shareable dockless mobility device system operator may allow its dockless mobility devices to be parked on the city’s right of way, or on city property, including, but not limited to on any sidewalks, in any loading zone, driveway, vehicle travel lane, bike lane, shared use paths, or within city parks.~~
- ~~(b) Upon conviction of a violation of this section in the Atlanta Municipal Court, a shareable dockless mobility device system operator shall be subject to a \$1,000.00 civil monetary fine. Each device found parked in violation of this section shall constitute a separate offense.~~
- ~~(c) Any shareable dockless mobility device system operator holding a shareable dockless mobility device permit issued prior to August 19, 2019 may continue to operate in accordance with the terms of its issuance and in accordance with Chapter 150, Article X, through the expiration date of the permit; and the prohibition set forth in this Section shall not apply to any such permit holders through the expiration date of the annual permit.~~
- ~~(d) In addition to the requirements in subsection (c), any shareable dockless mobility device system operator holding a shareable dockless mobility device permit issued prior to August 19, 2019 is eligible to extend its permit on a month by month basis in accordance with the Administrative Regulations.~~
- ~~(e) Under no circumstance shall any operators be exempt from the prohibition set forth in subsection (a) of this Section in accordance with subsection (c) and (d) of this Section subsequent to August 19, 2020.~~
- (a) No shareable dockless mobility devices may be operated or deployed in the City of Atlanta without an operator having a valid permit or entering into a contract with the City of Atlanta. Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.**
- (b) Any operator applying for a dockless permit shall submit a permit application to the Department of Transportation.**

**The application shall be sworn to by the applicant or agent thereof and must include the following:**

- (1) Completed dockless permit application form included all requested plans, policies, and specifications;**
  - (2) City business license, (occupational tax certificate);**
  - (3) Insurance documentation and acknowledgement that the city is indemnified and held harmless for all liability related to the operation of the shareable dockless mobility device system;**
  - (4) Images and description of the applicant's shareable dockless mobility device, including technical specifications, any signage or instructions permanently affixed to the device, mobile application, and documentation that the devices meet safety standards as set forth in this article and the administrative regulations;**
  - (5) Address and contact information of the general manager for the shareable dockless mobility device system;**
  - (6) Application fee of \$100.00.**
- (c) The dockless permit fee shall be \$12,000 annually for 500 devices and an additional \$50 per shareable dockless mobility device in the operator's fleet in excess of 500 devices.**
- (d) The Department of Transportation will accept and issue annual dockless permit applications at the discretion of the Commissioner. The annual dockless permit application shall be valid for 12 months as of the date of the original issuance of the permit and shall thereafter expire. Upon expiration, no operator is guaranteed a permit renewal. Any interested operator shall be allowed the opportunity to apply for a new annual permit from the Department of Transportation.**
- (e) Upon administrative declaration by the Commissioner of Transportation, a permit holder may apply for a sub-permit to expand their fleet. The sub-permit application will be included with the administrative regulations and will be issued to companies at the discretion of the Commissioner and based on operator performance and compliance. Sub-permits may be temporary in nature and conditional upon performance and revoked by the Commissioner of Department of Transportation. Any associated fees with the sub- permit will be prorated as established in the administrative regulations.**
- (f) The number of dockless permits issued each year will be determined at the discretion of the Department of Transportation and the application time period and selection process will be set forth in the administrative regulations.**
- (g) All permitted operators shall launch fleets by the deadline established within the permit application in accordance with administrative regulations.**
- (h) A partial year permit will be established on an as needed basis to replace any permitted operators that withdraw from the City of Atlanta or whose permits are revoked before permit expiration or at the discretion of the Commissioner of the Department of Transportation. Any associated fee for a partial year permit will be prorated as established in the administrative regulations.**
- (i) In order to receive an annual permit, an operator must relinquish any existing Dockless permits from the City of Atlanta.**

- (j) **The Commissioner of the Department of Transportation reserves the right to revoke the permit of any operator that withdraws from the City of Atlanta, does not deploy in accordance with the timeline set forth in the Administrative Regulations, or for any reason at the discretion of the Commissioner.**
- (k) **Upon permit revocation or suspension, the City will not refund any permit fees previously paid to the City.**

Sec. 150-402. - Enforcement.

- (a) The primary authority and responsibility for the enforcement of the provisions of this chapter in the city's right of way shall be vested in the ~~commissioner of the department of public works.~~ **Commissioner of the Department of Transportation.**  
 Upon a determination that a permitted operator is in violation of this chapter or any administrative regulations promulgated by the ~~Department of Transportation, department of city planning~~ **Department of Transportation,** ~~department of city planning~~ the City of Atlanta shall issue notice, **administrative fine,** or issue a citation. Notices of violation or citations may result in:
  - (1) The revocation or suspension of a dockless permit after written notice and reasonable opportunity to cure; and/or
  - (2) ~~An administrative fine~~ **A citation** not exceeding \$1,000.00 per day for each violation of a provision of this chapter or any administrative regulations promulgated by the **Department of Transportation;** ~~department of city planning by the department of city planning office of zoning and development.~~ **and/or**
  - (3) **An administrative fine as established by the Commissioner of Transportation and as set forth in the Administrative Regulations.**
- (b) Appeals. The appeal of a notice or citation issued under this section shall be filed in the City of Atlanta Municipal Court within 14 days of the issuance of the notice or citation.
- (c) If an operator's permit is revoked, the operator may not reapply for a new permit for 12 months after all of the operator's shareable dockless mobility devices are removed from the ~~city~~ **City of Atlanta's right of way. An operator with a revoked permit shall not operate in the City of Atlanta's right of way.** Operator must **settle all outstanding debt to the City and** continue to provide access to real time data regarding device locations until all of operator's shareable dockless mobility devices are removed.

Sec. 150-403. - Safety.

- (a) The motor of the permitted shareable dockless mobility devices must not alone be capable of propelling the device in excess of 15 miles per hour.
- (b) All permitted shareable dockless mobility devices must adhere to minimum safety standards as established by law.
- (c) All permitted operators shall maintain liability insurance with the city as the certificate holder in the amounts determined by the office of risk management.
- (d) All permitted operators will educate users regarding laws applicable to riding and operating in the city.
- (e) Permitted operators will encourage users to wear a helmet while operating a shareable dockless mobility device.
- (f) Shareable dockless mobility devices shall not be operated by more than one person at a time.
- (g) While operating a shareable dockless mobility device or dockless mobility device, no individual shall physically hold a wireless telecommunications device, including cell phones.

- (h) All permitted shareable dockless mobility devices shall be equipped with a white headlight or headlamp, a rear red light, and rear reflector. All lights shall be illuminated during the entire duration of the rental regardless of whether the device is in motion. Lighting equipment shall meet the requirements set forth in the Administrative Regulations.**
- (i) Permitted operators shall use the most advanced technology as determined by the Commissioner of the Department of Transportation to ensure safe operations for all and at minimum shall comply with any safety requirements set forth in the administrative regulations.**
- (j) All permitted shareable dockless mobility devices must include visible signage to inform users and non-users that riding on the sidewalk is illegal.**

Sec. 150-404. - Parking.

- (a) The city reserves the right to identify parking areas and no-parking areas through administrative regulations issued by the ~~department of city planning office of zoning and development~~ **Department of Transportation**. All parking areas and no-parking areas will be communicated directly to permitted operators and posted online.
- (b) Permitted operators must communicate proper shareable dockless mobility devices parking requirements to all users.
- (c) Permitted shareable dockless mobility devices shall be parked upright at all times.
- (d) No person shall park a permitted shareable dockless mobility device or a dockless mobility device other than upon the sidewalk in a bike rack or against a building or at a curb, in such manner as to afford the least obstruction of pedestrian traffic and provides a minimum of five feet clear for pedestrians; **or in a micromobility parking corral or dock designated by the city.**
- (e) Permitted shareable dockless mobility devices and dockless mobility devices shall not be parked:
  - (1) On vegetation;
  - (2) On any grate, manhole cover, or access lid;
  - (3) In any loading zone, driveway, vehicle travel lane, bike lane, or shared-use path;
  - (4) Where they obstruct vehicle parking;
  - (5) Where they obstruct pedestrian or wheelchair access to:
    - i. Private or public buildings and establishments;
    - ii. Street features that require pedestrian access including, but not limited to, benches, parklets, parking pay stations, and crosswalk buttons;
    - iii. Accessibility and safety features including curb ramps, wheelchair ramps, ramp landings, handrails, areas of refuge, and detectable warning strips.
  - (6) In bus stop clear zones defined as:
    - i. The on street clear zone defined under the "Identification of bus stops" in chapter 150, article IV;
    - ii. A bus stop clear zone of 40 feet long by eight feet wide for transit stops served by only one route. When signage indicates the presence of two or more bus routes at a transit stop, an additional 40 feet of curb length per route should remain clear.
  - (7) At or within five feet of a bikeshare station;
  - (8) Where it obscures any fixed, regulatory, or informational signs or traffic control devices;

- (9) Where it obstructs emergency service infrastructure including, but not limited to, fire hydrants, stand pipes, or automated external defibrillators.
- (f) All permitted shareable dockless mobility devices shall have permanently affixed contact information and unique company specific device identifiers on all devices for relocation requests. **The location and size of this information must be approved by the City and consistent with any size and location requirements as set forth in the administrative regulations.** Operators must monitor and document relocation requests and responses 24/7.
- (g) Permitted operators will remove improperly parked shareable dockless mobility devices in accordance with local laws and without prior notice from the city.
- (h) Upon evidence that a permitted operator's shareable mobility devices are found to be consistently parked improperly, the city reserves the right to reduce the number of shared devices allowed under their permit or revoke it all together.
- (i) The city reserves the right to cite, impound, store, and dispose of improperly parked permitted devices at the operators' expense.

Sec. 150-405. - Operations.

- (a) Shareable dockless mobility devices and dockless mobility devices may be operated within city parks, including along the Atlanta BeltLine and shall not be considered motorized vehicles as set forth in chapter 110, article III, (park rules).
- (b) Shareable dockless mobility devices and dockless mobility devices shall not be operated on sidewalks or any space exclusively for pedestrian use.
- (c) Shareable dockless mobility devices and dockless mobility devices may operate in vehicle travel lanes, in bike lanes, and along shared use paths throughout the city.
- (d) Permitted operators shall adhere to the fleet size minimums and maximums as determined by the ~~commissioner of city planning~~ **Commissioner of the Department of Transportation** through administrative regulations, communicated directly to operators, and published on the city's website. Fleet maximums may be set based on the discretion of the ~~department of city planning~~ **Department of Transportation**.
- (e) Shareable dockless mobility devices and dockless mobility devices shall be operated in a manner consistent with all applicable state and local laws.
- (f) Permitted operators must educate users on proper shareable dockless mobility devices operations.
- (g) Shareable dockless mobility device and dockless mobility device riders must yield to pedestrians in all cases including along shared use paths.
- (h) Permitted operators shall provide sufficient local operations and maintenance staff to address issues and remove **or correct** improperly parked bikes or scooters.
- (i) Third party advertising or sponsorship shall not be affixed or placed in any other manner on permitted shareable dockless mobility devices.
- (j) Permitted operators shall work with the ~~Department of city planning, the department of public works,~~ **Department of Transportation** and the Atlanta Police Department to enforce this ordinance with the most advanced and appropriate available technology.
- (k) Permitted operators shall work with the ~~department of city planning and the department of public works~~ **Department of Transportation** to enforce temporary, ~~or~~ semi-permanent, **or permanent zones with unique rules including but not limited to** no-ride zones, **reduced speed zones, special event zones, or other zones** authorized by the **Department of Transportation** ~~department of city planning~~ with the most appropriate available technology.

- (l) In addition to the penalties operators are subject to in accordance with sections 150-401 and 150-402, users convicted of violating this section shall be punished as prescribed in section 1-8.

Sec. 150-406. - Data sharing.

- (a) Permitted operators shall provide a documented application programming interface ("API") that furnishes ~~real-time~~ anonymized data for the entire fleet. The format and field requirements of the API will be defined through administrative regulations, communicated directly to operators, and published on the city website. Operator may not change the API URL without notifying the city with at least 30 days' notice. Operators are required to make the API endpoint available for ~~public~~ **City** consumption along with an API key or token in order to securely connect to this endpoint. Failure to provide the API key or token within this 30 day time period may result in suspension or revocation of the permit. At the discretion of the Commissioner of the Department of Transportation, the City may provide use a third- party data manager to access and analyze the anonymized and aggregated data on the City's behalf.
- (b) Permitted operators must provide a monthly data report. Reporting requirements will be defined through administrative regulations, communicated directly to operators, and published on the city's website.

Sec. 150-407. - Equity.

- (a) Permitted operators shall have payment options which do not require the rider to have access to credit cards to use ~~of~~ a shareable dockless mobility device.
- (b) Permitted operators shall adhere to equitable distribution requirements as determined by the ~~commissioner of city planning~~ **Commissioner of the Department of Transportation** through the administrative regulations, published on the city's website, and provided directly to all operators.
- (c) Permitted operators shall provide an equity plan to the ~~department of city planning~~ **Department of Transportation** as part of the permit application. The equity plan shall include discounted price options and may include such elements as ~~discounted price options,~~ cash-based payment systems, ~~and~~ non-smartphone reservation systems.

**Sec. 150-408 - Bond required.**

- (a) Permitted operators must provide a bond in an amount and form specified by the Commissioner of the Department of Transportation and set forth in the administrative regulations.**
- (b) The funds available from the bond required by this section shall be applied to pay for:**
  - (1) Damage to public property caused by a permitted operator's shareable dockless mobility device; or**
  - (2) The removal and storage of a permitted operator's Shareable Dockless Mobility Devices that are parked illegally; or**
  - (3) Any fines and fees incurred by the permitted operator that are outstanding for more than 60 days after the City has sent a formal request for the fines and fees.**

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

**SECTION 3:** That the Municipal Clerk is instructed deliver this ordinance to the Mayor for approval posthaste immediately upon adoption by the Atlanta City Council.

**SECTION 4:** That the amendments in this ordinance shall become effective immediately upon approval.

**SECTION 5:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 150, including Editor's notes, and shall not delete any such references, but shall amend them to include reference to this ordinance.