

**Council Meeting  
Tuesday, June 12, 2018**

**ERRATA SHEET**

**ITEM 2B – Ordinance 8246 creating a dockless bicycle share licensing program by amending Title 4, “Licenses and Permits,” B.R.C. 1981.**

Item #	Ord #	Page #	Line	Change/Addition
2B	8246	18	2	Change Ordinance title allowing for emergency language.
2B	8246	18	22	Remove “pay” and add “provide consideration”
2B	8246	20	12	Change the definition of <i>Dockless shared bicycle or shared bicycle</i> as follows:  <i>Dockless shared bicycle or shared bicycle</i> means a bicycle offered or operating in a <del>dockless bicycle share transportation</del> system <u>through which members of the public are offered for compensation consideration the use of bicycles without the use of fixed docking facilities.</u>
2B	8246	22	25	Remove “which shall include the number of electric assisted bicycles required by the license.”
2B	8246	24	7	<ol style="list-style-type: none"> <li>1. Add new section 4-31-11 – Expiration.</li> <li>2. <u>Section 3</u> language is deleted and replaced with new language.</li> </ol>
2B	8246	25	1	Change second reading signature line language allowing for emergency language.

See attached revised Ordinance 8246 incorporating the changes and additions listed above.



1 D. The dockless bicycle share program will expand bicycle accessibility to areas of  
2 Boulder that are not currently served by fixed location bicycle share stations. Dockless  
3 shared bicycle operators will include electric-assisted in their fleets, which will  
4 alleviate some of the challenges associated with cycling in Boulder today, including  
5 longer distances and hilly terrain.

6 E. On April 9, 2018, the Transportation Advisory Board held a public hearing to consider  
7 the staff recommendations on the dockless bicycle share program and make a formal  
8 recommendation to City Council.

9 F. This program will expire and be of no further force and effect after August 7, 2020,  
10 unless extended by affirmative council action.

11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
12 COLORADO:

13 Section 1. Chapter 4-20, “Fees,” B.R.C. 1981, is amended by the addition of a new Section  
14 4-20-70, to read as follows:  
15

16 **4-20-70. – Dockless Bicycle Share License Fees.**

17 (a) An applicant for a dockless bicycle share license shall pay \$3,300 per year for the initial  
18 license and \$1,800 annually thereafter.

19 (b) In addition to the fees established in subsection (a) of this section, any person issued a  
20 dockless bicycle share license under this Chapter shall pay \$100 per bicycle that will  
be used by the city to purchase and install additional bicycle parking spaces and for  
related administrative expenses.

21 (c) The fees herein prescribed shall not be refundable.

22 Section 2. Title 4, “Licenses and Permits,” B.R.C. 1981, is amended by the addition of a  
23 new Chapter 31, to read as follows:

24 **Chapter 31 – Dockless Bicycle Share**  
25

1 **4-31-1. - Legislative Intent.**

2 The purpose of this chapter is to protect the public health, safety, and welfare to prevent or  
3 mitigate against any adverse impact that dockless shared bicycles may have to public or private  
4 property by licensing all persons who make available dockless shared bicycles in the city.

4 **4-31-2. - Definitions.**

5 For the purpose of this chapter, the following words and phrases have the following  
6 meanings unless the context clearly indicates otherwise:

7 *Dockless* means without a structure at a permanent, fixed location from which shared  
8 bicycles may be deployed for use by the public.

9 *Dockless bicycle share* means a transportation system providing users the ability to access  
10 bicycles via mobile technology and that do not need to be attended by the operator, allowing the  
11 user to pick up a bicycle from one location and leave it at another within a system's service area.

12 *Dockless shared bicycle* or *shared bicycle* means a bicycle offered or operating in a system  
13 through which members of the public are offered for consideration the use of bicycles without the  
14 use of fixed docking facilities.

15 *Mobile application* means the software installed on a user's mobile device that allows the  
16 user to access dockless shared bicycles.

17 *Operator* means a person or entity who offers dockless shared bicycles.

18 *Rebalancing* means redistributing bicycles throughout the city to ensure all areas are served  
19 by dockless bicycle share.

16 **4-31-3. - License Required.**

17 No person shall conduct or carry on the business of offering shared bicycles that are not  
18 deployed from a fixed docking station without first obtaining a license therefor from the city  
19 manager under this chapter.

19 **4-31-4. – License Application.**

20 (a) An applicant for a license under this chapter shall apply on forms furnished by the city  
21 manager and pay the fee prescribed in Section 4-20-70, "Dockless Bicycle Share  
22 License Fee," B.R.C. 1981.

23 (b) The applicant shall maintain insurance during the period of the license as required by  
24 Section 4-1-8, "Insurance Required," B.R.C. 1981.

25 (c) The applicant shall provide a financial guaranty upon which the city may draw, in the  
amount of \$80 per bicycle, with a cap of \$8,000, to secure performance of the terms of  
this license. The financial guaranty shall be cash, a letter of credit from a surety or  
financial institution and in a form acceptable to the city manager, payable to the city as

1 beneficiary, or another form of financial guaranty approved by the city manager. If a  
2 permitted operator increases the size of its fleet as permitted by this chapter, the  
3 financial guaranty shall be adjusted appropriately before deploying additional bicycles.  
4 The financial guaranty will be used to pay city expenses including without limitation  
5 the following:

- 6 (1) Public property repair and maintenance costs caused by the operator's equipment;
- 7 (2) Any cost for removing or storing bicycles improperly parked; and
- 8 (3) Any cost to the city to remove bicycles if its license expires or is otherwise  
9 terminated.

10 (d) An applicant for a license shall submit, along with the application, a management plan  
11 that addresses accessibility of the dockless bicycle share system, and how the applicant  
12 will prevent or mitigate against adverse impacts that dockless shared bicycles may have  
13 to public or private property. The city manager will not approve a management plan  
14 unless it adequately addresses such impacts. The management plan shall include the  
15 following components:

- 16 (1) A description of how the application will develop and implement assistance  
17 programs to enhance equitable access to potential dockless bicycle share users who  
18 do not have access to smart phones or credit cards;
- 19 (2) A proposed service plan to achieve equitable distribution of shared bicycles and  
20 electric assisted bicycles as defined in section 7-1-1, "Definitions," B.R.C. 1981  
21 within the city including deployment of dockless shared bicycles at transit facilities,  
22 high demand areas of the city and areas of the city that are not currently served by  
23 shared bicycle stations;
- 24 (3) A description of how the applicant will respond to complaints of improperly parked  
25 or abandoned shared bicycles;
- (4) A description of how the operator will respond when notified of safety or  
operational concerns of a shared bicycle in the system;
- (5) A maintenance plan for shared bicycles; and
- (6) A proposed user education and outreach plan for proper bicycle parking and riding.

(e) By applying for a license under this chapter, the applicant consents to the city using its  
own staff or a third-party consultant for evaluation of records and reports required to  
be maintained by this chapter and the dockless bicycle share license program  
authorized by this chapter.

#### 22 **4-31-5. – Authority to Deny Issuance of License.**

23 The city manager may deny an application for a license under this chapter if the applicant  
24 fails to demonstrate that it meets all of the requirements in subsection 4-1-9(a), B.R.C. 1981.  
25

1 **4-31-6. – Suspension or Revocation of License.**

- 2 (a) The city manager may suspend or revoke the license issued under this chapter for the  
3 grounds and under the procedures prescribed by section 4-1-10, “Revocation of  
4 Licenses,” B.R.C. 1981.
- 5 (b) In addition to any other provision of this code, the city manager may suspend or revoke  
6 a license issued under this chapter if the operator does not comply with the  
7 requirements of this chapter.
- 8 (c) Any operator whose license has been suspended or revoked by the city manager shall  
9 reclaim and remove their entire fleet of shared bicycles from wherever the shared  
10 bicycles are located, within thirty days of notice of revocation or suspension.

11 **4-31-7. – Operator Responsibilities.**

- 12 (a) No person shall offer a dockless shared bicycle for use that does not meet each of the  
13 standards set forth in this section.
- 14 (b) An operator shall provide, on its mobile application, a link for customers to notify the  
15 operator if there is a safety or maintenance issue with the bicycle, and shall  
16 conspicuously post the operator’s privacy policy on the application and shall comply  
17 with such policy.
- 18 (c) An operator shall include, in its mobile application, prominently displayed notification  
19 to users that:
- 20 (1) Helmet use is encouraged while riding a bicycle;
  - 21 (2) Bicyclists shall yield to pedestrians on sidewalks;
  - 22 (3) When riding on-street, users must comply with all traffic regulations, as drivers  
23 would in a motor vehicle; and
  - 24 (4) Shared bicycles may only be parked in bicycle racks, designated bicycle parking  
25 areas or on private property with the consent of the property owner.
- 26 (d) An operator shall provide users with a 24-hour customer service telephone number to  
27 report safety concerns, complaints, or ask questions.
- 28 (e) An operator shall understand and educate users regarding the laws applicable to riding  
29 and operating a bicycle in the City of Boulder, on the University of Colorado Boulder  
30 campus, and within Boulder County.
- 31 (f) An operator shall provide the city manager with current contact information for the  
32 operator or its staff that are capable of rebalancing shared bicycles.
- 33 (g) An operator shall relocate or rebalance shared bicycles within two hours of receiving a  
34 request from the city.
- 35 (h) An operator shall remove or maintain any inoperable shared bicycle or shared bicycle  
36 that is not safe to operate, within twenty-four hours of notice by any means to the  
37 operator by any individual or entity.
- 38 (i) An operator shall comply with the record keeping, ridership data, and reporting  
39 requirements established by the city manager under this chapter.
- 40 (j) No operator shall initially deploy more than 100 shared bicycles. The city manager is

1 authorized to modify the number of shared bicycles each operator may deploy based  
2 on the operator's ability to meet key performance indicators established by the  
3 manager.

(k) No operator shall violate the conditions of the license or approved management plan.

#### 4 **4-31-8. – Dockless Shared Bicycle Standards.**

5 No person shall offer a dockless shared bicycle for use that does not meet each of the  
6 standards set forth in this section.

7 (a) The shared bicycle shall meet the standards outlined in the Code of Federal Regulations  
8 (C.F.R.) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for  
9 Bicycles. Additionally, the shared bicycle shall meet the safety standards outlined in  
10 International Organization for Standardization (I.S.O.) 43.150 – Cycles, subsection  
11 4210.

(b) Each electric assisted shared bicycle shall meet the definition of *electric assisted  
12 bicycles* under the provisions of Section 7-1-1, "Definitions," B.R.C. 1981.

(c) The shared bicycle shall meet the requirements established of Section 7-5-11, "Bicycle  
13 Headlight and Reflector Required," B.R.C. 1981.

(d) The shared bicycle shall be equipped with a locking mechanism that enables the bicycle  
14 to be locked to a fixed structure.

(e) The shared bicycle shall be equipped with technology to track ridership data required  
15 by the license.

(f) The shared bicycle shall have affixed, in a prominent location, identifying information  
16 that includes:

(1) The name, address, electronic mail address, and 24-hour customer service  
17 telephone number of the operator; and

(2) A unique identifier number or series of numbers for each shared bicycle.

#### 18 **4-31-9. – Parking Dockless Shared Bicycles.**

19 (a) No user of a dockless shared bicycle shall park a shared bicycle in any location except  
20 where authorized by this chapter or pursuant to rules issued by the city manager under  
21 this chapter. Both the operator and user are jointly and severally liable for any parking  
22 in violation of this chapter or the city manager rules issued under this chapter.

(b) The city manager is authorized to relocate any shared bicycle left in an unauthorized  
23 location to a location authorized pursuant to rules issued by the city manager, to dispose  
24 of any abandoned or improperly parked shared bicycle, and to collect the cost of such  
25 relocation or disposal from the operator either through the financial guaranty required  
by this chapter or directly from the operator if the financial guaranty is insufficient to  
cover the cost. Section 2-4-6, "Disposition of Property Other Than Motor Vehicles,"  
B.R.C. 1981, shall not apply to dockless shared bicycles.

1 **4-31-10. – Rules and Regulations.**

2 (a) The city manager may promulgate such rules and regulations consistent with this  
3 chapter as the manager considers necessary to implement and enforce this chapter. In  
4 addition, the manager may adopt rules that enhance public safety or to prevent or  
mitigate against any adverse impact that dockless shared bicycles may have to public  
or private property.

5 (b) No person shall fail to comply with any city manager rule adopted pursuant to this  
6 chapter.

7 **4-31-11. – Expiration.**

8 This chapter will expire and be of no further force and effect after August 7, 2020.

9 Section 3. The city council finds this ordinance is necessary for the immediate preservation  
10 of public peace, health, safety, and property justifying the adoption of this ordinance as an  
11 emergency measure. Several dockless bicycle companies are planning to enter the Boulder market  
12 in the immediate future. Immediate effect is necessary to provide an appropriate regulatory  
13 framework.

14 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of  
15 the residents of the city, and covers matters of local concern.

16 Section 5. The city council deems it appropriate that this ordinance be published by title  
17 only and orders that copies of this ordinance be made available in the office of the city clerk for  
18 public inspection and acquisition.

19 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
20 TITLE ONLY this 17th day of April 2018.

21 \_\_\_\_\_  
22 Suzanne Jones  
23 Mayor

24 Attest:

25 \_\_\_\_\_  
Lynette Beck  
City Clerk



1 READ ON SECOND READING, PASSED, ADOPTED AS AN EMERGENCY  
2 MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT this 12th day of June 2018.

3  
4 \_\_\_\_\_  
Suzanne Jones  
Mayor

5 Attest:

6  
7 \_\_\_\_\_  
Lynette Beck  
8 City Clerk