

ORDINANCE G-6474

AN ORDINANCE AMENDING PHOENIX CITY CODE CHAPTER 31 (STREETS AND SIDEWALKS), ARTICLE VII (TEMPORARY USE OF RIGHT-OF-WAY), SECTION 31-80(B) DEFINITIONS; AND TO ESTABLISH A DOCKLESS BIKESHARE PERMIT BY ADDING NEW SECTIONS 31-85 AND 31-86; AND AMENDING PHOENIX CITY CODE CHAPTER 36 (VEHICLES AND TRAFFIC), ARTICLE IX (BICYCLES), SECTIONS 36-97 AND 36-114 RELATING TO BICYCLE PARKING.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. Phoenix City Code Chapter 31 (Streets and Sidewalks), Article VII (Temporary Use of Right-of-Way), Section 31-80(B) Definitions is amended to read as follows:

~~B. Definitions:~~

- ~~1. Revocable permit means any permit issued to allow minor encroachments for an indefinite period within the public right of way.~~
- ~~2. Right of way temporary use permit means a permit issued to allow the temporary use or restriction of the public right of way including, but not limited to, a street, sidewalk or designated bicycle lane.~~
- ~~3. Right of way use permits means, collectively, revocable permits and right of way temporary use permits.~~
- ~~4. Minor encroachment means those underground facilities whose cross-sectional areas are less than two feet across; and, those encroachments whose surface and aerial uses are easily removed from the right of way as determined by the Street Transportation Director, including but not limited to the following: Fences, surface parking, awnings, wells, overhangs, aerial cables, poles, bus shelters, or small~~

~~temporary structures without foundations.~~

SEC. 31-80(B) DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT REQUIRES OTHERWISE, THE FOLLOWING TERMS, PHRASES, WORDS, AND THEIR DERIVATIVES SHALL HAVE THE MEANINGS GIVEN HEREIN:

APPLICANT MEANS A PERSON, ITS CONTRACTORS, AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, AFFILIATES, PARENT ORGANIZATION, SUCCESSOR-IN-INTEREST, PREDECESSOR-IN-INTEREST, OR JOINT VENTURES WHO APPLY FOR A RIGHT-OF-WAY PERMIT UNDER THIS ARTICLE.

DOCKLESS BIKE SHARE OPERATOR OR OPERATOR MEANS A PERSON THAT OPERATES A DOCKLESS BIKE SHARE SYSTEM, WHETHER FOR PROFIT OR NOT FOR PROFIT.

DOCKLESS BIKE SHARE SYSTEM MEANS A SYSTEM THAT PROVIDES BICYCLES FOR SHORT-TERM RENTALS AND WHICH MAY BE LOCKED AND UNLOCKED WITHOUT THE REQUIREMENT OF A BICYCLE RACK OR OTHER DOCKING STATION INSTALLED WITHIN CITY OF PHOENIX CORPORATE BOUNDARIES.

MINOR ENCROACHMENT MEANS THOSE UNDERGROUND FACILITIES WHOSE CROSS-SECTIONAL AREAS ARE LESS THAN TWO FEET ACROSS; AND THOSE ENCROACHMENTS WHOSE SURFACE AND AERIAL USES ARE EASILY REMOVED FROM THE RIGHT-OF-WAY AS DETERMINED BY THE STREET TRANSPORTATION DIRECTOR INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: FENCES, SURFACE PARKING, AWNINGS, WELLS, OVERHANGS, AERIAL CABLES, POLES, BUS SHELTERS, OR SMALL TEMPORARY STRUCTURES WITHOUT FOUNDATIONS.

PERMITEE OR PERMIT HOLDER MEANS A PERSON HOLDING A CURRENT AND VALID PERMIT ISSUED UNDER THIS ARTICLE.

PERSON MEANS A PERSON OR BUSINESS ASSOCIATION ORGANIZED AS PROVIDED BY LAW.

REVOCABLE DOCKLESS BIKE SHARE PERMIT MEANS A PERMIT AUTHORIZING A DOCKLESS BIKE SHARE OPERATOR TO OPERATE A DOCKLESS BIKE SHARE SYSTEM IN THE PUBLIC RIGHT-OF-WAY AND SETTING FORTH THE CONDITIONS AND REQUIREMENTS FOR PERMITEES TO PLACE DOCKLESS BIKES IN THE PUBLIC RIGHT-OF-WAY.

REVOCABLE PERMIT MEANS ANY PERMIT ISSUED TO ALLOW MINOR ENCROACHMENTS FOR AN INDEFINITE PERIOD WITHIN THE PUBLIC RIGHT-OF-WAY.

RIGHT-OF-WAY TEMPORARY USE PERMIT MEANS A PERMIT ISSUED TO ALLOW THE TEMPORARY USE OR RESTRICTION OF THE PUBLIC RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO, A STREET, SIDEWALK, OR DESIGNATED BICYCLE LANE.

RIGHT-OF-WAY USE PERMITS MEANS, COLLECTIVELY, REVOCABLE PERMITS, RIGHT-OF-WAY TEMPORARY USE PERMITS, AND REVOCABLE DOCKLESS BIKE SHARE PERMITS.

SECTION 2. Phoenix City Code Chapter 31 (Streets and Sidewalks),

Article VII (Temporary Use of Right-of-Way) is amended to add new Sections 31-85 and 31-86 as follows:

~~SEC. 31-85 — 31-89~~ Reserved

SEC. 31-85 REVOCABLE DOCKLESS BIKE SHARE PERMIT.

THE CITY MANAGER IS AUTHORIZED TO ISSUE AND ADMINISTER A REVOCABLE DOCKLESS BIKE SHARE PERMIT TO A DOCKLESS BIKE SHARE OPERATOR FOR THE TERM OF ONE YEAR AND SET FEES TO OPERATE A DOCKLESS BIKE SHARE SYSTEM IN THE PUBLIC RIGHT-OF-WAY.

SEC. 31-86 REVOCABLE DOCKLESS BIKE SHARE SYSTEM PERMIT REQUIRED.

A DOCKLESS BIKE SHARE OPERATOR MUST APPLY FOR, OBTAIN, COMPLY WITH, AND BE BOUND BY ALL REVOCABLE DOCKLESS BIKE SHARE SYSTEM PERMIT TERMS AND CONDITIONS.

SEC. 31-87 – 31-89 RESERVED

SECTION 3. Phoenix City Code Chapter 36 (Vehicles and Traffic), Article

IX (Bicycles), Section 36-97 is amended to read as follows:

36-97 Definitions.

FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT REQUIRES OTHERWISE, THE FOLLOWING TERMS, PHRASES, WORDS, AND THEIR DERIVATIVES SHALL HAVE THE MEANINGS GIVEN HEREIN:

Bicycle: A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen inches in diameter and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

FURNITURE ZONE MEANS THE AREA BETWEEN THE ROADWAY CURB FACE AND THE EDGE OF THE RIGHT OF WAY.

Owner: A person who holds the legal title to a bicycle, or if the bicycle is the subject of a lease or an agreement for the conditional sale thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or leasee, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be deemed the owner.

PARKLET MEANS A SMALL SEATING AREA OR PUBLIC SPACE CREATED AS A PUBLIC AMENITY ADJACENT TO A SIDEWALK.

PERSON MEANS A PERSON OR BUSINESS ASSOCIATION ORGANIZED AS PROVIDED BY LAW.

SECTION 4. Phoenix City Code Chapter 36 (Vehicles and Traffic), Article

IX (Bicycles), Section 36-114 is amended to read as follows:

~~36-114 Parking of bicycles.~~

~~Bicycles may be parked in or near the roadway only under the following conditions or circumstances: upon the roadway against the curb; upon the sidewalk in a rack to support the bicycle; against a building; or at the curb in such manner as to afford the least obstruction to pedestrian traffic.~~

SEC. 36-114 PARKING OF BICYCLES.

A. A PERSON VIOLATES THIS SECTION IF A PERSON FAILS TO PARK A BICYCLE:

1. IN AN UPRIGHT POSITION ON ASPHALT PAVEMENT, CONCRETE, OR A SIMILAR HARD SURFACE; OR
2. TO MAINTAIN A MINIMUM WIDTH OF 48 INCHES FOR PEDESTRIAN TRAVEL; OR
3. TO MAINTAIN UNIMPEDED ACCESS TO PUBLIC OR PRIVATE ENTRANCES; OR
4. TO MAINTAIN UNIMPEDED ACCESS TO ANY DESIGNATED BICYCLE DOCKING STATION TO PARK AND LOCK BICYCLES; OR

5. TO MAINTAIN VEHICULAR TRAVEL; OR
 6. IN AN AREA OR LOCATION DESIGNATED BY THE STREET TRANSPORTATION DIRECTOR; OR
 7. ON STREETS WITHOUT SIDEWALKS, BICYCLES MAY BE PARKED IF THE TRAVEL LANE(S) AND A MINIMUM 48 INCH PEDESTRIAN CLEAR ZONE ARE NOT IMPEDED.
- B. A PERSON VIOLATES THIS SECTION IF A PERSON PARKS A BICYCLE:
1. AT THE INTERSECTION OF TWO OR MORE SIDEWALKS; OR
 2. ON STREETS WHERE THE FURNITURE ZONE IS LESS THAN 3 FEET WIDE, OR WHERE THERE IS NO FURNITURE ZONE; OR
 3. ADJACENT TO OR WITHIN:
 - I. PARKLETS OR STREET EATERIES; OR
 - II. TRANSIT ZONES, INCLUDING BUS STOPS, SHELTERS, PASSENGER WAITING AREAS, BUS LAYOVER, AND STAGING ZONES, EXCEPT AT EXISTING BICYCLE RACKS; OR
 - III. LOADING ZONES; OR
 - IV. DISABLED PARKING ZONES; OR
 - V. STREET FURNITURE THAT REQUIRES PEDESTRIAN ACCESS (BENCHES, PARKING PAY STATIONS, BUS SHELTERS, TRANSIT INFORMATION SIGNS, OR KIOSKS); OR
 - VI. LANDSCAPED AREAS ADJACENT TO, OR WITHIN THE PUBLIC RIGHT-OF-WAY; OR
 - VII. CURB RAMPS; OR
 - VIII. WITHIN 10 FEET OF ENTRYWAYS AND EXITS.
- C. ANY PARKED BICYCLE VIOLATING SECTION 36-114(A) OR 36-114(B), OR PARKED IN ONE LOCATION FOR MORE THAN SEVEN CONSECUTIVE DAYS, MAY BE REMOVED BY THE CITY AND STORED AT THE EXPENSE OF THE BICYCLE OWNER.
- D. A BICYCLE OWNER MUST REMOVE ANY PARKED BICYCLE VIOLATING THIS SECTION WITHIN TWO HOURS OF THE CITY SENDING NOTICE.

E. THE CITY MAY ASSESS A FEE AGAINST THE BICYCLE OWNER TO RECOVER THE CITY'S COSTS AND EXPENSES TO REMOVE OR RELOCATE THE BICYCLE IF THE BICYCLE IS PARKED IN A PROHIBITED AREA.

F. THE CITY MANAGER MAY DESIGNATE AREAS WHERE BICYCLE PARKING IS PROHIBITED AND PERMITTED.

SECTION 5. The Street Transportation Department will utilize dockless bicycle rental data for the first six months after the effective date of this Ordinance to identify designated parking areas for dockless bicycles in the City. In addition, dockless bike share operators must implement "lock-to technology" on all dockless bike share system bicycles by February 1, 2019.

PASSED by the Council of the City of Phoenix this 5th day of July, 2018.

Theresa Williams
MAYOR

ATTEST:

[Signature]

ACTING
City Clerk

APPROVED AS TO FORM:

[Signature]

Acting City Attorney

REVIEWED BY:

[Signature]

City Manager



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