

AN ORDINANCE AMENDING CHAPTER 14 AND CHAPTER 19 OF THE CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 14, Motor Vehicles and Traffic, of the Code of the City of Charlotte is hereby amended as follows:

A. ARTICLE I. - IN GENERAL

1. Sec. 14-1. - DEFINITIONS.

- a. Amend Sec. 14-1. - Definitions by adding a definition in alphabetical order for “electric assisted bicycle.” The new definition shall read as follows:

Electric assisted bicycle means a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

- b. Amend Sec. 14-1. - Definitions by adding a definition in alphabetical order for “electric standup scooter.” The new definition shall read as follows:

Electric standup scooter means a device with no more than three twelve-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 15 miles per hour on a paved level surface. The device shall not exceed 50 pounds in weight.

- c. Amend Sec. 14-1. - Definitions by revising the definition of “motor vehicle” to exclude electric assisted bicycles and electric standup scooters. The revised definition shall read as follows:

Motor vehicle means every vehicle, which is self-propelled, and every vehicle designed to run upon the highways, which is pulled by a self-propelled vehicle. This does not include mopeds as defined in G.S. 105-164.3, electric assisted bicycles, or electric standup scooters.

- d. Amend Sec. 14-1. - Definitions by revising the definition of “vehicle” to include electric assisted bicycles and electric scooters. The revised definition shall read as follows:

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon fixed rails or tracks. For the purposes of this chapter, bicycles, electric assisted bicycles, and electric standup scooters shall be deemed vehicles, eEvery rider of a bicycle, electric assisted bicycle, or electric standup scooter upon a highway shall be subject to the sections of this chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by

design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7a).

- e. Amend Sec. 14-4. - Clinging to moving vehicles to include electric assisted bicycles and electric standup scooters. The revised section shall read as follows:

Sec. 14-4. - Clinging to moving vehicles.

It shall be unlawful for any person riding upon any bicycle, electric assisted bicycle, electric standup scooter, motorcycle, coaster, sled, roller skates, or any toy vehicle to attach such or himself to any streetcar or moving vehicle upon any roadway.

- f. Amend Sec. 14-1. - Child protection helmets to require persons under the age of 16 to wear a protective helmet while operating an electric assisted bicycle or an electric standup scooter and to make it unlawful for a parent knowingly to allow his child to operate an electric assisted bicycle or an electric standup scooter without a protective helmet. The revised section shall read:

Sec. 14-10. - Child protection helmets.

- (a) No person under the age of 16 shall use, operate or be a passenger on a bicycle, electric assisted bicycle, inline skates, roller skates, skateboard, or scooter on a public roadway, public bicycle path or other public right-of-way unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (b) No person under the age of 16 shall operate an electric standup scooter on a public roadway, public bicycle path or other public right-of-way unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (c) It shall be unlawful for a parent or guardian to knowingly allow his child or ward to so operate or ride a bicycle, electric assisted bicycle, electric standup scooter, inline skates, roller skates, skateboard, or scooter without wearing a protective helmet of good fit, fastened securely upon the head with straps of the helmet.
- (d) Such helmet shall meet or exceed the safety standards set forth by the U.S. Consumer Products Safety Commission, the American National Standards Institute, or the Snell Memorial Foundation.
- (e) A civil penalty may be waived as to any first-time violator upon presentation of evidence that the violator has purchased or procured an approved helmet and demonstrated the intention of using the helmet as required by law.

C. ARTICLE IV. - OPERATION OF VEHICLES

1. Sec. 14-130. - Driving on sidewalk.

- a. Amend Sec. 14-130. - Driving on sidewalk to authorize the operation of electric assisted bicycles and electric standup scooters on certain sidewalks. The revised section shall read:

Sec. 14-130. - Driving on sidewalk.

It shall be unlawful to drive or operate a vehicle upon any sidewalk or sidewalk area except at a permanent or temporary driveway. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles operated at a speed of no more than 15 miles per hour, and electric standup scooters, which may be operated on sidewalks, except as provided in section 14-251.

D. ARTICLE V. - STOPPING, STANDING AND PARKING

1. Sec. 14-216. - Illegal parking.

- a. Amend Sec. 14-216. - Illegal parking to authorize the parking of electric assisted bicycles and electric standup scooters on sidewalks. The revised section shall read:

Sec. 14-216.- Illegal parking.

(a) It shall be unlawful to stop, stand, or park a vehicle:

(9) On a sidewalk. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles, or electric standup scooters.

E. ARTICLE VI. - BICYCLES

1. Amend the title of Article VI. - BICYCLES to include electric assisted bicycles, and electric standup scooters.

- a. The revised article title shall read:

ARTICLE VI. – BICYCLES, ELECTRIC ASSISTED BICYCLES, AND ELECTRIC STANDUP SCOOTERS.

2. Sec. 14-251. - Riding on sidewalks.

- a. Amend Sec. 14-251. - Riding on sidewalks to prohibit operation of electric assisted bicycles and electric standup scooters on sidewalks located in uptown Charlotte. The revised section shall read:

Sec. 14-251. – Riding on sidewalks.

It shall be unlawful to operate a bicycle, electric assisted bicycle, or electric standup scooter upon the public sidewalks located within the area bounded by Church Street, Stonewall Street, College Street and 7th Street ~~congested business district as defined in section 6-434.~~ In the interest of public safety, the director shall be authorized to prohibit the operation of bicycles, electric assisted bicycles, and electric standup scooters on other sidewalks located in high pedestrian traffic areas. However, police officers acting in the discharge of their official duties are permitted to operate bicycles, electric assisted bicycles, and electric standup scooters upon all of the public sidewalks in the city, ~~including those sidewalks located within the congested business district.~~

3. Sec. 14-253. - Brakes required.
 - a. Amend Sec. 14-253.- Brakes required to require electric assisted bicycles and electric standup scooters to be equipped with a braking system. The revised section shall read.

Sec. 14-253. - Brakes required.

It shall be unlawful to operate a bicycle, electric assisted bicycle, or electric standup scooter on a street, alley, sidewalk or public highway of the city, unless it is equipped with a braking system in sufficient working order to control and stop the movement of the bicycle, electric assisted bicycle, or electric standup scooter.

4. Add a new Sec. 14-255 to prohibit more than one person riding upon an electric standup scooter. The new section shall read:

It shall be unlawful for more than one person to ride upon an electric standup scooter at a time.

5. Add a new Sec. 14-256 to authorize impoundment of bicycles, electric assisted bicycles, and electric standup scooters. The new section shall read:

Sec. 14-256. Impoundment of bicycles, electric assisted bicycles, and electric standup scooters.

The director, her designee, or any law enforcement officer of this city may impound any bicycle, electric assisted bicycle, or electric standup scooter operated or parked in violation of the provisions of this ordinance, retain possession of the same until ownership is established, issue a civil penalty in accordance with section 14-61; and dispose of the vehicle if ownership is not established and civil penalties are not paid within 90 days of issuance; provided that nothing herein contained shall be construed to limit the authority of law enforcement officers to take into custody any bicycle, electric assisted bicycle, or electric standup scooter believed to be stolen.

Section 2: Chapter 19, Streets, Sidewalks, and other Public Places is hereby amended as follows:

A. ARTICLE XV. – SHARED-USE MOBILITY SYSTEMS.

1. Add a new article in numerical order to address shared-use mobility systems. The new article shall read:

ARTICLE XV. SHARED-USE MOBILITY SYSTEMS

Sec. 19-361.-Purpose.

The purpose of this article is to provide for the proper management of the public rights-of-way to preserve the health, safety, and welfare of the citizens of the city. Specifically, this article is intended to provide for the reasonable regulation of operation of shared-use mobility systems located in the public rights-of-way.

Sec. 19-362.-Definitions.

Shared-use mobility system means dockless vehicles including bicycles, electric assisted bicycles, electric standup scooters, and/or devices similar in size, weight, and/or operation, offered for short-term rental for point to point trips whereby the vehicle is intended to remain placed in the public right-of-way when not being rented by a customer. This definition shall not include motor vehicles as defined by section 14.1, for-hire vehicles as defined by section 22.01, or the transportation services offered by the Charlotte Area Transit System.

Sec. 19-363.-Permit required.

- (a) It shall be unlawful to operate a shared-use mobility system within any public right-of-way without first obtaining a permit from the director. The permit shall, among other things:
- (1) Specify the term of the permit;
 - (2) Acknowledge the city's right to require the removal or relocation of any device operating under the permit;
 - (3) Provide for the defense and indemnification of the city, its officers, and employees for claims and suits arising out of the use of the right-of-way;
 - (4) Require suitable levels of insurance coverage;
 - (5) State the rights, if any, to assign or transfer rights or obligations without the prior consent of the city; and
 - (6) Acknowledge the city's full retention of its police power.

Sec. 19-364. - Administration and enforcement.

- (a) This article shall be administered and enforced by the director.
- (b) The director shall be authorized to:
- (1) Issue permits;
 - (2) Develop and revise permit requirements and guidelines;
 - (3) Establish and amend the maximum and/or minimum allowable number of vehicles authorized under the permit;
 - (4) Establish and revise permit fees;
 - (5) Establish and revise regulatory fees in accordance with section 2-1.
 - (6) Revoke permits for good cause. Good cause shall, among other things, include:
 - (a) Permittee failed to pay a fee and/or civil penalty within 30 days following notice of nonpayment;

(b) Permittee violated any statute or ordinance governing operation of the devices covered under the permit; or

(c) Permittee violated one or more conditions of the permit.

(c) The director, her designee, or any authorized employee of the city may impound any vehicle found in violation of this article and charge a civil penalty. The director or her designee is authorized to dispose of an impounded vehicle subject to this article if civil penalties are not paid within 90 days of issuance.

Sec. 19.365 - Civil penalties.

(a) A violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4. Any person who violates this article may be subject to all civil and equitable remedies stated in G.S. 160A-175.

(b) A violation of this article may be enforced by the issuance of a civil penalty in the amount of \$25.00 per vehicle.

(c) An additional late fee civil penalty in the amount of \$25.00 per vehicle may be assessed if the initial civil penalty is not paid or appealed within 30 days from the date of issuance.

(d) Civil penalties shall be issued against the permittee, permit holder, and/or business with ownership of the subject vehicles.

Sec. 19.366 - Appeals.

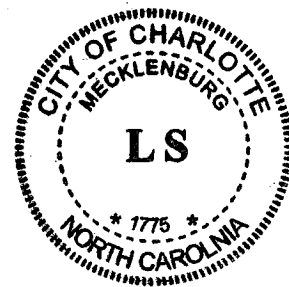
A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-25 of this Code.

Secs. 19.367 – 19.370. – Reserved.

Section 3. This ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Interim Hope A. Root
City Attorney



CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of January, 2019, the reference having been made in Minute Book 147 and recorded in full in Ordinance Book 62, Page(s) 29-34.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 14th day of January, 2019.

Emily A. Kunze
Emily A. Kunze, Deputy City Clerk, NCCMC