

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2019-0004

Sponsored by: <b>County Executive Budish/Department of Sustainability</b>	<b>An Ordinance</b> enacting Chapters 1303 and 723 of the Cuyahoga County Code authorizing Bicycle and Scooter Share Licensing.
Co-sponsored by: <b>Councilmembers Simon and Miller</b>	

WHEREAS, the County Executive/Department of Sustainability has recommended bicycle and scooter share licensing to ensure accountability, reliability, and safety in Cuyahoga County’s bicycle and scooter share network; and

WHEREAS, the purpose is to regulate dockless bike and scooter share operators in the County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Chapter 1303 of the Cuyahoga County Code is hereby enacted to read as follows:

### **Chapter 1303: Bicycle and Scooter Share Licensing**

#### **Section 1303.01**

(A) As used in this Chapter:

“Bicycle and Scooter Share Program” means a transportation program within Cuyahoga County that allows users to rent bicycles, scooters, and other modes of transportation that do not require a state license for operation for point-to-point trips.

“Bicycle and Scooter Share Company” means an entity licensed to do business in the State of Ohio that operates a Bicycle and Scooter Share program.

(B) The Cuyahoga County Department of Sustainability may issue a Bicycle and Scooter Share license and charge a license fee and per trip fee to entities that apply for a license issued in accordance with rules adopted under this chapter. The term of any license issued under this chapter shall be set by the Cuyahoga County Department of Sustainability and shall not exceed five years commencing on the date of issuance. Approval of such licenses shall not be subject to the requirements

of Chapter 501 of this Code. The Director of Sustainability may place a cap on the total number of licenses issued prior to December 31, 2020.

- (C) The Director of Sustainability shall adopt rules and a fee schedule in accordance with Chapter 113 of the Cuyahoga County Code for purposes of maintaining an orderly Bicycle and Scooter Share network within Cuyahoga County, issuing licenses to Bicycle and Scooter Share companies, and setting a license fee and per trip fee.
- (D) Any Bicycle or Scooter Share Company that receives a license under this chapter and either violates the terms of the license or fails to pay the fees established under this Chapter may have their license revoked. No entity shall operate a Bicycle and Scooter Share company in Cuyahoga County without a valid license issued under this Chapter. Any entity that operates a Bicycle and Scooter Share Company in Cuyahoga County without a license issued under this chapter shall be fined an amount equal to twice the current cost of a license, determined as of the date of the citation, as established in the fee schedule adopted under this chapter. The Director of Sustainability may deny issuing a license to any entity that has previously received a license and violated the terms of that license. The Director of Law may, on behalf of the County Executive, bring civil enforcement action to collect any fines or fees due under this Chapter.
- (E) The Director of Sustainability may enter into agreements with municipalities within Cuyahoga County to expand Bicycle and Scooter Share operations throughout the County and to distribute or direct payment of the per trip fees collected to the municipalities in accordance with the rules adopted pursuant to this Chapter.
- (F) All monies remitted directly to Cuyahoga County shall be deposited into the Bicycle and Scooter Share Fund established pursuant to Chapter 723 of this Code.

**SECTION 2.** Chapter 723 of the Cuyahoga County Code is hereby enacted as follows:

### **Chapter 723: Bicycle and Scooter Share Fund**

#### **Section 723.01 Bicycle and Scooter Share Fund Established**

- (A) There is hereby established the Bicycle and Scooter Share Fund. The Director of Sustainability shall be responsible for the administration of the Fund in accordance with the Contract and Purchasing Procedures as codified in Chapter 501 of this Code. The Bicycle and Scooter Share Fund may be used to pay costs of, or reimbursement for, the cost of administering Bicycle and Scooter Share licensing, for improvements to Cuyahoga County's bicycle and scooter share infrastructure, and to distribute the per trip fee with municipalities that enter an agreement pursuant to Chapter 1303.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Ms. Brown, the foregoing Ordinance was duly enacted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma and Brady

Nays: None

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County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Clerk of Council

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Date

First Reading/Referred to Committee: March 12, 2019

Committee(s) Assigned: Education, Environment & Sustainability

Additional Sponsorship Requested on the Floor: March 12, 2019

Legislation Substituted in Committee: April 4, 2019

Committee Report/Second Reading: April 9, 2019

Additional Sponsorship Requested on the Floor: April 23, 2019

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April 23, 2019