

ORDINANCE NO. 5388

AN ORDINANCE to amend Title 9 (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Chapter 16 (SHARED MICROMOBILITY DEVICES FOR HIRE, PERMIT PROGRAM).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Chapter 16 as follows:

Chapter 16 - Shared Micromobility Devices For Hire, Permit Program

Sec. 9-16-1 – Purpose, Persons Covered, and Administration

A. Purpose. The purpose of this section is to regulate shared Micromobility Devices for hire in the City of Alexandria, the operation of such services for hire, the qualification of businesses providing such services through this issuance of Permits, and the compliance and enforcement of such Permits in order to preserve the health, safety, and welfare of residents and the public at-large, achievement of City transportation goals and objectives, as well as assuring competition among providers that results in high quality Micromobility Devices throughout the City.

B. Persons covered. Any person who provides Micromobility Devices for hire or applies to provide such service in the City of Alexandria shall be governed by the provisions of this chapter.

C. Unless otherwise stated, the director of Transportation and Environmental Services or designee shall be charged with administering the provisions of this chapter.

Sec. 9-16-2 - Definitions

The following words and terms, when used in this section, shall have the following meaning unless context clearly indicates otherwise:

A. “Applicant” means any individual, company, corporation, partnership or other such legal entity that seeks a Permit, or an amendment, modification, or revision to such Permit.

B. “Corral” means a space designated, through signage or marking, specifically for parking of Micromobility Devices.

C. “Micromobility Business” means the entity providing Micromobility Devices for hire. These businesses rely on the right-of-way to store Micromobility Devices for customer access and use. Micromobility Businesses shall not include regional multi-jurisdictional or City-provided shared transportation services.

D. “Micromobility Device” or “Device” means a small, fully or partially electric, battery, or

gas-powered vehicle that is designed for personal transport and often shared for short, point to point trips. Micromobility devices include, but are not limited to, motorized skateboards or scooters, electric power-assisted bicycles, and electric personal assistive mobility devices. Such definition excludes "wheelchairs" and "other power-driven mobility devices" as those terms are defined in Virginia Code 10.1-204.

E. "Micromobility Service" means the service provided by a Micromobility Business.

F. "Permit" means the permit issued by the City of Alexandria to a Micromobility Business as provided in this chapter.

G. "Permit holder" means any entity that has been granted a Micromobility Business Permit.

H. "Permit Term" means the period for which a Permit is effective, as defined by the city manager or designee in the Permit application.

I. "Revoke" or "revocation" means the removal of rights and privileges conferred through a Permit.

J. "Suspend" or "suspension" means the temporary removal of rights and privileges conferred through a Permit.

Sec. 9-16-3 - Micromobility Business Permit Application

A. Permit Required. A Micromobility Business seeking to operate a fleet of Micromobility Devices for public hire must make a Micromobility Business Permit (Permit) application to the city manager or designee in compliance with this chapter and the application rules and procedures promulgated by the city manager or designee.

B. It shall be unlawful for any person knowingly to make or cause to be made, either directly or indirectly, any materially false statement on any application, accompanying documents or reports submitted pursuant to this chapter. Any such application containing a materially false statement may be rejected by the city manager or designee. Upon rejection of the application due to such a false statement, the Applicant shall not be permitted to resubmit an application for a period of two (2) years after the date of the application containing the false statement(s).

C. Application Fee. A non-refundable application fee shall be paid upon submission of an application for a new Permit.

Sec. 9-16-4 - Establishing City Permit Cap; Evaluation of Applications; Initial Micromobility Device Permit Allocations

A. Citywide Permit Cap. This ordinance authorizes the city manager or designee to establish, modify, or eliminate a cap on the total number of Micromobility Devices permitted to operate under this program when the city manager or designee determines that such action is appropriate considering factors such as the public's safety, health and welfare, as well as any other factors or

considerations included as application evaluation criteria below.

B. **Application Evaluation and Criteria.** The city manager or designee will evaluate each application and notify the Applicant in writing about its decision to approve or deny an application. In making such an approval or denial, the city manager or designee may consider the established Citywide Permit Cap on total number of Micromobility Devices in the City, the compliance with the requirements of this chapter, demand for services, support for an open marketplace, the goals as outlined through the guiding principles of the Alexandria Mobility Plan, any other application rules and procedures promulgated by the city manager or designee, and any other relevant information as the city manager deems appropriate.

C. An Applicant must request an initial allocation of Micromobility Devices. In consideration of the application evaluation criteria listed above, the city manager or designee will determine the initial number of Micromobility Devices approved under the Permit. The Applicant must pay an application fee, a permit fee, and a per device operations fee amount outlined in the permit application for each approved Micromobility Device for a three-hundred and sixty-five (365) day Permit Term. The fee structure shall be set by resolution of City Council. This fee will be pro-rated if an application is processed and approved for any Permit Term of less than three-hundred and sixty-five (365) days.

Sec. 9-16-5 - Changes in the Number of Permitted Micromobility Devices per Permit holder

The Permit holder is responsible for maintaining its fleet size within the City to no more than one hundred and five percent (105%) of their permitted number of Micromobility Devices, subject to provisions below.

A. Increases.

1. A Permit holder may request in writing to the city manager or designee, no more than once per quarter, a Permit Amendment to expand its fleet by a maximum of fifty Micromobility Devices. For amendment approval, the Permit holder shall demonstrate compliance with this chapter's requirements and:

a. Usage that demonstrates the maximum permitted Micromobility Devices are being consistently used; or

b. A portion of the additional devices would be deployed at public transportation hubs or in equity area as defined by the permit.

2. The request must be accompanied by an amendment application fee amount outlined in the permit application. For every approved additional Micromobility Device, the per device operations fee must be paid, but such fee will be pro-rated with respect to the original Permit Term.

3. Such expansion requests may or may not be approved pursuant to considerations under Section 9-16-4.

B. Decreases.

1. The city manager or designee may decrease the Permit holder's permitted fleet size by any amount when the Permit holder does not meet Code Provisions or permit requirements.
2. The city manager or designee may also decrease the Permit holder's permitted fleet size at renewal pursuant to considerations under Section 9-16-4.
3. Permit fees shall not be refunded to the Permit holder in the event that their permitted fleet size is decreased for failure to meet the Code provisions or permit requirements.

Sec. 9-16-6 - Permit Renewal Fee and Terms

A. Term. Subject to compliance with the requirements of this chapter, each Permit is valid for a Permit Term as defined by the city manager or designee in the Permit application.

B. Renewal.

1. If the City receives requests for fewer Micromobility Devices than the fleet cap as determined by the city manager, the City may renew. If the City receives requests for greater Micromobility Devices than the fleet cap as determined by the city manager, all parties shall submit new applications.
2. To continue service for an additional term, the Permit holder shall send a written request to the city manager or designee with its permit fee and per device operations fee at least thirty (30) calendar days before the end of the Permit Term. Upon renewal, the Permit holder is responsible for paying the per-device operations fee as specified in their Permit, or as amended by the City Council. Such fee is nonrefundable.
3. The city manager or designee may limit the fleet size eligible for renewal pursuant to considerations under Section 9-16-4.

C. Non-renewal. If the Permit holder decides not to renew the Permit, Permit holder must provide the City at least thirty (30) calendar days written notice prior to the end of the Permit Term of its intent not to renew. Failure to remove all Micromobility Devices from the City right-of-way and streets prior to expiration of the non-renewed Permit may result in confiscation of the Micromobility Devices. The City has the right to charge for the costs of removal and may utilize the surety bond to pay fees.

Sec. 9-16-7 - Business License Requirement

All applicants shall possess a valid City of Alexandria Business License.

Sec. 9-16-8 - Insurance Requirements

A. Insurance.

The Permit holder must provide to the city manager or designee a Certificate of Insurance indicating that the Permit holder has in force at a minimum the coverages below to cover damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of Micromobility Devices, and which holds the city harmless for any such claims. The Permit holder must maintain this coverage until the completion of the Permit. All required insurance coverage must be acquired from insurers that are authorized to do business in the Commonwealth of Virginia, with a rating of “A-” or better and a financial size of “Class VII” or better in the latest edition of the A.M. Best Co. Guides.

1. Workers Compensation - Virginia statutory workers compensation (W/C) coverage, including Virginia benefits and employer’s liability with limits of \$100,000/100,000/500,000.
2. Commercial General Liability - \$1,000,000 per occurrence, with \$2,000,000 annual aggregate covering all premises and operations and including personal injury, completed operations, contractual liability, independent contractor, and products liability. Evidence of contractual liability coverage must be typed on the certificate.
3. Business Automobile Liability - \$1,000,000 combined single-limit (owned, non-owned and hired).
4. Additional Insured – The City and its officers, elected and appointed officials, employees and agents must be named as additional insureds on all policies except workers compensation and automotive and professional liability; and the additional insured endorsement must be typed on the certificate.
5. Cancellation - If there is a material change or reduction in or cancellation of any of the above coverages during the Permit Term, Operator must notify the City immediately and must, with no lapse in coverage, obtain replacement coverage that is consistent with this ordinance.
6. Claims-Made Coverage - Any “claims made” policy must remain in force, or Operator must obtain an extended reporting endorsement, until the applicable statute of limitations for any claims has expired.
7. Contract Identification - All insurance certificates must state the permit’s title. If a purchased insurance policy is furnished, the minimum amount of coverage will be:
 - a. For injury to one (1) person in any one (1) accident: one hundred thousand dollars (\$100,000.00)
 - b. For injury to two (2) or more persons in any one (1) accident: three hundred thousand dollars (\$300,000.00)
 - c. For property damage in any one (1) accident: fifty thousand dollars (\$50,000.00)

If a combination of self-insurance and a policy of insurance is approved, such combination will

provide the coverage specified above.

8. The Permit holder must disclose to the City the amount of any deductible or self-insurance component of any of the required policies. With the City's approval, the Permit holder may satisfy its obligations under this section by self-insurance for all or any part of the insurance required, provided that the Permit holder can demonstrate sufficient financial capacity. To do so, the Permit holder must provide the City with its most recent actuarial report and a copy of its self-insurance resolution.

The City may request additional information to determine if the Permit holder has the financial capacity to meet its obligations under a deductible and may require a lower deductible; that funds equal to the deductible be placed in escrow; a certificate of self-insurance; collateral; or another mechanism to guarantee the amount of the deductible and ensure protection for the City.

9. The City's acceptance or approval of any insurance, or any event of cancellation of the policy, will not relieve the Permit holder from any liability or obligation imposed by Permit documents.

10. The Permit holder is responsible for the for all materials, tools, equipment, appliances and property used in connection with the Permit. The Permit holder assumes all risks for direct and indirect damage or injury to the property used or persons employed in connection with any activities associated with the Permit and for all damage or injury to any person or property, wherever located, resulting from any action, omission, commission or operation under the Permit or in connection in any way whatsoever with the activities performed pursuant to the Permit. The Permit holder's insurance shall be the primary non-contributory insurance for any work performed or activities or services provided for under the Permit.

11. The Permit holder is as fully responsible to the City for the acts and omissions of its sub-contractors and of persons employed by them as it is for acts and omissions of persons whom the Permit holder employs directly.

B. Failure to have the required insurance throughout the permitted term is grounds for termination of the Permit.

Sec. 9-16-9 - Surety Bond

The Permit holder shall maintain a surety bond which the City of Alexandria may use to pay costs related to removing and storing devices that are abandoned or do not comply with these Permit requirements, if such costs are not borne by the Permit holder.

The amount of the surety bond shall be Twenty-Five Dollars (\$25.00) for each Micromobility Device. The Permit holder shall increase the amount of the surety bond to reflect any approved amendment that increases the Permitted fleet size.

Sec. 9-16-10 - Suspension or Revocation of Permits; Hearing Procedure

A. The city manager may, after providing the opportunity for a hearing as provided herein, suspend or revoke a permit issued under the provisions of this chapter if the city manager finds that such person has violated any provision of this chapter on three or more occasions within a 12-month period.

B. Prior to ordering the suspension or revocation of a permit, the city manager shall notify, in writing, the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the city manager, by the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10 business day period, the permit shall be suspended or revoked by order of the city manager, and the suspension or revocation shall be final.

C. If the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the permit holder at a time and place designated by the city manager. If, after the hearing and consideration of the facts, the City manager or designee determines that a suspension or revocation is warranted, then the Permit holder shall be so notified in writing within 10 days of the hearing and the Permit shall be suspended or revoked as provided in such notice. Such action shall be effective upon receipt by the Permit holder of such written notice, by certified mail or hand delivery.

D. If the city manager or designee revokes a Permit, then the prior holder of the revoked Permit shall not engage in the Micromobility Business in the City of Alexandria, unless and until the prior permit holder reapplies for a permit in accordance with the application process of this chapter and is issued a permit. The prior permit holder shall be entitled to reapply for a permit not sooner than three hundred and sixty-five (365) calendar days after the effective date of the revocation.

Sec. 9-16-11 - Service Requirements

A. User safety training. Upon registration, the Permit holder shall require each rider to review the Permit holder's safety and etiquette rules and regulations, rider requirements pursuant to the Alexandria City Code, and any State laws applicable to the operation of these Micromobility Devices. The Permit holder shall regularly offer free instruction to interested persons on how to use their Micromobility Devices.

B. Customer Service. The Permit holder shall have a customer service phone number for reporting safety concerns, complaints and questions that is live twenty-four (24) hours a day and has a Spanish language ability.

C. Parking.

1. The Permit holder shall ensure that its Micromobility Devices are parked in accordance with the requirements of this chapter, permit requirements, and in compliance with all State and local laws.

2. Permit holders shall work to ensure that Micromobility Devices are parked in a manner that does not impede pedestrian access; does not obstruct access to fire hydrants and valves, street furniture, crosswalks, driveways, or private property; does not damage landscaping, street trees or other aesthetic features; and does not interfere with traffic or bus stop operations or operation and use of Capital Bikeshare stations.

3. Micromobility Devices are not permitted to park in one location longer than five (5) consecutive days without moving.

4. Within two (2) hours of reporting by the City or others, the Permit holder shall correct a Micromobility Device parked in violation of this section or otherwise in conflict with applicable laws and regulations.

5. Permit holders shall deploy devices in a corral if one exists on the block face of a staging location, assuming there is adequate room for additional devices.

6. Failure to adhere to these parking requirements may result in the City removing the Micromobility Device, with the Permit holder responsible for all costs associated with removal and storage of Micromobility Devices so removed, in addition to any applicable fines or fees, or other penalties as appropriate under the law. The City may consider Permit holder's Micromobility Devices abandoned and dispose of them if the Permit holder fails to retrieve the Device within seven (7) days upon being notified of removal and storage. Notwithstanding, the City's ability to remove improperly parked Micromobility Devices, such removal shall not waive any other legal remedies available to the City, including but not limited to, the city manager's or designee's authority to pursue suspension or revocation of a Permit holder's Permit for any violation of this chapter.

7. Service Requirements in the Interest of Equity: The city manager or designee may establish, in consultation with Permit holders, equity requirements to ensure that access to these services is made as broad as possible among members of the community. The baseline requirements are as follows:

a. A minimum of thirty percent (30%) of Permit holder's Micromobility Devices in service must be deployed in equity areas as defined in the permit application. The city manager or designee may amend the percentage or geographic specificity of the distribution requirements.

After such consultation, baseline elements of the equity requirements may be modified at the city manager's or designee's discretion.

D. Emergencies. Upon the request of the city manager or designee, due to emergency, severe weather, construction, parade, public gathering or other situation affecting the normal operation of the right-of-way including sidewalks and trails, the Permit holder shall collect and secure all of, or a portion of, its owned or controlled Micromobility Devices to a location outside of the public right-of-way or to a location that does not otherwise impede the City's access and response to the situation for the duration of the situation.

E. Communication. Except as otherwise specified in this chapter, the Permit holder shall respond within five (5) business days regarding issues or questions raised by the City, in meetings, through telephone inquiries, or any other form of correspondence.

F. Operations Center. The Permit holder shall have a staffed operations center in the Washington, D.C. region to adequately and timely address any operational concerns that arise from providing service in the City.

Sec. 9-16-12 - Micromobility Devices; Equipment Requirements

A. Equipment requirements. The following requirements shall apply to all Micromobility Devices:

1. Every Device shall be so constructed and shall be maintained as to provide for the safety of the rider and the public, for continuous and satisfactory operation and otherwise in compliance with all federal and state vehicle requirements.

2. Every Device shall comply with Virginia Code §46.2-1015 requiring both headlight and taillight. The headlight and taillight shall illuminate for at least ninety (90) seconds after the Device comes to a complete stop.

3. Every Device in operation shall have functioning brakes and a bell.

4. The Permit holder shall provide visible safety language on every Device.

5. The Permit holder shall ensure each deployed Device is fully operable, free of defects, conforms to relevant safety standards and is well-maintained and clean

6. If a Permit holder's Device is reported in need of maintenance and/or cleaning, the Permit holder shall immediately prevent further use of the Device, and within one (1) day of notification, shall remove it from City right-of-way.

B. New Device or Device Component. The Applicant or Permit holder shall not deploy any Device or Device component before receiving approval by the City manager or designee. The Applicant or Permit holder shall furnish design specifications, any applicable certifications of compliance with safety standards and illustrative images of the Device or Device components. Upon request by the City, the Applicant or Permit holder shall provide an opportunity for the city manager or designee to physically inspect and test-ride the same model proposed for deployment. Such inspecting or testing shall not constitute any warranty by the City.

C. Vehicle Identification. The Permit holder shall have its customer service phone number, email address, website, company logo on every Micromobility Device that is in service within the City. This information shall be provided in a minimum size of sixteen (16) point font. Each Micromobility Device shall also have a unique identifying number which shall be in at least forty-eight (48) point font. All the information in this paragraph shall also be provided on the Micromobility Device in braille, which shall be on the stem near the handlebars if handlebars are

present.

Sec. 9-16-13 - Records and Reports

The Permit holder shall maintain and provide to the city manager or designee information, plans, documents, and data at a level of detail, format, and frequency as required by rules and procedures promulgated by the city manager or designee sufficient to allow the city manager or designee to accurately determine permit compliance, evaluate system performance and impact, and answer other planning, research, regulatory, and compliance questions.

Sec. 9-16-14 - Public Safety

A. The Permit holder shall report to the city manager or designee, or shall respond to reports by the city manager or designee, within twenty-four (24) hours, of any known issues which could affect public safety, including but not limited to reports of criminal activity involving their Micromobility Devices, reports of any crash with a fatality or hospitalized injury involving the Permit holder's Micromobility Devices, any contact with the Alexandria Police Department, any contact with Alexandria Fire or EMS, or any defects in equipment including but not limited to fires, tampering, damaged/leaking batteries, electrical issues or charging issues.

B. Restricting Services. In the interest of public safety and welfare, the city manager or designee may determine certain areas of the City in which Micromobility Devices are not permitted to park or must operate at lower speeds. A list of such time and place restrictions shall be maintained by the city manager or designee, shall be subject to amendment by the city manager or designee, and shall be made available to the public.

Section 2. That Title 9 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JUSTIN M. WILSON
Mayor

Final Passage: November 13, 2021