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NOTICE OF MEETING

CITY COUNCIL

- Joe Frank**
President
- Sara Continenza**
- Joe Frank**
- Chanell Elston**
- Jane Goodman**
- Ruth Gray**
- Susan Hardy**
- Justin Tisdale**

MEETING OF: **SAFETY COMMITTEE**

CALLED BY: JOE FRANK, CHAIRMAN

DATE: **NOVEMBER 23, 2020**

LOCATION: Virtual WebEx Meeting

TIME: 6:00 P.M.

RE: Ord. 17-20 County Program for E-Scooters & Bicycles
Res. 61-20 County MOU for E-Scooters & Bicycles

COMMITTEE MEMBERS:

CHANELL ELSTON
JUSTIN TISDALE

MEMBERS OF COUNCIL:

SARA CONTINENZA
JANE GOODMAN
RUTH GRAY
SUSAN HARDY

ADMINISTRATION:

KEITH BENJAMIN, COMMUNITY SERVICES DIRECTOR
MICHAEL LOVE, ECONOMIC DEVELOPMENT DIRECTOR
JIM ANDERSON, SERVICE DIRECTOR

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 17-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

AN ORDINANCE

AN ORDINANCE CREATING NEW SECTION 311.06 "OPERATION OF SHARED MOTORIZED ELECTRONIC SCOOTERS AND BICYCLES" OF CHAPTER 311 "STREET OBSTRUCTIONS AND SPECIAL USES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Cuyahoga County has entered into an agreement with various vendors to encourage the use of mobility devices throughout the County wherein a municipality may opt-in to the agreement; and

WHEREAS, under the agreement, municipalities that opt-in will receive a \$0.15 per trip fee for all trips that originate within that municipality; and

WHEREAS, Cuyahoga County has requested that any municipality that opts-in to the agreement for the use of shared mobility devices within its jurisdiction agree that the County will have sole business licensing authority and the City of Cleveland because of its central location and likely majority of devices be the only City in the County with permitting authority for said devices; and

WHEREAS, each municipality that opts-in to the agreement may direct where the charging stations for the mobility devices will be located within its boundaries and may further enact and enforce its own laws and regulations concerning traffic and the public right-of-way as they relate to mobility devices; and

WHEREAS, the cities of Cleveland, Cleveland Heights, Euclid, Lakewood, Shaker Heights, South Euclid, and University Heights, along with Cuyahoga County, have worked collaboratively in an attempt to establish uniform guidelines and regulations governing the usage of mobility devices for the benefit and ease of the users; and

WHEREAS, this Council recognizes that shared mobility is key to reducing environmental impact, decreasing motor vehicle traffic, and improving access to other forms of transportation; and

WHEREAS, the rental of shared mobility devices and bicycles is a fast-emerging industry; and

WHEREAS, the City of South Euclid has experienced some impact by the presence of these devices; and

WHEREAS, establishing regulations for shared mobility devices is critical to ensuring the health, safety, and well-being of shared mobility riders, pedestrians and other users of the public right-of-way, and the general public.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1. That Section 311.06 "Operation of Shared Motorized Electronic Scooters and Bicycles" of Chapter 311 "Street Obstructions and Special Uses" of Part Three "Traffic Code" of the Codified Ordinances of South Euclid is hereby amended to read as follows:

DEFINITIONS

(a) "Electronic scooter" or "e-scooter" means a two-wheeled device that has handlebars, a floor board, designed to be stood upon when operating and is powered by electricity. Some devices of this type are equipped with a seat, but none has operable pedals. The electricity is stored on board in a rechargeable battery.

(b) "Mobility device" means small mobility devices, such as an e-scooter, e-bike or other similar device. A mobility device does not include those designed solely for use by a child, those used as assistive mobility devices by persons with disabilities, or those defined as an electric personal assistive mobility device.

(c) "Shared mobility device and bicycle vendor" means an entity approved to use/occupy the public right-of-way for offering shared mobility devices, such as a bicycle, scooter, e-bike, e-scooter, or any other mobility device, to subscribers on a fee basis subscription for short-term rental in point-to-point trips.

CODE APPLICATION TO BICYCLES AND MOBILITY DEVICES.

(a) The provisions of this Traffic Code that are applicable to bicycles or mobility devices apply whenever a bicycle or mobility device is operated upon any street or upon any path set aside for the exclusive use of bicycles or mobility devices.

(1) Except as provided in subsection (a3) of this section, a bicycle or mobility device operator who violates any section of this Traffic Code described in section (a) of this section that is applicable to bicycles or mobility devices may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or mobility device shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(2) Except as provided in subsection (a3) of this section, in the case of a violation of any section of this Traffic Code described in section (a) of this section by a bicycle or mobility device operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle or mobility device riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle or mobility device operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(3) The provisions of this Traffic Code shall apply to bicycles and mobility devices except those which by their nature are not applicable.

RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(a) No person operating a bicycle or mobility device shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or mobility device other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or mobility device other than upon such a firmly attached and regular seat.

(b) No person operating a bicycle or mobility device shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(c) No bicycle, mobility device, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

ATTACHING BICYCLE, MOBILITY DEVICE, OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, coaster, mobility device, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, mobility device, roller skates, sled or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(c) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.54)

RIDING BICYCLES, MOBILITY DEVICES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles, mobility devices, or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(b) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.55(B))

LIGHTS AND REFLECTOR ON BICYCLE OR MOBILITY DEVICE; BRAKES.

- (a) Every bicycle or mobility device when in use shall be equipped with the following:
- (1) A lamp mounted on the front of either the bicycle, mobility device or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
 - (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
 - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.
- (c) Every bicycle or mobility device shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56)

RIDING BICYCLE OR MOBILITY DEVICE ON RIGHT SIDE OF ROADWAY;
OBEDIENCE TO TRAFFIC RULES; PASSING.

- (a) Every person operating a bicycle or mobility device upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) This section does not require a person operating a bicycle or mobility device to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or mobility device and an overtaking vehicle to travel safely side by side within the lane. (ORC 4511.55)
- (c) No person operating a mobility device should do so on any streets with a speed limit over 35 miles per hour unless in a dedicated bike lane or shared use path.
- (d) Any person operating a bicycle or mobility device shall:
- (1) Obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer;
 - (2) Before changing course, turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required by the Traffic Code;
 - (3) Yield the right of way to pedestrian and vehicular traffic upon the roadway as lawfully required;
 - (4) Yield the right of way to a pedestrian upon a sidewalk;
 - (5) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.
- (e) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.55(A))

RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle or mobility device:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(c);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.
- (b) No person operating an e-scooter shall exceed a speed greater than 15 miles per hour.

PARKING OF BICYCLE OR MOBILITY DEVICE; SIDEWALK RIDING.

- (a) No person shall park a bicycle or mobility device upon a sidewalk in such a manner so as to unduly interfere with pedestrian flow. This includes ADA ramps, areas departing to and from buildings, and at transit stops.
- (b) Where bicycle or mobility device racks or other such devices to park bicycles or mobility devices are provided in a commercial area, park, school or other such place, no person shall park a bicycle or mobility device in such area, except in the rack provided or other fixture designated for such purpose.
- (c) No person shall park a bicycle or mobility device upon any street including parking spots and loading zones so as to unduly interfere with vehicular traffic.
- (d) All bicycles and mobility devices must be parked in an upright position.
- (e) A bicycle, mobility device, or skateboard may be operated or ridden upon any public sidewalk in the City except where signs are erected prohibiting such operation.
- (f) Whoever violates this section is guilty of a minor misdemeanor

REGISTRATION AND TAG REQUIRED.

Mobility devices registered to a Shared Mobility Device and Bicycle Vendor are exempt from local registration, licensing and tagging requirements.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 61-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

October 26, 2020

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CUYAHOGA COUNTY FOR THE PURPOSE OF ESTABLISHING AND REGULATING AN ELECTRONIC SCOOTER AND BIKE SHARING PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Cuyahoga County has contracted with multiple vendors that will provide electronic scooter and bike sharing services throughout the County; and

WHEREAS, City Council has passed Ord. 17-20 to allow for electronic bicycles and scooters to operate in the City of South Euclid; and

WHEREAS, City Council desires to enter into this MOU with Cuyahoga County so that the County can establish and regulate an electronic scooter and bike sharing program in the City of South Euclid.

NOW, THEREFORE, BE IT RESOLVED by the Council of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Mayor to enter into a Memorandum of Understanding with Cuyahoga County to establish and regulate an electronic scooter and bike sharing program in the City of South Euclid.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents and shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

MEMORANDUM OF UNDERSTANDING

by and between

CUYAHOGA COUNTY, OHIO

and

CITY OF SOUTH EUCLID, OHIO

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into this ____ day of _____, 2020 (“effective date”), by and between the County of Cuyahoga, Ohio (hereinafter called the “COUNTY”) and the City of SOUTH EUCLID, OHIO (hereinafter called “CITY”)

WHEREAS, the County has adopted an ordinance enacting Chapters 723 and 1303 of the Cuyahoga County Code authorizing Bicycle and Scooter Share Licensing; and

WHEREAS, Chapter 1303 of the Cuyahoga County Code authorizes the Director of Sustainability to enter into agreements with municipalities within Cuyahoga County to expand Bicycle and Scooter Share operations throughout the County and to distribute payment of fees collected under the Bicycle and Scooter Share program to the municipalities;

The County and CITY hereto agree as following understanding:

I. County Responsibilities

- A. The County will direct all Bicycle and Scooter Share companies that have a license from the County (“Companies”) to remit the per trip fee established under County Code § 1303.01(C) directly to CITY for all trips that originated in CITY on a monthly basis. The County will direct the Companies to send these payments to the following address or account:
CITY OF SOUTH EUCLID
1349 South Green Road
South Euclid, OH 44121
- B. The County will provide CITY with contact information, including a local representative, for all Companies, regardless of whether they are operating within CITY.
- C. The County will direct any of the Companies that plan on operating within CITY to maintain a minimum and/or maximum number of bicycles, scooters, and other micro-mobility devices as determined by CITY in its sole discretion if it chooses to set such a limit.
- D. The County will direct any of the Companies that plan on operating within CITY of any locations within CITY that CITY has determined in its sole discretion as locations where

bicycles, scooters, and other micro-mobility devices in the Bicycle and Scooter Share program will be rebalanced.

- E. The County will share any data provided by the Companies with CITY upon request and under the same terms and conditions by which the data is shared with the County.
- F. The County will require all Companies to provide adequate insurance and indemnification to CITY, regardless of whether they are operating within CITY.

II. CITY responsibilities

- A. CITY will provide the County, if they desire, any minimum and/or maximum number of bicycles, scooters, and other micro-mobility devices it requires any of the Companies to maintain before operating within CITY. CITY will provide the County with notice of any change to these numbers.
- B. CITY will provide the County with any locations within CITY that CITY has set as locations where bicycles, scooters, and other micro-mobility devices in the Bicycle and Scooter Share program will be rebalanced. CITY will provide the County with notice of any changes to these locations.
- C. CITY will refrain from requiring Companies to obtain additional permits, licenses, or other authorizations before operating within CITY. This section does not prohibit CITY from enacting and enforcing its own laws and regulations concerning traffic, the public right-of-way, and other similar areas.

III. Term - This MOU shall begin on the effective date and shall have no expiration. This MOU may be terminated by either party by written notice, effective upon receipt.

IV. Amendment - This MOU constitutes the entire agreement of the parties in the subject matter hereof and may not be changed or modified except by written agreement executed by the COUNTY and CITY.

V. Indemnification – Both parties acknowledge that as political subdivisions of the State of Ohio, neither party is obligated to indemnify the other party under this MOU. CITY does not guarantee that the sidewalks and roadways where bicycles, scooters, and other micro-mobility devices will be parked and used are suitable for such purpose and the parties agree to hold each other harmless against any claims regarding the suitability of the sidewalks and roadways for such purpose.

VI. Governing Law and Jurisdiction - This MOU shall be governed by and construed under the laws of the State of Ohio without regard to conflicts of law provisions.

VII. Electronic Signatures - By entering into this MOU, CITY agrees that all documents requiring County signatures may be executed by electronic means and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if the signature was manually affixed to a paper version of the document. CITY also agrees to be bound by the provisions of chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

The COUNTY and CITY have executed this MOU as of the date first above written.

Cuyahoga County, Ohio

By: _____

Mike Foley, Director of Sustainability

City of SOUTH EUCLID, OHIO

By: _____

Georgine Welo, Mayor

The legal form and correctness
Of this MOU is hereby approved:
Law Department
County of Cuyahoga, Ohio
Director of Law

By: _____

Jonathan McGory
Assistant Director of Law

Date: _____