

ORDINANCE NO. 4379

ENTITLED: “AN ORDINANCE CREATING A NEW CHAPTER 10.82, MOTOR-ASSISTED SCOOTERS, ELECTRIC BICYCLES, AND BICYCLES EQUIPPED WITH GPS, OF TITLE 10, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING.”

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE WYOMING:

Section 1. That a new Chapter 10.82, Motor-Assisted Scooters, Electric Bicycles, and Bicycles Equipped with GPS, of Title 10, Vehicles and Traffic, of the Code of the City of Cheyenne, Wyoming, is created as set out in this ordinance.

Chapter 10.82

**MOTOR-ASSISTED SCOOTERS, ELECTRIC BICYCLES,
AND BICYCLES EQUIPPED WITH GPS**

10.82.010 Effect of regulations.

A. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

B. These regulations applicable to motor-assisted scooters, electric bicycles, and bicycles equipped with GPS shall apply whenever a motor-assisted scooter, electric bicycle, or bicycle equipped with GPS is operated within the jurisdiction of the city of Cheyenne subject to those exceptions stated herein.

10.82.020 Definitions and exclusions.

As used in this chapter, the following words and phrases and any variations thereof, shall have the following meaning:

“Bicycle equipped with GPS” means a device that a person may ride and that is propelled by human power and has two tandem wheels, at least one of which is more than fourteen (14) inches in diameter, which has a global positioning system (GPS) to determine the geographic location of the bicycle.

“Director” means the director of the compliance department and/or the city clerk, as applicable, designated to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

“Dockless vehicle” means a motor-assisted scooter, an electric bicycle, or a bicycle equipped with GPS, owned by a non-governmental entity, that is available for use for a fee.

“Electric bicycle” means a bicycle as defined in Wyo. Stat. Section 31-1-101(a)(xxxiv).

“Fleet manager” means the person responsible for the daily operations of a dockless vehicle service, who must be based in the city.

“Geofencing” means the use of a virtual perimeter in which the use of a dockless vehicle is either restricted or the speed of the dockless vehicle is reduced when in use.

“Motor-assisted scooter” means a self-propelled device, not including a pocket bike or mini-motorbike, with:

1. At least two wheels in contact with the ground during operation;

2. A braking system capable of stopping the device under typical operating conditions;
 3. A gas or electric motor not exceeding forty (40) cubic centimeters;
 4. A deck designed to allow a person to stand or sit while operating the device;
- and
5. The ability to be propelled by human power alone.

“License” means the business license issued by the city to a person which authorizes the operation of a service providing dockless vehicles for compensation.

“License holder” means the person who owns the operation if a sole proprietorship, or the person who has been designated as managing the operation if any other entity, of a service providing dockless vehicles for compensation.

“Person” means an individual, partnership, corporation, company, association, or other legal entity.

This chapter does not apply to vehicles as defined by Wyoming Statutes, to include:

1. Wyo. Stat. Section 31-1-101(a)(xv) [Motor Vehicle]; and
2. Wyo. Stat. Section 31-1-101(a)(xxvi) [Vehicle].

10.82.030 Dockless vehicle license.

A. A person must register and obtain a license from the city, and pay any applicable fees, prior to providing a dockless vehicle for any compensation including, but not limited to, any money, thing of value, payment, consideration, donation, gratuity, or profit.

B. To obtain a license, a person must submit an application to the city clerk’s office on a form provided by the city clerk’s office for that purpose. The application must contain the following, including any additional information and requirements established by the director:

1. The business name, street address, mailing address, e-mail address, and telephone number of the applicant;
2. A non-refundable annual license fee of two hundred dollars (\$200.00);
3. A non-refundable annual license fee of five dollars (\$5.00) for each dockless vehicle which is to be operated within the city limits of the city of Cheyenne;
4. The name, telephone number, and e-mail address of the fleet manager. Any change in this information must be reported to the director within twenty-four (24) hours of the change;
5. A phone number for the public to report improperly parked dockless vehicles and other violations, which must be posted on each dockless vehicle;
6. The address of the fixed facilities to be used in the operation, if any, and the address of the applicant’s headquarters, if different from the address of the fixed facilities;
7. Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

8. Documentary evidence of payment of ad valorem and sales taxes on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

9. The number and the types of dockless vehicles to be operated; and

10. An agreement to indemnify the city.

C. Except as provided in subsection (B)(4) of this section, an applicant or registrant shall notify the director, in the manner prescribed by the director, within ten (10) days of any change in the information contained in the application for a license. If the information reported to the director includes an increase in the number of dockless vehicles, any additional fees due must be submitted to the director simultaneously with the change in information.

D. A license expires one year from the date it is issued. An applicant may renew a license following the process in this section.

E. A license is non-transferrable. This regulation should not be construed to impede the continuing use of trade names.

10.82.040 Issuance, renewal, suspension, and revocation of license.

A. The director shall refuse to issue or renew a license if the applicant:

1. Does not meet the requirements in the license application, including failing to meet any requirements established by the director;

2. Intentionally or knowingly makes a false statement as to a material matter in an application for a license; or

3. Has been convicted twice within a 12-month period for a violation of this chapter or has had a license revoked within two years of the date of application.

B. If the director denies a license, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to appeal the decision, pursuant to the city's Administrative Hearing Procedure, Chapter 2.92 of the city code.

C. The director shall revoke a license if the director determines that the license holder has:

1. Made a false statement as to a material matter in the application;

2. Failed to maintain the insurance required by this chapter;

3. Operated dockless vehicles in excess of the number authorized by the license; or

4. Failed to pay a fee required by this chapter.

D. After revocation of a license, an operator is not eligible for another license for a period of up to two years, depending on the severity of the violation resulting in the revocation, as determined by the director.

E. Any person whose application for a license, or renewal of a license, is denied by the director, or an operator whose license has been revoked or suspended by the director, may file an appeal with the city clerk in accordance with the city's Administrative Hearing Procedure, Chapter 2.92 of the city code.

10.82.050 Dockless Vehicle Operations.

A. Each dockless vehicle permitted under this chapter must clearly display the emblem of the license holder, a unique identification number, and a 24-hour phone number for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

B. The fleet manager, or a designated representative, shall be available by the telephone number provided on the application, seven days a week during all hours of operation.

C. License holders shall not attach any personal property (other than dockless vehicles), fixtures, or structures to the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the license.

D. License holders shall provide the director electronic access to the current list of dockless vehicles available for rent in the city, which includes the unique identification number for each dockless vehicle.

E. License holders shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. A license holder's application must provide information notifying the user that:

1. The use of helmets is encouraged for the safety of the drivers;
2. The legal parking of dockless vehicles;
3. The legal operation of dockless vehicles, including the duty to yield to pedestrians; and
4. For motor-assisted scooters and electric bicycles, the areas where riding and parking are prohibited.

F. Notices of violations or broken or inoperable dockless vehicles:

1. License holders shall have two hours after receiving notice of a violation, from any source, to correct violations for a dockless vehicle being parked in an area prohibited under this chapter; for other violations, the license holder has two hours after receiving notice to correct the violation.
2. License holders are required to lock dockless vehicles reported as broken, from any source, and must remove the dockless vehicle within two hours.
3. After the time for correcting a violation has expired, the city may remove and impound a dockless vehicle that is parked in violation of this chapter or broken. The license holder must pay the city a fee of fifty dollars (\$50.00) to obtain the return of each dockless vehicle impounded.

G. License holders shall provide the collection and analysis of aggregate data concerning its operations to the city:

1. License holders shall provide a monthly report to the director of the maximum number of permitted dockless vehicles in use by riders at any time in the previous week; and
2. License holders shall provide a monthly report to the director that includes:

- a. The total number of rides the previous month;
 - b. The total number of dockless vehicles in service for the previous month;
 - c. The average number of rides per dockless vehicle per day;
 - d. Anonymized aggregated data taken by the license holder's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations; and
 - e. Anonymized trip data taken by the license holder's dockless vehicles that includes the origin and destination, trip duration, distance, and date and time of trip.
- H. License holders shall provide such other reports as the director may request.
- I. License holders shall adhere to geofencing requirements, as determined and at the discretion of the director.

10.82.060 Insurance.

A. A license holder shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by insurance company that:

1. Is authorized to do business in the State of Wyoming;
2. Is acceptable to the city; and
3. Does not violate the ownership or operational control prohibition described in this section.

B. The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

C. A license holder shall maintain insurance and provide indemnification in accordance with the Indemnification and Insurance Agreement required by the director and on file with the compliance department and the city clerk. Additionally:

1. If a license holder will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000.00 per occurrence, and no annual aggregate.
2. Workers' compensation will be provided in accordance with Wyoming law.

D. Insurance required under this chapter must:

1. Include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than thirty (30) days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;
2. Include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than ten (10) days before cancelling for non-payment;

3. Cover all dockless vehicles during the times that the dockless vehicles are deployed or operating in furtherance of the license holder's business;

4. Include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

5. Require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

6. Comply with all applicable federal, state, and local laws.

E. No person who has a twenty (20) percent or greater ownership interest in the license holder may have an interest in the insurance company.

F. A license holder may not be self-insured.

G. Any insurance policy required by this chapter must be on file with and approved by the city prior to the issuance of a license, must remain in effect during the term of the license.

10.82.070 Enforcement.

A. The responsibility of enforcement of this chapter shall be shared by the police department, city clerk, compliance department, and the planning and development department, as applicable.

B. Upon observing a violation of this chapter, the director shall take necessary action to ensure effective regulation of dockless vehicles.

C. The director may, with or without notice, inspect any dockless vehicle operating under this chapter to determine whether the dockless vehicle complies with this chapter and other applicable laws.

10.82.080 Criminal Offenses.

A. A person commits an offense if, within the city, the person operates or causes or permits the operation of a dockless vehicle service without a valid license issued under this chapter.

B. A person commits an offense if the person violates or attempts to violate a provision of this chapter.

C. A culpable mental state is not required for the commission of an offense under this chapter. A separate offense is committed each day in which an offense occurs.

D. Prosecution for an offense under this chapter does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

E. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon adjudication or conviction thereof shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00) and costs or imprisonment in jail for a period not to exceed six months, or both, pursuant to Section 2.40.030 of the city code.

INTRODUCED AND READ as provided by law as an emergency ordinance by the Governing Body of the City of Cheyenne and declared adopted by three-quarters or more of the Governing Body of the City of Cheyenne on the 28th day of June, 2021.



Patrick Collins, Mayor

(SEAL)

ATTEST:



Kristina F. Jones, City Clerk

EFFECTIVE THIS 29th DAY OF June, 2021.