

17.

**ORDINANCE NO. JO-036-2022**

**A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL REDESIGNATING ARTICLE X OF CHAPTER 98 OF THE LAFAYETTE CITY-PARISH CODE OF ORDINANCES AS ARTICLE IV OF CHAPTER 98, AND REPEALING AND REENACTING ARTICLE IV OF CHAPTER 98 TO PROVIDE FOR THE REGULATION OF COMMERCIAL PEDAL CARRIAGES**

**BE IT ORDAINED** by the Lafayette City Council and the Lafayette Parish Council, that:

**WHEREAS**, on August 4, 2020, the Lafayette City Council and Lafayette Parish Council adopted joint ordinance JO-071-2020, later amended by JO-109-2020 and JO-003-2022, to promulgate certain rules and regulations for the permitting and operation of Shared Mobility Devices within the City of Lafayette and unincorporated Lafayette Parish; and

**WHEREAS**, the Lafayette City Council and Lafayette Parish Council desire to redesignate Article X of Chapter 98 (which is the subject of the above-referenced joint ordinances) as Article IV of Chapter 98, and further desire to repeal and re-enact Article IV of Chapter 98 to include certain rules and regulations for the permitting and operation of Commercial Pedal Carriages within the City of Lafayette and unincorporated Lafayette Parish, the same being done in furtherance of the health, safety and welfare of the citizens of the City of Lafayette and unincorporated Lafayette Parish.

**NOW, THEREFORE BE IT FURTHER ORDAINED** by the Lafayette City Council and the Lafayette Parish Council, that:

**SECTION 1:** All of the aforescribed "Whereas" clauses are adopted as part of this joint ordinance.

**SECTION 2:** Article X, Chapter 98 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby re-designated as Article IV, Chapter 98 of the Lafayette City-Parish Consolidated Government Code of Ordinances.

**SECTION 3:** Article IV, Chapter 98 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby repealed and re-enacted to read as follows:

**CHAPTER 98 – VEHICLES FOR HIRE**

**ARTICLE IV. Shared Mobility Devices in City and Parish of Lafayette**

**DIVISION 1. - GENERALLY**

**Sec. 98-196. – Legislative Intent and Purpose**

- A. The legislative intent and purpose in adopting this Article is to promulgate reasonable rules and regulations for the rental or offering for rental, use, and operation of Shared Mobility Devices, as defined herein, within the City and Parish of Lafayette.

- B. The Lafayette City Council and Lafayette Parish Council expect that Shared Mobility Devices will be frequently used by local citizens, tourists and visitors in the City and Parish of Lafayette, Louisiana, and the City-Parish Council deems it is necessary to promulgate reasonable rules and regulations for the permitting and use of Shared Mobility Devices by local citizens, tourists and visitors to this area.
- C. The Lafayette City Council and Lafayette Parish Council find that the establishment of reasonable rules and regulations as hereinafter set forth concerning Shared Mobility Devices is necessary to promote, protect and preserve the general welfare, safety, health, peace, good order and economy of Lafayette and the citizens of Lafayette Parish, Louisiana.

#### **Sec. 98-197. Territorial Applicability**

Except as otherwise provided in this Article, the provisions of this Article shall apply in both the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

#### **Sec. 98-198. - No Vested Rights in Permit**

The City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be, reserves the right to amend or repeal this Article at any time, and no Operator or Permittee shall have any vested rights to operate hereunder, retain a permit, or have a permit renewed. In the event the amendment or repeal of this Article results in a permit being valid for less than its full term, the pro rata portion of the Program Administrative Fee for the remaining portion of the term shall be refunded to the Permittee.

#### **Sec. 98-199. – Non-Transferability; Non-Exclusivity**

Permits issued pursuant to this Article shall not be sold, transferred, assigned, leased or subleased to any other Operator, Permittee, person or entity. Any such sale, transfer, assignment, lease or sublease renders the permit null and void. Nothing contained herein shall be construed to give an Operator or Permittee the exclusive right to operate within the City of Lafayette or the unincorporated areas of the Parish of Lafayette.

#### **Sec. 98-200. Limitation of Liability**

Neither the City of Lafayette, the Parish of Lafayette, nor the Lafayette City-Parish Consolidated Government, as the case may be, shall be liable to any Permittee, User or third party for any loss, damage or injury to Permittee, its Shared Mobility Device(s), Users, or any other property or third persons as a result of the operation and/or use of a Shared Mobility Device. The City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government makes no representations or warranties concerning the condition or suitability of its streets, sidewalks and/or rights of way for Shared Mobility Devices or the User's use of same.

Operator, Permittee and User acknowledge and agree that the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government are not responsible for providing security at any location where Shared Mobility Devices, to the extent applicable, are stored, deployed, Rebalanced, parked, used, or located. Permittees, by operation in the territory described in Sec. 98-197, agree to hold harmless and waive any and all claims against the City of Lafayette, the Parish of Lafayette, and the Lafayette City-Parish Consolidated Government in the event a Shared Mobility Device or other property is stolen, lost, or damaged.

Operator, Permittee, and User acknowledge and agree that the City of Lafayette, Parish of Lafayette and/or Lafayette Consolidated Government are not responsible for educating Operator, Permittee or User on compliance with this Article.

#### **Sec. 98-201. No Joint Venture**

Nothing herein contained shall be in any way construed as expressing or implying that the City of Lafayette, the Parish of Lafayette and/or the Lafayette Consolidated Government have joined together in any joint venture in any manner with any Permittee, Operator, entity, or person,

or that such parties have agreed to or are contemplating the sharing of profits and losses among themselves in relation to any matter.

#### **Sec. 98-202. Definitions**

*Commercial Pedal Carriage* means a four (4) or more wheeled bicycle-like vehicle that is human powered and/or equipped with pedal e-assist that transports seated passengers and is propelled by one (1) or more passengers not including the driver. A Commercial Pedal Carriage has a maximum number of sixteen (16) passengers, not including the driver, and has a speed of no more than ten (10) miles per hour.

*Department* refers to the Lafayette Consolidated Government Department of Development and Planning.

*Director* refers to the director of the Lafayette Consolidated Government Department of Development and Planning or his/her designee.

*Electric-Assisted Bicycle* means every bicycle upon which any person or persons, if the design accommodates passengers, may ride, having a saddle or seat for each rider, and having two tandem wheels, either of which is sixteen inches or more in diameter, or three wheels, any one of which is twenty inches or more in diameter, equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirement of one of the following classes:

- (a) "Class one electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.
- (b) "Class two electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.
- (c) "Class three electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

*Electric Low-Speed Scooter* means a rental or commercial device weighing less than 100 pounds that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor. An electric low-speed scooter shall not be considered a motor-driven cycle, motor scooter, electric scooter, vehicle, or motor vehicle.

*Geofencing* means the use of GPS, RFID or other technology to create a virtual geographic boundary, enabling software to trigger a response, including but not limited to disabling the operability of the Shared Mobility Device when a Shared Mobility Device enters or leaves a particular area.

*Governing Authority* refers to the governing authority of the City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be.

*Motorized Bicycle* means a pedal bicycle which may be propelled by human power or helper motor, or by both, with a motor rated no more than one and one-half horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which produces a maximum design speed of no more than twenty-five miles per hour on a flat surface.

*Operator* means an individual or business entity that offers Shared Mobility Devices for use or rental. Where applicable, the term Operator, as used herein, shall also include drivers of a Commercial Pedal Carriage.

*Permittee* means an Operator that holds a current and valid permit issued pursuant to this Article.

*Rebalance* means the Permittee's pickup, recharge, inspection, and/or re-deployment of Shared Mobility Devices to the designated location or locations promulgated and/or approved by the SMD Management Committee.

*Shared Mobility Device* means Electric Low-Speed Scooters, Motorized Bicycles, Commercial Pedal Carriage, or other similar devices as determined by the Director, that are offered for use or rental to Users on a minute, hourly, daily, or any other basis.

*Two-Lane Roadway* means (1) a public highway, street or roadway with one travel lane for each direction of traffic, excluding center or turning lanes; or (2) a one-way public highway, street or roadway with two travel lanes proceeding in the same direction.

*User* means a person who rents, operates and/or uses a Shared Mobility Device provided and/or operated by an Operator or Permittee.

#### **Sec. 98.203. Safety regulations**

Operators, Permittees and Users of Shared Mobility Devices shall be subject to all federal and state safety and traffic laws and regulations. Operators, Permittees and Users of Shared Mobility Devices shall, furthermore, be subject to all local regulations, unless modified herein, and all supplemental operational safety standards and regulations promulgated by the SMD Management Committee established by Sec. 98-206.

### **DIVISION 2 – PERMIT REQUIREMENTS**

#### **Sec. 98-204. Permit Application**

- A. Operators who desire to offer Shared Mobility Devices for use or rental in the City of Lafayette and the unincorporated Lafayette Parish shall submit an application for permit to the Director.
- B. The application must include all of the following, except for those requirements the Director determines to have no application to the permit applied for:
  1. Payment of a \$500.00 non-refundable, non-transferrable application fee;
  2. Images, specifications, and descriptions of the Operator's Shared Mobility Devices, smartphone app, and certification from Operator that all units in its proposed fleet comport with the definition of the type of Shared Mobility Devices in this Article;
  3. Size of fleet to be deployed, including any planned fleet expansions during the permit year, said fleet size and any expansion thereof being subject to approval of the Director;
  4. Service area of fleet to be deployed, including any planned expansions during the permit year, said service area and any expansion thereof being subject to approval of the Director;
  5. Plan for educating Users on proper operation, parking, and safety requirements of Shared Mobility Devices imposed by this Article as well as by state and local law;
  6. The address of a fixed facility or facilities located within the territory defined in Sec. 98-197 to be used by the Operator or Permittee during the permit year, coupled with a plan for relocating all Shared Mobility Devices to the fixed facility (*i.e.* safe, indoor facility) within twenty-four (24) hours of a declared severe weather or emergency event;
  7. Documentary evidence of a zero-balance for all imposed fees, fines, assessments, charges, penalties, taxes, levies, including but not limited to any ad valorem taxes on the fixed facility or facilities to be used by the Operator or Permittee, or any



other outstanding amounts whatsoever owed to any department and/or division of Governing Authority;

8. A copy of Operator's User Agreement between Operator and User, the provisions of which shall be subject to the approval of the Director. The Operator's User Agreement shall include a provision that User fully releases, holds harmless, and waives all liability of the City of Lafayette, Parish of Lafayette and/or Lafayette Consolidated Government for any injury, harm, or damage to the person or property of any User or third person arising from the User's use of the Operator's Shared Mobility Devices. The User Agreement shall include a provision confirming that any and all claims arising out of the User Agreement shall be governed by the laws of the State of Louisiana, without regards to conflict of laws principles, and that venue for all such claims shall be in Lafayette Parish, Louisiana. The User Agreement shall not require arbitration of such claims. The User Agreement shall include a provision securing a User's consent to the sharing of Data, as defined in Sec. 98-212;
9. Copies of any conditions, rules and regulations of Operator imposed on User, the provisions of which shall be subject to the approval of the Director;
10. A copy of the organizational documents establishing the Operator's business entity and evidencing the nature of same (e.g. LLC, Corporation, Partnership, etc.), as well as any amendments or bylaws associated therewith;
11. The name and address of each person or entity with a twenty (20) percent or greater ownership interest in the business;
12. The name and contact information (including mailing address, telephone number and email address) of a person or persons designated by the Operator to receive any notices sent by the Director and/or the SMD Management Committee to the Operator during the permit year;
13. The contact information of a Lafayette-based manager or operations staff member(s) designated by the Operator available 24 hours a day, 7 days a week to address daily operational issues during the permit year;
14. The webpage or web application information for the publicly-accessible complaint portal referenced in Sec. 98-211, and the webpage or web application information for the internal, LCG-accessible portal for acceptance of electronic violations referenced in Sec. 98-213(C);
15. Plan for providing equitable access to Users in neighborhoods and communities that are underserved by mobility and transportation options;
16. Certificate of Insurance in an amount and form required by the Risk Management Division and included in the Permit Application;
17. Signed indemnification and hold harmless agreement in the form included in the Permit Application;
18. Proof of applicant's current registered account with the Lafayette Parish School System for remittance of all applicable taxes;
19. Copy of the Shared Mobility Device's manufacturer's specifications;
20. Regarding Commercial Pedal Carriages, rules and regulations governing driver appearance and conduct;
21. In addition to the foregoing, the Operator's authorized representative shall execute a notarized statement which identifies and contains the following information, which may be used by the Director in determining whether a permit or renewal thereof shall issue pursuant to this Article:

- i. Whether Operator has had any license or permit of a similar type issued by any state, or political subdivision suspended or revoked within two (2) years prior to filing said application;
- ii. Whether Operator has had any liens, encumbrances, or judgments filed against it by any individual, entity, federal, state, or political subdivision within two (2) years prior to filing said application; and
- iii. Whether any person with a twenty percent or greater ownership interest in the Operator has been convicted of a felony under the laws of the United States, this state, or another state or country within two (2) years prior to filing said application.

C. Abandonment of Permit Application. An application for a new or renewal permit shall be deemed abandoned if:

1. The Director has sent written notice to the Operator or Permittee that said application is incomplete or requires supplementation ("Deficiencies"); and
2. More than 45 calendar days have elapsed from the date of the notice of the Deficiencies by the Director explaining the Deficiencies, and the Operator or Permittee has failed to correct the Deficiencies and re-submit a revised permit application to the Director.

Any abandonment of a Permit Application will require the Operator to submit a new application pursuant to Sec. 98-203. The application fee of the abandoned application shall not be transferred to a new application.

D. If the application meets all of the requirements of this Article in the discretion of the Director, the Director shall notify Operator or Permittee in writing, and the Operator or Permittee shall then submit the items below to the Director within 35 calendar days of the date of the written notice prior to issuance of the permit:

1. Program Administrative Fee in the amount of one hundred twenty dollars (\$120) per Shared Mobility Device, except for Commercial Pedal Carriages, where the Program Administrative Fee shall be five hundred dollars (\$500) per Commercial Pedal Carriage. Program Administrative Fees remitted in connection with a new permit issued for less than a calendar year shall be prorated. Permittee shall pay this Program Administrative Fee for any approved Shared Mobility Device fleet expansions during the permit year. The Program Administrative Fee must be remitted annually.
2. Irrevocable Letter of Credit in the amount and form satisfactory to the SMD Management Committee pursuant to Sec. 98-206(G)(6), and which shall remain in effect for the duration of the Permittee's permit and any renewal thereof. The Irrevocable Letter of Credit must be a "clean letter of credit," i.e., as a condition of payment, it may require no more than presentation of a draft or other demand by the Director and must contain the following statement:

Said funds are available by draft drawn at sight accompanied by a dated statement signed by the Director of the Lafayette City-Parish Consolidated Government Department of Public Works that [insert Permittee name] has not satisfied the conditions of its Shared Mobility Device Permit and is in non-compliance with and/or has violated of Article X of LCG Code of Ordinances and/or any supplemental rules and regulations promulgated by the SMD Management Committee.

3. In the event such a draw is made, Permittee shall replenish or reinstate the Irrevocable Letter of Credit funds within thirty (30) days to the amount established by the SMD Management Committee. Nothing herein shall be

construed to limit the liability of a Permittee for Permittee-caused damages, impoundment costs and/or any other fines or penalties that exceed the Permittee's Irrevocable Letter of Credit balance.

- E. During the permit year, any changes to the information provided by an Operator in its permit application must be reported to the Director, in writing, within ten (10) days of the change.
- F. The application for and acceptance of a permit hereunder signifies an Operator's acknowledgement and agreement that all public rights-of-way are in an "as is" condition and that the City of Lafayette, Parish of Lafayette and the Lafayette Consolidated Government make no representation or warranties concerning the condition of the rights-of-way or their suitability for use by Permittees or its Users, and assumes no duty to warn either Permittees or its Users concerning conditions that exist now or that may arise in the future.
- G. Permittees authorized to operate in accordance with this Chapter may be required to obtain additional permitting from the Governing Authority, including but not limited to permits related to the parking of Shared Mobility Devices in public rights-of-way and any permits required under the Alcohol Code for Commercial Pedal Carriages.

#### **Section 98-205. Duration of Permit; Permit Renewal**

- A. Permits issued pursuant to this Article shall be valid until December 31 of the calendar year in which the permit has been issued, unless sooner suspended or revoked by the Director.
- B. Application for an annual renewal of a permit shall be made by the Permittee no later than sixty (60) days before permit expiration. Application for permit renewal shall require:
  - 1. Payment of a \$500.00 non-refundable, non-transferrable application fee;
  - 2. Remittance of the Program Administrative Fee;
  - 3. Supplementation of Permittee's original permit application and supporting documentation to the extent the information contained therein has changed and/or requires renewal or update, including but not limited to updates to those items listed in Sec. 98-204(B)(7), B(15)-(18) and (D)(2), or a notarized statement by Permittee's authorized representative attesting that no information has changed and/or has been renewed or updated since original permit application; and
  - 4. Supplementation of Permittee's original permit application and supporting documentation or of Operator's renewal thereof to include any additional submissions required as a result of amendments made to this Article or by rules promulgated by the SMD Management Committee.
- C. If, through no fault of the Permittee, a renewal permit is not issued before December 31 of the permit year, the Director may extend the Permittee's permit until such time as the Permittee's application for renewal permit is granted or denied.
- D. Upon renewal, Permits issued pursuant to this Article shall be valid for one (1) year (January 1 – December 31) unless sooner suspended or revoked by the Director.
- E. Permittee is not entitled to and has no automatic right to renewal of its permit, and Permittee must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the City of Lafayette, the Parish of Lafayette, the Lafayette City-Parish Consolidated Government or the SMD Management Committee. Renewal permits may be withheld or denied in the discretion of the Director, which decision may be based on the information in the renewal application, as well as any recommendation,

records and/or operational history provided to the Director by the SMD Management Committee.

### **DIVISION 3 – SMD MANAGEMENT COMMITTEE**

#### **Sec. 98-206. SMD Management Committee; Established**

- A. The SMD Management Committee is hereby created and shall be made up of the following persons:
1. The Director of the LCG Department of Development and Planning, or his/her designee;
  2. The Director of the LCG Public Works Department, or his/her designee;
  3. The Lafayette Police Chief or his/her designee;
  4. The Director of Traffic, Roads and Bridges or his/her designee;
  5. The University Police Chief for the University of Louisiana at Lafayette, or his/her designee;
  6. The Director of the Downtown Development Authority, or his/her designee; and
  7. The Lafayette Mayor-President, or his/her designee.
- B. Four members of the SMD Management Committee shall constitute a quorum. An action or recommendation of the SMD Management Committee shall be made by the favorable vote of at least a majority of the authorized membership of the SMD Management Committee, except as otherwise provided herein.
- C. The SMD Management Committee shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman and a secretary from its membership. The term of each officer shall be for one year, with eligibility for re-election.
- D. The City-Parish Attorney, or his/her designee, shall serve as a legal advisor to the SMD Management Committee.
- E. The SMD Management Committee shall meet as needed at such times and places as the SMD Management Committee may prescribe. Special meetings may be held on the call of the chairman of the SMD Management Committee or a majority of the authorized membership of the SMD Management Committee with such notice as may be required by state law. All meetings of the SMD Management Committee shall be open to the public and conducted in accordance with the provisions of state law.
- F. The SMD Management Committee is authorized to promulgate and establish supplemental rules and regulations regarding the business operations, safety, use, process, procedures, requirements, and obligations of any Operator, Permittee and/or User that do not conflict with any provision of this Article or state law, and to make reports and/or recommendations to the Director regarding same.
- G. In addition, and without limiting the generality of the foregoing, the SMD Management Committee is specifically authorized to:
1. Promulgate and establish rules of procedure for conducting its meetings not inconsistent with this Article or state law;
  2. Review applications for permits and renewals thereof under this Article made by any Operator or Permittee and provide advisory reports and recommendations to the Director regarding same;



3. Investigate, if it so chooses, violations or potential violations of this Article by an Operator or Permittee as well as any complaints, whether formal or informal, lodged against any Operator or Permittee and provide advisory reports and recommendations to the Director regarding same;
  4. Mandate a decrease in the Shared Mobility Device fleet size of any Operator or Permittee for any reason whatsoever, upon which the pro-rata portion of the Permittee's Program Administrative Fee shall be returned to the Permittee;
  5. Promulgate additional parking, fleet distribution and densities, use, operation and geographic limitations of an Operator or Permittee's Shared Mobility Devices on any specified highway, road, street, sidewalk and/or public right-of-way; and
  6. Establish the amount of the Irrevocable Letter of Credit an Operator or Permittee is required to submit pursuant to Sec. 98-204(D)(2), which amount shall be commensurate with or related to the Operator's fleet size and type of Shared Mobility Device offered. Notwithstanding the foregoing, in no event shall the Irrevocable Letter of Credit be in an amount less than \$10,000.00 nor more than \$50,000.00, and the amount shall be subject to change at any time during the permit year or during any renewal thereof by the SMD Management Committee.
- H. Permittee shall cooperate and meet with the SMD Management Committee upon request. Failure to comply with the provisions of this Article or the supplemental rules and regulations promulgated by the SMD Management Committee may subject a Permittee to a fine, or may result in a denial, suspension or revocation of its permit or renewal thereof.
- I. Rules and regulations promulgated by the SMD Management Committee shall be published on the LCG website and available at the Department of Development and Planning. All such rules and regulations, as may be adopted from time to time, are hereby incorporated herein by reference.

#### **DIVISION 4. RESTRICTIONS OF PERMITTEE'S OPERATIONS; VIOLATIONS**

##### **Sec. 98-207. Use of Shared Mobility Devices, Generally**

- A. Permittee shall not allow:
1. Electric Low-Speed Scooters to be operated by a User unless they possess a valid driver's license or are at least eighteen (18) years of age.
  2. Motorized Bicycles or Electric-Assisted Bicycles of any class to be operated by a User unless they possess a valid driver's license and are at least sixteen (16) years of age.
  3. With regards to Commercial Pedal Carriages:
    - (i) any Commercial Pedal Carriage to be driven on or parked upon a sidewalk;
    - (ii) any Commercial Pedal Carriage driver to consume any alcoholic beverages while on duty or driving a Commercial Pedal Carriage;
    - (iii) any Commercial Pedal Carriage User to consume alcohol who is under the legal age as established by Louisiana law;
    - (iv) any Commercial Pedal Carriage to carry more Users than the seating capacity established by the manufacturer;
    - (v) any person other than the Commercial Pedal Carriage driver, to drive the Commercial Pedal Carriage nor sit in the driver's seat;
    - (vi) the loading or unloading of Users or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered

unsafe, or in any manner that will in any way impede or interfere with the orderly flow of traffic on the streets;

(vii) any Commercial Pedal Carriage driver or User to exhibit unlawful behavior, both while the Commercial Pedal Carriage is in motion or at a stop – it being the responsibility of Permittee to, at all times, operate a Commercial Pedal Carriage in a safe manner and operating condition, and further to actively and affirmatively manage the behavior of its Users so that the behavior remains law-abiding, both while the Commercial Pedal Carriage is in motion or at a stop;

(viii) any driver or User of a Commercial Pedal Carriage to litter in violation of any applicable state or local laws – it being the responsibility of Permittee to properly dispose of all trash in connection with the operation of a Commercial Pedal Carriage;

(ix) the emission of music or amplified sound to be played, nor the yelling or conversation to be conducted, on a Commercial Pedal Carriage in such a manner that would violate applicable state or local laws;

(x) any Commercial Pedal Carriage driver to drive a Commercial Pedal Carriage unless they possess a valid chauffeur's license and are at least eighteen (18) years of age; and

(xi) the operation of a Commercial Pedal Carriage by a driver who, at any time, meets any one or more of the following:

- a) has more than three (3) moving violations within the last thirty-six (36) month period, and no more than two (2) moving violations in the last twelve (12) month period;
- b) has been convicted in the last five (5) years for any of the following offenses involving bodily injury or death or convicted in the last three (3) years for any of the following offenses not involving injury or death:
  1. Hit and run;
  2. Driving under the influence of an alcoholic beverage or drug;
  3. Reckless or careless driving.
- c) has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five (5) years prior to the date of application for violation of any of the following criminal offenses under the laws of Louisiana, any other state or of the United States:
  1. Homicide;
  2. Rape;
  3. Aggravated assault;
  4. Kidnapping;
  5. Robbery;
  6. Burglary;
  7. Child sexual abuse;
  8. Any sex-related offense;
  9. Leaving the scene of an accident;
  10. Criminal solicitation, or criminal attempt to commit any of above;
  11. The felony possession, sale or distribution of narcotic drugs or controlled substances.

- B. Permittee shall not allow the initiation of the rental of a Shared Mobility Device between the hours of 10:00 p.m. and 6:00 a.m., except for Commercial Pedal Carriages, which shall not operate between the hours of 12:00 a.m. (midnight) and 10:00 a.m.
- C. With regards to Shared Mobility Devices other than Commercial Pedal Carriages, Permittee shall not allow Shared Mobility Devices to be operated by more than one User at a time, unless it is equipped for use by additional riders.
- D. With regards to Commercial Pedal Carriages, Permittee shall promptly report any and all accidents involving its Commercial Pedal Carriage(s) to the SMD Management Committee.
- E. Permittee shall educate its Users regarding state and local laws applicable to riding, operation, parking and safety requirements of Shared Mobility Devices imposed by this Article as well as state and local law.
- F. Permittee shall submit quarterly reports to the SMD Management Committee certifying under oath its compliance with all of the requirements of this Article. The SMD Management Committee, in its discretion, shall have the right to inspect all Shared Mobility Devices and records of Permittee in order to verify the accuracy of such certifications. Any false certifications may result in a fine, suspension, or revocation of the Permittee's permit.
- G. In furtherance of the plan described in Sec. 98-204(B)(15), Permittee is encouraged to:
  - 1. Provide pricing options and/or discount programs that address the needs of low-income individuals;
  - 2. Develop options for use of Shared Mobility Devices that do not require a smartphone, including cash-payment options; and
  - 3. Provide adaptive Shared Mobility Devices that enable operation by people with disabilities.

**Sec. 98-208. Geofencing and Geographic Limitations on Use**

- A. Except for Commercial Pedal Carriages, Permittee shall maintain Geofencing capabilities on all Shared Mobility Devices and shall comply with SMD Management Committee Geofencing requirements. Without limiting the generality of the foregoing, Permittee shall at all times maintain Geofencing around the service territory specified in its permit.
- B. Except for Commercial Pedal Carriages, Permittee shall comply with any event-specific Geofencing requirements promulgated by the SMD Management Committee, including but not limited to, those in effect during Mardi Gras and Festival International.
- C. All Permittees shall comply with any geographical limitations on its area(s) of operation promulgated by the SMD Management Committee.

**Sec. 98-209. Deployment and Rebalancing of Shared Mobility Devices**

- A. Prior to the deployment, and where applicable the Rebalancing, of each Shared Mobility Device and at all times thereafter, the Permittee or its designee shall cause each Shared Mobility Device to be in good riding condition and each Permittee shall, at all times, maintain such condition for each Shared Mobility Device. Permittee shall cause all Shared Mobility Devices to be inspected, maintained, and replaced as necessary by properly trained, insured staff or contractors. Permittee or its designee shall not deploy or Rebalance, and shall immediately remove from its fleet, any Shared Mobility Device that is inoperable, unsafe, or otherwise not in good riding condition. Any such Shared Mobility Device must be repaired before being deployed or Rebalanced.

- B. Permittee shall ensure that each Shared Mobility Device contains a unique identification number and displays an easily identifiable emblem, symbol or logo of the Permittee and the Permittee's 24-hour call-in telephone number.
- C. Except for Commercial Pedal Carriages, Permittee shall Rebalance any and all Shared Mobility Devices between the non-operational hours of 10:00 p.m. - 6:00 a.m.
- D. All Shared Mobility Devices shall be deployed, and where applicable Rebalanced, in an approved or designated location to the extent such locations have been established by the SMD Committee, standing upright on a hard, flat surface. No Permittee or User shall deploy, park, or Rebalance, or permit to be deployed, parked, or Rebalanced any Shared Mobility Device in such a manner as to adversely affect the property of any third party, or to block, impede access to or interfere with:
1. the flow of vehicular traffic on a street, alley or driveway;
  2. any fire hydrant, call box, or other emergency facility;
  3. any designated parking space or access point for the handicapped or disabled, including but not limited to any handicapped or disabled citizen parking space or zone and any ADA access ramp;
  4. any body of water or drainage facility (ditch, coulee, etc.) or any other location that could adversely affect the health, safety and welfare of the public;
  5. the flow of pedestrian or wheelchair traffic on any the sidewalk;
  6. A loading or unloading zone;
  7. a bus bench, stop, or other transit passenger waiting area;
  8. a utility pole or box;
  9. the ingress or egress from any building or structure;
  10. a USPS mailbox; or
  11. any location so designated by the SMD Management Committee.
- E. Any Shared Mobility Device deployed, Rebalanced or parked by a Permittee or User in violation of subsection (D) above shall be subject to immediate impoundment and/or removal of the Shared Mobility Device at the expense of the Permittee without prior notice. Permittee shall be responsible for all costs associated with the retrieval, impoundment and/or storage of any Shared Mobility Device incurred by the Governing Authority or its designee which shall be paid in full by the Permittee prior to the release of the Shared Mobility Device to the Permittee or its designee.
- F. In the event that such removal and impoundment is completed by the Governing Authority or its designee, Permittee shall, within sixty (60) days after receipt of notice of an impoundment of a Shared Mobility Device, remit any and all costs incurred by LCG, including but not limited to an impoundment fee in the amount of \$200.00, before retaking possession of the impounded Shared Mobility Device. Upon the lapse of sixty (60) days without retrieval of the Shared Mobility Device and the payment in full of any outstanding amounts owed by Permittee, the impounded Shared Mobility Device shall be deemed abandoned by the Permittee and may be sold as surplus movable property by the Governing Authority.
- G. Permittee shall comply with any and all additional rules and regulations promulgated by the SMD Management Committee, and shall adequately inform all designated deployment personnel on the requirements of this Article.



- H. Permittee shall also adequately inform all Users or its drivers on how and where to properly park Shared Mobility Devices consistent with this Article.

**Sec. 98-210. Emergency**

- A. Permittee shall relocate all Shared Mobility Devices to its fixed facility or facilities within twenty-four (24) hours of a declared severe weather or emergency event declared by the Governing Authority or the Director.
- B. The Director, in his/her discretion and without notice, reserves the right to remove Shared Mobility Devices if an emergency arises. In such instances, the Director will attempt to notify the Permittee as soon as reasonably practicable thereafter.

**Sec. 98-211. Complaints**

- A. Permittee shall maintain a Lafayette-specific, publicly accessible webpage that will allow members of the public to submit complaints and photographs to Permittee. Permittee shall maintain records of all such complaints/photographs for inspection by the Director and/or the SMD Management Committee upon request. The webpage shall also explain the terms of service, including user instructions, privacy policies, and all fees, costs, penalties and unexpected charges that could be levied upon Users by Permittee.
- B. Permittee shall maintain a toll free call-in number that will allow members of the public to submit complaints telephonically to Permittee 24 hours a day, 7 days a week. Permittee shall maintain records detailing all such complaints for inspection by the Director and/or the SMD Management Committee upon request.

**Sec. 98-212. Data Sharing**

- A. Permittee shall collect and maintain User records, fleet records, maintenance records, and complaint records ("Data") for the duration of the Permittee's permit, any renewal thereof, and shall maintain the Data for no less than three (3) years from the date its operations cease. The Data shall be made available for inspection by the Director and/or the SMD Management Committee upon request. Data shall include, but shall not be limited to:
- |                                   |   |
|-----------------------------------|---|
| Device,<br>repair,<br>deployed or | <ol style="list-style-type: none"><li>1. Size of fleet deployed and geographical location or locations where Shared Mobility Devices are deployed or Rebalanced;</li><li>2. Record or log of maintenance and repair activities, including but not limited to the unique identification number of the Shared Mobility identity of person(s) or entity performing the maintenance or maintenance or repair performed, date performed, and date Rebalanced;</li><li>3. Number of rides per Shared Mobility Device per day; and</li><li>4. Except for Commercial Pedal Carriages, anonymized aggregated User data in the form of heat maps showing routes, trends, trip durations, dates and times of trip, origins and destinations.</li></ol> |
|-----------------------------------|---|
- B. Permittee and, where applicable, its Users shall consent to the sharing of Data, as defined in this Section, with the Director, SMD Management Committee, and the Governing Authority upon request. Where applicable, Users, by virtue of Permittee's User Agreement, and Permittee acknowledge and agree that any Data shared with the Director, SMD Management Committee and the Governing Authority may constitute a public record.
- C. Permittee shall distribute any User surveys that may be provided by the SMD Management Committee regarding customer service, program evaluation, and/or maintenance and use of Permittee's Shared Mobility Devices.

#### **Sec. 98-213. Violations, Penalties, Appeals**

- A. It shall be unlawful for any Operator to offer a Shared Mobility Device for rental, use or operation without a valid permit issued under this Article. Such Shared Mobility Devices shall be subject to immediate impoundment in accordance with the procedures specified in Sec. 98-209(E)-(F).
- B. Non-compliance with any provision of this Article, including but not limited to the following, shall constitute a violation of this Article:
  - 1. The increase in fleet size by a Permittee without the prior written approval of the SMD Management Committee.
  - 2. Nonrenewal, lapse, or cancellation of the Permittee's Certificate of Insurance or Irrevocable Letter of Credit required by this Article.
  - 3. Nonpayment of overdue fines for violations of this Article, or other costs and/or fees, including impoundment costs.
  - 4. Permittee's allowance of the use and operation of Shared Mobility Devices by Users in violation of the provisions in Sec. 98-207.
  - 5. Permittee's failure to maintain the Geofencing requirements and/or the geographic limitations on use authorized by Sec. 98-208.
  - 6. Permittee's failure to properly deploy or Rebalance Shared Mobility Device(s) in violation of Sec. 98-209 of this Article.
  - 7. Permittee's failure to comply with any rule or regulation promulgated by the SMD Management Committee.
  - 8. Permittee's failure to comply with a contract or service agreement with any department and/or division within the Governing Authority, or the Permittee's failure to pay any outstanding fees, fines, assessments, charges, penalties, taxes, levies or any other outstanding amounts whatsoever owed to any department and/or division of the Governing Authority.
  - 9. Permittee's failure to comply, for any period of time, with any of the regulations or requirements of this Article, any rules and/or regulations of the SMD Management Committee, state law and/or local ordinances, regulations, or policies.
  - 10. Permittee's failure to maintain, where required, a registered account with the Lafayette Parish School System for remittance of all applicable taxes.
- C. Director's Review.
  - 1. Permittee may be fined and/or permits may be suspended or revoked by the Director due to any non-compliance with the regulations or requirements of this Article, or due to a failure to comply with any and all statutes, ordinances, regulations or policies that are duly and lawfully adopted by the state of Louisiana, the City of Lafayette, the Parish of Lafayette, the Lafayette City-Parish Consolidated Government or the SMD Management Committee.
  - 2. Prior to the issuance of a fine or the suspension or revocation of a permit issued pursuant to this Article, the Director shall issue a written notice of the violation(s) to the Permittee either by certified mail, return receipt requested, or through the webpage or web application portal internally accessible by LCG. The written notice shall include, at minimum, the following:
    - a. The date and place of the alleged violation(s);

- b. The provision(s) of this Article that was (were) violated;
- c. A summary of the causes for which the notice issued; and
- d. Any documentary evidence of the alleged violation(s).

3. Within fourteen (14) days of receipt of the written notice of violation, the Permittee may submit any and all documentary evidence to the Director in response to the alleged violation. Within sixty (60) days of the receipt of the submitted documentary evidence, if any, the Director shall render a written decision as to whether a violation of this Article has occurred and, if so, whether a fine, suspension or revocation shall be issued. The decision to fine a Permittee and/or suspend or revoke a permit shall be issued by and at the discretion of the Director and made in writing to the Permittee. The Director may base his/her decision on the facts specific to the underlying violation(s), the records and/or operational history of Permittee, and/or any other information available to the Director or provided to the Director by the SMD Management Committee. Written notice of the Director's decision shall be provided to the Permittee in accordance with Section 98-213(C)(2), which decision shall be final after the expiration of the appeal delays established herein.

**D. Fines, Suspension or Revocation.**

- 1. A violation of any provision of this Article may be punishable by a fine not to exceed \$500.00, per occurrence. The Director shall determine the amount of the fine, if any, in his/her discretion.
- 2. Independent of any fines issued hereunder, the Director, after review and consideration of the advisory reports and recommendations of the SMD Management Committee, if any, may suspend or revoke the permit issued hereunder. If revoked, Permittee shall not be eligible to apply for or receive a permit under this Article for a period of one year from date of revocation.

E. If the Governing Authority incurs any costs addressing or abating any violations of this Article, or incurs any costs of repair or maintenance of public property caused by the use of Shared Mobility Devices, the Permittee shall, at the discretion of the Director, either (i) reimburse the Governing Authority for said costs within thirty (30) days of the date of the written notice from the Director, or (ii) within thirty (30) days, replenish the Irrevocable Letter of Credit drawn to pay such costs.

**F. Appeals.**

- 1. Appeal to district court. Within 21 calendar days from the date of the written notice of the Director's decision issuing a fine and/or suspending or revoking a permit, an Operator or Permittee may take an appeal to the 15th Judicial District Court. Concurrent with the filing of an appeal to the 15th Judicial District Court, the Operator or Permittee shall provide written notice of such filing to the Director. The district court shall consider the appeal to determine whether the Director acted reasonably and in good faith under the provisions of this Article, and shall review only the issues presented to the Director and the documentary evidence considered by the Director in making his/her decision.
- 2. Appeal to appellate court. Any appeal from a Judgment of the 15th Judicial District Court to the Third Circuit Court of Appeals shall be perfected in the same manner as provided for in civil cases.

**DIVISION 5 – RESTRICTIONS ON USER OF SHARED MOBILITY DEVICE;  
VIOLATIONS**

**Sec. 98-214. Use of Shared Mobility Devices by User**

**A. Electric Low-Speed Scooters.**

1. Users shall only operate Electric Low-Speed Scooters:

- a. in any bike lane in the City of Lafayette or unincorporated Parish of Lafayette;
- b. on any sidewalk in the City of Lafayette or unincorporated Parish of Lafayette, except for those sidewalks situated in the Downtown Zoning District, as designated in Sec. 89-13(c)(4) of the LCG Code of Ordinances; or
- c. on any Two Lane Roadway with a posted speed limit of 35 miles per hour or less.

2. When operating an Electric Low-Speed Scooter upon a sidewalk the User shall yield to any pedestrian or person using a wheelchair and shall give an audible signal before overtaking or passing a pedestrian or person using a wheelchair.

3. Users of an Electric Low-Speed Scooter shall:

- a. Properly park the Electric Low-Speed Scooter in accordance with Sec. 98-209(D);
- b. Operate the Electric Low-Speed Scooter in compliance with Sec. 98-207; and
- c. Operate the Electric Low-Speed Scooter within the geographic limitations outlined in Sec. 98-208.

4. Users shall not operate Electric Low-Speed Scooters unless they possess a valid driver's license or are at least eighteen (18) years of age.

5. Users of Electric Low-Speed Scooters shall not:

- a. Operate between the hours of 10:00 p.m. and 6:00 a.m.;
- b. Carry more persons at one time than the number of persons for whom it is designed and equipped;
- c. Attach himself or the Electric Low-Speed Scooter to any other vehicle, bicycle, Shared Mobility Device, or other means of travel being operated upon a roadway;
- d. Carry any package, bundle, or article that prevents the User from keeping at least one hand on the handlebars;
- e. Operate more than one Electric Low-Speed Scooter at the same time;
- f. Tow any item or article, including another Electric Low-Speed Scooter; and/or
- g. Text while operating the Electric Low-Speed Scooter.

B. Motorized Bicycles; Electric-Assisted Bicycles.

1. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall be subject to regulations and limitations imposed by federal, state and local law.

2. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall:

- a. Properly park the Motorized Bicycle and Electric-Assisted Bicycle of any class in accordance with Sec. 98-209(D);
- b. Operate the Motorized Bicycle and Electric-Assisted Bicycle of any class in accordance with Sec. 98-207; and
- c. Operate the Motorized Bicycle and Electric-Assisted Bicycle of any class within the geographic limitations outlined in Sec. 98-208.



3. Users shall not operate Motorized Bicycles or Electric-Assisted Bicycles of any class unless they possess a valid driver's license and are at least sixteen (16) years of age.

4. In accordance with La. R.S. 32:190, Users shall wear a helmet while operating Motorized Bicycles and Electric-Assisted Bicycles of any class.

5. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall not:

- a. Operate between the hours of 10:00 p.m. and 6:00 a.m.;
- b. Carry more persons at one time than the number of persons for whom it is designed and equipped;
- c. Attach himself or the Motorized Bicycle or Electric-Assisted Bicycle of any class to any other vehicle, bicycle, Shared Mobility Device or other means of travel being operated upon a roadway;
- d. Carry any package, bundle, or article that prevents the User from keeping at least one hand on the handlebars;
- e. Tow any item or article, including another Motorized Bicycle, Electric-Assisted Bicycle of any class, or Shared Mobility Device; and/or
- f. Text while operating the Motorized Bicycle or Electric-Assisted Bicycle of any class.

**SECTION 4:** All ordinances or resolutions, or parts thereof, in conflict herewith, including but not limited to Joint Ordinances JO-071-2020, JO-109-2020, and JO-003-2022 are hereby repealed.

**SECTION 5:** Consistent with the principles espoused in Section 2-11(E) of the Lafayette City-Parish Consolidated Government Home Rule Charter, the Lafayette City Council and Lafayette Parish Council acknowledge and declare that either Council, acting independently and without the necessity of the approval of the other Council, may amend, modify, revise, retract, and/or supplement the regulations governing Commercial Pedal Carriages to the extent that such legislative action only involves subject matters that are solely within the legislative power of the Council so acting.

**SECTION 6:** After first having been adopted by a majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint ordinance shall become effective upon the signature of the Lafayette Mayor-President, the lapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of any veto, whichever occurs first.

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**CHAPTER 98 – VEHICLES FOR HIRE**

**ARTICLE IV. Shared Mobility Devices in City and Parish of Lafayette**

**DIVISION 1. - GENERALLY**

**Sec. 98-196. – Legislative Intent and Purpose**

- A. The legislative intent and purpose in adopting this Article is to promulgate reasonable rules and regulations for the rental or offering for rental, use, and operation of Shared Mobility Devices, as defined herein, within the City and Parish of Lafayette.
- B. The Lafayette City Council and Lafayette Parish Council expect that Shared Mobility Devices will be frequently used by local citizens, tourists and visitors in the City and Parish of Lafayette, Louisiana, and the City-Parish Council deems it is necessary to promulgate reasonable rules and regulations for the permitting and use of Shared Mobility Devices by local citizens, tourists and visitors to this area.
- C. The Lafayette City Council and Lafayette Parish Council find that the establishment of reasonable rules and regulations as hereinafter set forth concerning Shared Mobility Devices is necessary to promote, protect and preserve the general welfare, safety, health, peace, good order and economy of Lafayette and the citizens of Lafayette Parish, Louisiana.

**Sec. 98-197. Territorial Applicability**

Except as otherwise provided in this Article, the provisions of this Article shall apply in both the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

**Sec. 98-198. - No Vested Rights in Permit**

The City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be, reserves the right to amend or repeal this Article at any time, and no Operator or Permittee shall have any vested rights to operate hereunder, retain a permit, or have a permit renewed. In the event the amendment or repeal of this Article results in a permit being valid for less than its full term, the pro rata portion of the Program Administrative Fee for the remaining portion of the term shall be refunded to the Permittee.

**Sec. 98-199. – Non-Transferability; Non-Exclusivity**

Permits issued pursuant to this Article shall not be sold, transferred, assigned, leased or subleased to any other Operator, Permittee, person or entity. Any such sale, transfer, assignment, lease or sublease renders the permit null and void. Nothing contained herein shall be construed to give an Operator or Permittee the exclusive right to operate within the City of Lafayette or the unincorporated areas of the Parish of Lafayette.

**Sec. 98-200. Limitation of Liability**

Neither the City of Lafayette, the Parish of Lafayette, nor the Lafayette City-Parish Consolidated Government, as the case may be, shall be liable to any Permittee, User or third party for any loss, damage or injury to Permittee, its Shared Mobility Device(s), Users, or any other property or third persons as a result of the operation and/or use of a Shared Mobility Device. The City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government makes no representations or warranties concerning the condition or suitability of its streets, sidewalks and/or rights of way for Shared Mobility Devices or the User's use of same.

Operator, Permittee and User acknowledge and agree that the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government are not responsible for providing security at any location where Shared Mobility Devices, to the extent applicable, are stored, deployed, Rebalanced, parked, used, or located. Permittees, by operation in the territory described in Sec. 98-197, agree to hold harmless and waive any and all claims against the City of Lafayette, the Parish of Lafayette, and the Lafayette City-Parish Consolidated Government in the event a Shared Mobility Device or other property is stolen, lost, or damaged.

Operator, Permittee, and User acknowledge and agree that the City of Lafayette, Parish of Lafayette and/or Lafayette Consolidated Government are not responsible for educating Operator, Permittee or User on compliance with this Article.

#### **Sec. 98-201. No Joint Venture**

Nothing herein contained shall be in any way construed as expressing or implying that the City of Lafayette, the Parish of Lafayette and/or the Lafayette Consolidated Government have joined together in any joint venture in any manner with any Permittee, Operator, entity, or person, or that such parties have agreed to or are contemplating the sharing of profits and losses among themselves in relation to any matter.

#### **Sec. 98-202. Definitions**

*Commercial Pedal Carriage* means a four (4) or more wheeled bicycle-like vehicle that is human powered and/or equipped with pedal e-assist that transports seated passengers and is propelled by one (1) or more passengers not including the driver. A Commercial Pedal Carriage has a maximum number of sixteen (16) passengers, not including the driver, and has a speed of no more than ten (10) miles per hour.

*Department* refers to the Lafayette Consolidated Government Department of Development and Planning.

*Director* refers to the director of the Lafayette Consolidated Government Department of Development and Planning or his/her designee.

*Electric-Assisted Bicycle* means every bicycle upon which any person or persons, if the design accommodates passengers, may ride, having a saddle or seat for each rider, and having two tandem wheels, either of which is sixteen inches or more in diameter, or three wheels, any one of which is twenty inches or more in diameter, equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirement of one of the following classes:

- (a) "Class one electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.
- (b) "Class two electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.
- (c) "Class three electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor, which provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

*Electric Low-Speed Scooter* means a rental or commercial device weighing less than 100 pounds that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor. An electric low-speed scooter shall not be considered a motor-driven cycle, motor scooter, electric scooter, vehicle, or motor vehicle.

*Geofencing* means the use of GPS, RFID or other technology to create a virtual geographic boundary, enabling software to trigger a response, including but not limited to disabling the operability of the Shared Mobility Device when a Shared Mobility Device enters or leaves a particular area.

*Governing Authority* refers to the governing authority of the City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be.

*Motorized Bicycle* means a pedal bicycle which may be propelled by human power or helper motor, or by both, with a motor rated no more than one and one-half brake horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which produces a maximum design speed of no more than twenty-five miles per hour on a flat surface.



*Operator* means an individual or business entity that offers Shared Mobility Devices for use or rental. Where applicable, the term Operator, as used herein, shall also include drivers of a Commercial Pedal Carriage.

*Permittee* means an Operator that holds a current and valid permit issued pursuant to this Article.

*Rebalance* means the Permittee's pickup, recharge, inspection, and/or re-deployment of Shared Mobility Devices to the designated location or locations promulgated and/or approved by the SMD Management Committee.

*Shared Mobility Device* means Electric Low-Speed Scooters, Motorized Bicycles, Commercial Pedal Carriage, or other similar devices as determined by the Director, that are offered for use or rental to Users on a minute, hourly, daily, or any other basis.

*Two-Lane Roadway* means (1) a public highway, street or roadway with one travel lane for each direction of traffic, excluding center or turning lanes; or (2) a one-way public highway, street or roadway with two travel lanes proceeding in the same direction.

*User* means a person who rents, operates and/or uses a Shared Mobility Device provided and/or operated by an Operator or Permittee.

#### **Sec. 98.203. Safety regulations**

Operators, Permittees and Users of Shared Mobility Devices shall be subject to all federal and state safety and traffic laws and regulations. Operators, Permittees and Users of Shared Mobility Devices shall, furthermore, be subject to all local regulations, unless modified herein, and all supplemental operational safety standards and regulations promulgated by the SMD Management Committee established by Sec. 98-206.

### **DIVISION 2 – PERMIT REQUIREMENTS**

#### **Sec. 98-204. Permit Application**

A. Operators who desire to offer Shared Mobility Devices for use or rental in the City of Lafayette and the unincorporated Lafayette Parish shall submit an application for permit to the Director.

B. The application must include all of the following, except for those requirements the Director determines to have no application to the permit applied for:

1. Payment of a \$500.00 non-refundable, non-transferrable application fee;
2. Images, specifications, and descriptions of the Operator's Shared Mobility Devices, smartphone app, and certification from Operator that all units in its proposed fleet comport with the definition of the type of Shared Mobility Devices in this Article;
3. Size of fleet to be deployed, including any planned fleet expansions during the permit year, said fleet size and any expansion thereof being subject to approval of the Director;
4. Service area of fleet to be deployed, including any planned expansions during the permit year, said service area and any expansion thereof being subject to approval of the Director;
5. Plan for educating Users on proper operation, parking, and safety requirements of Shared Mobility Devices imposed by this Article as well as by state and local law;
6. The address of a fixed facility or facilities located within the territory defined in Sec. 98-197 to be used by the Operator or Permittee during the permit year, coupled with a plan for relocating all Shared Mobility Devices to the fixed facility (*i.e.* safe, indoor facility) within twenty-four (24) hours of a declared severe weather or emergency event;

7. Documentary evidence of a zero-balance for all imposed fees, fines, assessments, charges, penalties, taxes, levies, including but not limited to any ad valorem taxes on the fixed facility or facilities to be used by the Operator or Permittee, or any other outstanding amounts whatsoever owed to any department and/or division of Governing Authority;
8. A copy of Operator's User Agreement between Operator and User, the provisions of which shall be subject to the approval of the Director. The Operator's User Agreement shall include a provision that User fully releases, holds harmless, and waives all liability of the City of Lafayette, Parish of Lafayette and/or Lafayette Consolidated Government for any injury, harm, or damage to the person or property of any User or third person arising from the User's use of the Operator's Shared Mobility Devices. The User Agreement shall include a provision confirming that any and all claims arising out of the User Agreement shall be governed by the laws of the State of Louisiana, without regards to conflict of laws principles, and that venue for all such claims shall be in Lafayette Parish, Louisiana. The User Agreement shall not require arbitration of such claims. The User Agreement shall include a provision securing a User's consent to the sharing of Data, as defined in Sec. 98-212;
9. Copies of any conditions, rules and regulations of Operator imposed on User, the provisions of which shall be subject to the approval of the Director;
10. A copy of the organizational documents establishing the Operator's business entity and evidencing the nature of same (e.g. LLC, Corporation, Partnership, etc.), as well as any amendments or bylaws associated therewith;
11. The name and address of each person or entity with a twenty (20) percent or greater ownership interest in the business;
12. The name and contact information (including mailing address, telephone number and email address) of a person or persons designated by the Operator to receive any notices sent by the Director and/or the SMD Management Committee to the Operator during the permit year;
13. The contact information of a Lafayette-based manager or operations staff member(s) designated by the Operator available 24 hours a day, 7 days a week to address daily operational issues during the permit year;
14. The webpage or web application information for the publicly-accessible complaint portal referenced in Sec. 98-211, and the webpage or web application information for the internal, LCG-accessible portal for acceptance of electronic violations referenced in Sec. 98-213(C);
15. Plan for providing equitable access to Users in neighborhoods and communities that are underserved by mobility and transportation options;
16. Certificate of Insurance in an amount and form required by the Risk Management Division and included in the Permit Application;
17. Signed indemnification and hold harmless agreement in the form included in the Permit Application;
18. Proof of applicant's current registered account with the Lafayette Parish School System for remittance of all applicable taxes;
19. Copy of the Shared Mobility Device's manufacturer's specifications;
- ~~17.~~20. Regarding Commercial Pedal Carriages, rules and regulations governing driver appearance and conduct;
- ~~18.~~21. In addition to the foregoing, the Operator's authorized representative shall execute a notarized statement which identifies and contains the following

information, which may be used by the Director in determining whether a permit or renewal thereof shall issue pursuant to this Article:

- i. Whether Operator has had any license or permit of a similar type issued by any state, or political subdivision suspended or revoked within two (2) years prior to filing said application;
- ii. Whether Operator has had any liens, encumbrances, or judgments filed against it by any individual, entity, federal, state, or political subdivision within two (2) years prior to filing said application; and
- iii. Whether any person with a twenty percent or greater ownership interest in the Operator has been convicted of a felony under the laws of the United States, this state, or another state or country within two (2) years prior to filing said application.

C. Abandonment of Permit Application. An application for a new or renewal permit shall be deemed abandoned if:

1. The Director has sent written notice to the Operator or Permittee that said application is incomplete or requires supplementation ("Deficiencies"); and
2. More than 45 calendar days have elapsed from the date of the notice of the Deficiencies by the Director explaining the Deficiencies, and the Operator or Permittee has failed to correct the Deficiencies and re-submit a revised permit application to the Director.

Any abandonment of a Permit Application will require the Operator to submit a new application pursuant to Sec. 98-203. The application fee of the abandoned application shall not be transferred to a new application.

D. If the application meets all of the requirements of this Article in the discretion of the Director, the Director shall notify Operator or Permittee in writing, and the Operator or Permittee shall then submit the items below to the Director within 35 calendar days of the date of the written notice prior to issuance of the permit:

1. Program Administrative Fee in the amount of one hundred twenty dollars (\$120) per Shared Mobility Device, except for Commercial Pedal Carriages, where the Program Administrative Fee shall be five hundred dollars (\$500) per Commercial Pedal Carriage. Program Administrative Fees remitted in connection with a new permit issued for less than a calendar year shall be prorated. Permittee shall pay this Program Administrative Fee for any approved Shared Mobility Device fleet expansions during the permit year. The Program Administrative Fee must be remitted annually.
2. Irrevocable Letter of Credit in the amount and form satisfactory to the SMD Management Committee pursuant to Sec. 98-206(G)(6), and which shall remain in effect for the duration of the Permittee's permit and any renewal thereof. The Irrevocable Letter of Credit must be a "clean letter of credit," i.e., as a condition of payment, it may require no more than presentation of a draft or other demand by the Director and must contain the following statement:

Said funds are available by draft drawn at sight accompanied by a dated statement signed by the Director of the Lafayette City-Parish Consolidated Government Department of Public Works that [insert Permittee name] has not satisfied the conditions of its Shared Mobility Device Permit and is in non-compliance with and/or has violated of Article X of LCG Code of Ordinances and/or any supplemental rules and regulations promulgated by the SMD Management Committee.

3. In the event such a draw is made, Permittee shall replenish or reinstate the Irrevocable Letter of Credit funds within thirty (30) days to the amount established by the SMD Management Committee. Nothing herein shall be construed to limit the liability of a Permittee for Permittee-caused damages, impoundment costs



and/or any other fines or penalties that exceed the Permittee's Irrevocable Letter of Credit balance.

- E. During the permit year, any changes to the information provided by an Operator in its permit application must be reported to the Director, in writing, within ten (10) days of the change.
- F. The application for and acceptance of a permit hereunder signifies an Operator's acknowledgement and agreement that all public rights-of-way are in an "as is" condition and that the City of Lafayette, Parish of Lafayette and the Lafayette Consolidated Government make no representation or warranties concerning the condition of the rights-of-way or their suitability for use by Permittees or its Users, and assumes no duty to warn either Permittees or its Users concerning conditions that exist now or that may arise in the future.
- G. Permittees authorized to operate in accordance with this Chapter may be required to obtain additional permitting from the Governing Authority, including but not limited to permits related to the -as-it-relates-to-the-parking of Shared Mobility Devices in public rights-of-ways and any permits required under the Alcohol Code for Commercial Pedal Carriages.

#### **Section 98-205. Duration of Permit; Permit Renewal**

- A. Permits issued pursuant to this Article shall be valid until December 31 of the calendar year in which the permit has been issued, unless sooner suspended or revoked by the Director.
- B. Application for an annual renewal of a permit shall be made by the Permittee no later than sixty (60) days before permit expiration. Application for permit renewal shall require:
  - 1. Payment of a \$500.00 non-refundable, non-transferrable application fee;
  - 2. Remittance of the Program Administrative Fee;
  - 3. Supplementation of Permittee's original permit application and supporting documentation to the extent the information contained therein has changed and/or requires renewal or update, including but not limited to updates to those items listed in Sec. 98-204(B)(7), B(15)-(187) and (D)(2), or a notarized statement by Permittee's authorized representative attesting that no information has changed and/or has been renewed or updated since original permit application; and
  - 4. Supplementation of Permittee's original permit application and supporting documentation or of Operator's renewal thereof to include any additional submissions required as a result of amendments made to this Article or by rules promulgated by the SMD Management Committee.

3.—

- C. If, through no fault of the Permittee, a renewal permit is not issued before December 31 of the permit year, the Director may extend the Permittee's permit until such time as the Permittee's application for renewal permit is granted or denied.
- D. Upon renewal, Permits issued pursuant to this Article shall be valid for one (1) year (January 1 – December 31) unless sooner suspended or revoked by the Director.
- E. Permittee is not entitled to and has no automatic right to renewal of its permit, and Permittee must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the City of Lafayette, the Parish of Lafayette, the Lafayette City-Parish Consolidated Government or the SMD Management Committee. Renewal permits may be withheld or denied in the discretion of the Director, which decision may be based on the information in the renewal application, as well as any recommendation, records and/or operational history provided to the Director by the SMD Management Committee.

#### **DIVISION 3 – SMD MANAGEMENT COMMITTEE**

##### **Sec. 98-206. SMD Management Committee; Established**



- A. The SMD Management Committee is hereby created and shall be made up of the following persons:
1. The Director of the LCG Department of Development and Planning, or his/her designee;
  2. The Director of the LCG Public Works Department, or his/her designee;
  3. The Lafayette Police Chief or his/her designee;
  4. The Director of Traffic, Roads and Bridges or his/her designee;
  5. The University Police Chief for the University of Louisiana at Lafayette, or his/her designee;
  6. The Director of the Downtown Development Authority, or his/her designee; and
  7. The Lafayette Mayor-President, or his/her designee.
- B. Four members of the SMD Management Committee shall constitute a quorum. An action or recommendation of the SMD Management Committee shall be made by the favorable vote of at least a majority of the authorized membership of the SMD Management Committee, except as otherwise provided herein.
- C. The SMD Management Committee shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman and a secretary from its membership. The term of each officer shall be for one year, with eligibility for re-election.
- D. The City-Parish Attorney, or his/her designee, shall serve as a legal advisor to the SMD Management Committee.
- E. The SMD Management Committee shall meet as needed at such times and places as the SMD Management Committee may prescribe. Special meetings may be held on the call of the chairman of the SMD Management Committee or a majority of the authorized membership of the SMD Management Committee with such notice as may be required by state law. All meetings of the SMD Management Committee shall be open to the public and conducted in accordance with the provisions of state law.
- F. The SMD Management Committee is authorized to promulgate and establish supplemental rules and regulations regarding the business operations, safety, use, process, procedures, requirements, and obligations of any Operator, Permittee and/or User that do not conflict with any provision of this Article or state law, and to make reports and/or recommendations to the Director regarding same.
- G. In addition, and without limiting the generality of the foregoing, the SMD Management Committee is specifically authorized to:
1. Promulgate and establish rules of procedure for conducting its meetings not inconsistent with this Article or state law;
  2. Review applications for permits and renewals thereof under this Article made by any Operator or Permittee and provide advisory reports and recommendations to the Director regarding same;
  3. Investigate, if it so chooses, violations or potential violations of this Article by an Operator or Permittee as well as any complaints, whether formal or informal, lodged against any Operator or Permittee and provide advisory reports and recommendations to the Director regarding same;
  4. Mandate a decrease in the Shared Mobility Device fleet size of any Operator or Permittee for any reason whatsoever, upon which the pro-rata portion of the Permittee's Program Administrative Fee shall be returned to the Permittee;

5. Promulgate additional parking, fleet distribution and densities, use, operation and geographic limitations of an Operator or Permittee's Shared Mobility Devices on any specified highway, road, street, sidewalk and/or public right-of-way;
  6. Establish the amount of the Irrevocable Letter of Credit an Operator or Permittee is required to submit pursuant to Sec. 98-204(D)(2), which amount shall be commensurate with or related to the Operator's fleet size and type of Shared Mobility Device offered. Notwithstanding the foregoing, in no event shall the Irrevocable Letter of Credit be in an amount less than \$10,000.00 nor more than \$50,000.00, and the amount shall be subject to change at any time during the permit year or during any renewal thereof by the SMD Management Committee.
- H. Permittee shall cooperate and meet with the SMD Management Committee upon request. Failure to comply with the provisions of this Article or the supplemental rules and regulations promulgated by the SMD Management Committee may subject a Permittee to a fine, or may result in a denial, suspension or revocation of its permit or renewal thereof.
- I. Rules and regulations promulgated by the SMD Management Committee shall be published on the LCG website and available at the Department of Development and Planning. All such rules and regulations, as may be adopted from time to time, are hereby incorporated herein by reference.

#### **DIVISION 4. RESTRICTIONS OF PERMITTEE'S OPERATIONS; VIOLATIONS**

##### **Sec. 98-207. Use of Shared Mobility Devices, Generally**

A. Permittee shall not allow:

1. Electric Low-Speed Scooters to be operated by a User unless they possess a valid driver's license or are at least eighteen (18) years of age.
2. Motorized Bicycles or Electric-Assisted Bicycles of any class to be operated by a User unless they possess a valid driver's license and are at least sixteen (16) years of age.
3. With regards to Commercial Pedal Carriages:
  - (i) any Commercial Pedal Carriage to be driven on or parked upon a sidewalk;
  - (ii) any Commercial Pedal Carriage driver to consume any alcoholic beverages while on duty or driving a Commercial Pedal Carriage;
  - (iii) any Commercial Pedal Carriage User to consume alcohol who is under the legal age as established by Louisiana law;
  - (iv) any Commercial Pedal Carriage to carry more Users than the seating capacity established by the manufacturer;
  - (v) any person other than the Commercial Pedal Carriage driver, to drive the Commercial Pedal Carriage nor sit in the driver's seat;
  - (vi) the loading or unloading of Users or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered unsafe, or in any manner that will in any way impede or interfere with the orderly flow of traffic on the streets;
  - (vii) any Commercial Pedal Carriage driver or User to exhibit unlawful behavior, both while the Commercial Pedal Carriage is in motion or at a stop – it being the responsibility of Permittee to, at all times, operate a Commercial Pedal Carriage in a safe manner and operating condition, and further to actively and affirmatively manage the behavior of its Users so that the behavior remains law-abiding, both while the Commercial Pedal Carriage is in motion or at a stop;

(viii) any driver or User of a Commercial Pedal Carriage to litter in violation of any applicable state or local laws – it being the responsibility of Permittee to properly dispose of all trash in connection with the operation of a Commercial Pedal Carriage;

(ix) the emission of music or amplified sound to be played, nor the yelling or conversation to be conducted, on a Commercial Pedal Carriage in such a manner that would violate applicable state or local laws;

(x) any Commercial Pedal Carriage driver to drive a Commercial Pedal Carriage unless they possess a valid chauffeur's license and are at least eighteen (18) years of age; and

(xi) the operation of a Commercial Pedal Carriage by a driver who, at any time, meets any one or more of the following:

a) has more than three (3) moving violations within the last thirty-six (36) month period, and no more than two (2) moving violations in the last twelve (12) month period;

b) has been convicted in the last five (5) years for any of the following offenses involving bodily injury or death or convicted in the last three (3) years for any of the following offenses not involving injury or death:

1. Hit and run;
2. Driving under the influence of an alcoholic beverage or drug;
3. Reckless or careless driving.

c) has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five (5) years prior to the date of application for violation of any of the following criminal offenses under the laws of Louisiana, any other state or of the United States:

1. Homicide;
2. Rape;
3. Aggravated assault;
4. Kidnapping;
5. Robbery;
6. Burglary;
7. Child sexual abuse;
8. Any sex-related offense;
9. Leaving the scene of an accident;
10. Criminal solicitation, or criminal attempt to commit any of above;
11. The felony possession, sale or distribution of narcotic drugs or controlled substances.

B. Permittee shall not allow the initiation of the rental of a Shared Mobility Device between the hours of 10:00 p.m. and 6:00 a.m., except for Commercial Pedal Carriages, which shall not operate between the hours of 12:00 a.m. (midnight) and 10:00 a.m.

C. ~~C.~~ With regards to Shared Mobility Devices other than Commercial Pedal Carriages, Permittee shall not allow Shared Mobility Devices to be operated by more than one User at a time, unless it is equipped for use by additional riders.

C.D. With regards to Commercial Pedal Carriages, Permittee shall promptly report any and all accidents involving its Commercial Pedal Carriage(s) to the SMD Management Committee.

- E. Permittee shall educate its Users regarding state and local laws applicable to riding, operation, parking and safety requirements of Shared Mobility Devices imposed by this Article as well as state and local law.
- F. Permittee shall submit quarterly reports to the SMD Management Committee certifying under oath its compliance with all of the requirements of this Article. The SMD Management Committee, in its discretion, shall have the right to inspect all Shared Mobility Devices and records of Permittee in order to verify the accuracy of such certifications. Any false certifications may result in a fine, suspension, or revocation of the Permittee's permit.
- G. In furtherance of the plan described in Sec. 98-204(B)(154), Permittee is encouraged to:
  - 1. Provide pricing options and/or discount programs that address the needs of low-income individuals;
  - 2. Develop options for use of Shared Mobility Devices that do not require a smartphone, including cash-payment options; and
  - 3. Provide adaptive Shared Mobility Devices that enable operation by people with disabilities.

**Sec. 98-208. Geofencing and Geographic Limitations on Use**

- A. Except for Commercial Pedal Carriages, Permittee shall maintain Geofencing capabilities on all Shared Mobility Devices and shall comply with SMD Management Committee Geofencing requirements. Without limiting the generality of the foregoing, Permittee shall at all times maintain Geofencing around the service territory specified in its permit.
- B. Except for Commercial Pedal Carriages, Permittee shall comply with any event-specific Geofencing requirements promulgated by the SMD Management Committee, including but not limited to, those in effect during Mardi Gras and Festival International.
- B-C. All Permittees shall comply with any geographical limitations on its area(s) of operation promulgated by the SMD Management Committee.

**Sec. 98-209. Deployment and Rebalancing of Shared Mobility Devices**

- A. Prior to the deployment, and where applicable the or Rebalancing, of each Shared Mobility Device and at all times thereafter, the Permittee or its designee shall cause each Shared Mobility Device to be in good riding condition and each Permittee shall, at all times, maintain such condition for each Shared Mobility Device. Permittee shall cause all Shared Mobility Devices to be inspected, maintained, and replaced as necessary by properly trained, insured staff or contractors. Permittee or its designee shall not deploy or Rebalance, and shall immediately remove from its fleet, any Shared Mobility Device that is inoperable, unsafe, or otherwise not in good riding condition. Any such Shared Mobility Device must be repaired before being deployed or Rebalanced.
- B. Permittee shall ensure that each Shared Mobility Device contains a unique identification number and displays an easily identifiable emblem, symbol or logo of the Permittee and the Permittee's 24-hour call-in telephone number.
- C. Except for Commercial Pedal Carriages, Permittee shall Rebalance any and all Shared Mobility Devices between the non-operational hours of 10:00 p.m. - 6:00 a.m.
- D. All Shared Mobility Devices shall be deployed, or and where applicable Rebalanced, in an approved or designated location to the extent such locations have been established by the SMD Committee, standing upright on a hard, flat surface. No Permittee or User shall deploy, park, or Rebalance, or permit to be deployed, parked, or Rebalanced any Shared Mobility Device in such a manner as to adversely affect the property of any third party, or to block, impede access to or interfere with:
  - 1. the flow of vehicular traffic on a street, alley or driveway;



2. any fire hydrant, call box, or other emergency facility;
  3. any designated parking space or access point for the handicapped or disabled, including but not limited to any handicapped or disabled citizen parking space or zone and any ADA access ramp;
  4. any body of water or drainage facility (ditch, coulee, etc.) or any other location that could adversely affect the health, safety and welfare of the public;
  5. the flow of pedestrian or wheelchair traffic on any the sidewalk;
  6. A loading or unloading zone;
  7. a bus bench, stop, or other transit passenger waiting area;
  8. a utility pole or box;
  9. the ingress or egress from any building or structure;
  10. a USPS mailbox; or
  11. any location so designated by the SMD Management Committee.
- E. Any Shared Mobility Device deployed, Rebalanced or parked by a Permittee or User in violation of subsection (D) above shall be subject to immediate impoundment and/or removal of the Shared Mobility Device at the expense of the Permittee without prior notice. Permittee shall be responsible for all costs associated with the retrieval, impoundment and/or storage of any Shared Mobility Device incurred by the Governing Authority or its designee which shall be paid in full by the Permittee prior to the release of the Shared Mobility Device to the Permittee or its designee.
- F. In the event that such removal and impoundment is completed by the Governing Authority or its designee, Permittee shall, within sixty (60) days after receipt of notice of an impoundment of a Shared Mobility Device, remit any and all costs incurred by LCG, including but not limited to an impoundment fee in the amount of \$200.00, before retaking possession of the impounded Shared Mobility Device. Upon the lapse of sixty (60) days without retrieval of the Shared Mobility Device and the payment in full of any outstanding amounts owed by Permittee, the impounded Shared Mobility Device shall be deemed abandoned by the Permittee and may be sold as surplus movable property by the Governing Authority.
- G. Permittee shall comply with any and all additional rules and regulations promulgated by the SMD Management Committee, and shall adequately inform all designated deployment personnel on the requirements of this Article.
- H. Permittee shall also adequately inform all Users or its drivers on how and where to properly park Shared Mobility Devices consistent with this Article.

#### **Sec. 98-210. Emergency**

- A. Permittee shall relocate all Shared Mobility Devices to its fixed facility or facilities within twenty-four (24) hours of a declared severe weather or emergency event declared by the Governing Authority or the Director.
- B. The Director, in his/her discretion and without notice, reserves the right to remove Shared Mobility Devices if an emergency arises. In such instances, the Director will attempt to notify the Permittee as soon as reasonably practicable thereafter.

#### **Sec. 98-211. Complaints**

- A. Permittee shall maintain a Lafayette-specific, publicly accessible webpage that will allow members of the public to submit complaints and photographs to Permittee. Permittee shall maintain records of all such complaints/photographs for inspection by the Director and/or the SMD Management Committee upon request. The webpage shall also explain the terms

of service, including user instructions, privacy policies, and all fees, costs, penalties and unexpected charges that could be levied upon Users by Permittee.

- B. Permittee shall maintain a toll free call-in number that will allow members of the public to submit complaints telephonically to Permittee 24 hours a day, 7 days a week. Permittee shall maintain records detailing all such complaints for inspection by the Director and/or the SMD Management Committee upon request.

#### **Sec. 98-212. Data Sharing**

- A. Permittee shall collect and maintain User records, fleet records, maintenance records, and complaint records ("Data") for the duration of the Permittee's permit, any renewal thereof, and shall maintain the Data for no less than three (3) years from the date its operations cease. The Data shall be made available for inspection by the Director and/or the SMD Management Committee upon request. Data shall include, but shall not be limited to:

1. Size of fleet deployed and geographical location or locations where Shared Mobility Devices are deployed or Rebalanced;
2. Record or log of maintenance and repair activities, including but not limited to the unique identification number of the Shared Mobility Device, identity of person(s) or entity performing the maintenance or repair, maintenance or repair performed, date performed, and date deployed or Rebalanced;
3. Number of rides per Shared Mobility Device per day; and
4. ~~Except for Commercial Pedal Carriages, Anonymized aggregated User data in the form of heat maps showing routes, trends, trip durations, dates and times of trip, origins and destinations.~~

- B. Permittee and, where applicable, its Users shall consent to the sharing of Data, as defined in this Section, with the Director, SMD Management Committee, and the Governing Authority upon request. ~~Where applicable, Users, by virtue of Permittee's User Agreement, and Permittee acknowledge and agree that any Data shared with the Director, SMD Management Committee and the Governing Authority may constitute a public record.~~

- C. Permittee shall distribute any User surveys that may be provided by the SMD Management Committee regarding customer service, program evaluation, and/or maintenance and use of Permittee's Shared Mobility Devices.

#### **Sec. 98-213. Violations, Penalties, Appeals**

- A. It shall be unlawful for any Operator to offer a Shared Mobility Device for rental, use or operation without a valid permit issued under this Article. Such Shared Mobility Devices shall be subject to immediate impoundment in accordance with the procedures specified in Sec. 98-209(E)-(F).

- B. Non-compliance with any provision of this Article, including but not limited to the following, shall constitute a violation of this Article:

1. The increase in fleet size by a Permittee without the prior written approval of the SMD Management Committee.
2. Nonrenewal, lapse, or cancellation of the Permittee's Certificate of Insurance or Irrevocable Letter of Credit required by this Article.
3. Nonpayment of overdue fines for violations of this Article, or other costs and/or fees, including impoundment costs.
4. Permittee's allowance of the use and operation of Shared Mobility Devices by Users in violation of the provisions in Sec. 98-207.

5. Permittee's failure to maintain the Geofencing requirements and/or the geographic limitations on use authorized by in Sec. 98-208.
6. Permittee's failure to properly deploy or Rebalance Shared Mobility Device(s) in violation of Sec. 98-209 of this Article.
7. Permittee's failure to comply with any rule or regulation promulgated by the SMD Management Committee.
8. Permittee's failure to comply with a contract or service agreement with any department and/or division within the Governing Authority, or the Permittee's failure to pay any outstanding fees, fines, assessments, charges, penalties, taxes, levies or any other outstanding amounts whatsoever owed to any department and/or division of the Governing Authority.
9. Permittee's failure to comply, for any period of time, with any of the regulations or requirements of this Article, any rules and/or regulations of the SMD Management Committee, state law and/or local ordinances, regulations, or policies.
- 9.10. Permittee's failure to maintain, where required, a registered account with the Lafayette Parish School System for remittance of all applicable taxes.

C. Director's Review.

1. Permittee may be fined and/or permits may be suspended or revoked by the Director due to any non-compliance with the regulations or requirements of this Article, or due to a failure to comply with any and all statutes, ordinances, regulations or policies that are duly and lawfully adopted by the state of Louisiana, the City of Lafayette, the Parish of Lafayette, the Lafayette City-Parish Consolidated Government or the SMD Management Committee.
2. Prior to the issuance of a fine or the suspension or revocation of a permit issued pursuant to this Article, the Director shall issue a written notice of the violation(s) to the Permittee either by certified mail, return receipt requested, or through the webpage or web application portal internally accessible by LCG. The written notice shall include, at minimum, the following:
  - a. The date and place of the alleged violation(s);
  - b. The provision(s) of this Article that was (were) violated;
  - c. A summary of the causes for which the notice issued; and
  - d. Any documentary evidence of the alleged violation(s).
3. Within fourteen (14) days of receipt of the written notice of violation, the Permittee may submit any and all documentary evidence to the Director in response to the alleged violation. Within sixty (60) days of the receipt of the submitted documentary evidence, if any, the Director shall render a written decision as to whether a violation of this Article has occurred and, if so, whether a fine, suspension or revocation shall be issued. The decision to fine a Permittee and/or suspend or revoke a permit shall be issued by and at the discretion of the Director and made in writing to the Permittee. The Director may base his/her decision on the facts specific to the underlying violation(s), the records and/or operational history of Permittee, and/or any other information available to the Director or provided to the Director by the SMD Management Committee. Written notice of the Director's decision shall be provided to the Permittee in accordance with Section 98-213-(C)(2), which decision shall be final after the expiration of the appeal delays established herein.

D. Fines, Suspension or Revocation.

1. A violation of any provision of this Article may be punishable by a fine not to exceed \$500.00, per occurrence. The Director shall determine the amount of the fine, if any, in his/her discretion.
  2. Independent of any fines issued hereunder, the Director, after review and consideration of the advisory reports and recommendations of the SMD Management Committee, if any, may suspend or revoke the permit issued hereunder. If revoked, Permittee shall not be eligible to apply for or receive a permit under this Article for a period of one year from date of revocation.
- E. If the Governing Authority incurs any costs addressing or abating any violations of this Article, or incurs any costs of repair or maintenance of public property caused by the use of Shared Mobility Devices, the Permittee shall, at the discretion of the Director, either (i) reimburse the Governing Authority for said costs within thirty (30) days of the date of the written notice from the Director, or (ii) within thirty (30) days, replenish the Irrevocable Letter of Credit drawn to pay such costs.
- F. Appeals.
1. Appeal to district court. Within 21 calendar days from the date of the written notice of the Director's decision issuing a fine and/or suspending or revoking a permit, an Operator or Permittee may take an appeal to the 15th Judicial District Court. Concurrent with the filing of an appeal to the 15th Judicial District Court, the Operator or Permittee shall provide written notice of such filing to the Director. The district court shall consider the appeal to determine whether the Director acted reasonably and in good faith under the provisions of this Article, and shall review only the issues presented to the Director and the documentary evidence considered by the Director in making his/her decision.
  2. Appeal to appellate court. Any appeal from a Judgment of the 15th Judicial District Court to the Third Circuit Court of Appeals shall be perfected in the same manner as provided for in civil cases.

## **DIVISION 5 – RESTRICTIONS ON USER OF SHARED MOBILITY DEVICE; VIOLATIONS**

### **Sec. 98-214. Use of Shared Mobility Devices by User**

#### **A. Electric Low-Speed Scooters.**

1. Users shall only operate Electric Low-Speed Scooters:
  - a. in any bike lane in the City of Lafayette or unincorporated Parish of Lafayette;
  - b. on any sidewalk in the City of Lafayette or unincorporated Parish of Lafayette, except for those sidewalks situated in the Downtown Zoning District, as designated in Sec. 89-13(c)(4) of the LCG Code of Ordinances; or
  - c. on any Two Lane Roadway with a posted speed limit of 35 miles per hour or less.
2. When operating an Electric Low-Speed Scooter upon a sidewalk the User shall yield to any pedestrian or person using a wheelchair and shall give an audible signal before overtaking or passing a pedestrian or person using a wheelchair.
3. Users of an Electric Low-Speed Scooter shall:
  - a. Properly park the Electric Low-Speed Scooter in accordance with Sec. 98-209(D);
  - b. Operate the Electric Low-Speed Scooter in compliance with Sec. 98-207; and
  - c. Operate the Electric Low-Speed Scooter within the geographic limitations outlined in Sec. 98-208.



4. Users shall not operate Electric Low-Speed Scooters unless they possess a valid driver's license or are at least eighteen (18) years of age.

5. Users of Electric Low-Speed Scooters shall not:

- a. Operate between the hours of 10:00 p.m. and 6:00 a.m.;
- b. Carry more persons at one time than the number of persons for whom it is designed and equipped;
- c. Attach himself or the Electric Low-Speed Scooter to any other vehicle, bicycle, Shared Mobility Device, or other means of travel being operated upon a roadway;
- d. Carry any package, bundle, or article that prevents the User from keeping at least one hand on the handlebars;
- e. Operate more than one Electric Low-Speed Scooter at the same time;
- f. Tow any item or article, including another Electric Low-Speed Scooter; and/or
- g. Text while operating the Electric Low-Speed Scooter.

B. Motorized Bicycles; Electric-Assisted Bicycles.

1. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall be subject to regulations and limitations imposed by federal, state and local law.

2. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall:

- a. Properly park the Motorized Bicycle and Electric-Assisted Bicycle of any class in accordance with Sec. 98-209(D);
- b. Operate the Motorized Bicycle and Electric-Assisted Bicycle of any class in accordance with Sec. 98-207; and
- c. Operate the Motorized Bicycle and Electric-Assisted Bicycle of any class within the geographic limitations outlined in Sec. 98-208.

3. Users shall not operate Motorized Bicycles or Electric-Assisted Bicycles of any class unless they possess a valid driver's license and are at least sixteen (16) years of age.

4. In accordance with La. R.S. 32:190, Users shall wear a helmet while operating Motorized Bicycles and Electric-Assisted Bicycles of any class.

5. Users of Motorized Bicycles and Electric-Assisted Bicycles of any class shall not:

- a. Operate between the hours of 10:00 p.m. and 6:00 a.m.;
- b. Carry more persons at one time than the number of persons for whom it is designed and equipped;
- c. Attach himself or the Motorized Bicycle or Electric-Assisted Bicycle of any class to any other vehicle, bicycle, Shared Mobility Device or other means of travel being operated upon a roadway;
- d. Carry any package, bundle, or article that prevents the User from keeping at least one hand on the handlebars;
- e. Tow any item or article, including another Motorized Bicycle, Electric-Assisted Bicycle of any class, or Shared Mobility Device; and/or
- f. Text while operating the Motorized Bicycle or Electric-Assisted Bicycle of any class.





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MAY 12 2022

## Internal Memorandum

Legal Department

**TO:** Veronica Williams, Clerk of the Council

**CC:** Nannette Cook, City Council Chairwoman, District 4  
Kevin Naquin, Parish Council District 2

**FROM:** Paul D. Escott, Assistant City-Parish Attorney

**SUBJECT:** City Council Agenda Item – Joint Ordinance  
Parish Council Agenda Item – Joint Ordinance  
June 7, 2022 Meeting – Introduction  
June 21, 2022 Meeting – Final Adoption

**DATE:** May 12, 2022


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Vee,

On behalf of City Council Chairwoman Nanette Cook and Parish Councilman Kevin Naquin, I submit the following, to-wit:

**A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL  
AND THE LAFAYETTE PARISH COUNCIL REDESIGNATING  
ARTICLE X OF CHAPTER 98 OF THE LAFAYETTE CITY-PARISH  
CODE OF ORDINANCES AS ARTICLE IV OF CHAPTER 98, AND  
REPEALING AND REENACTING ARTICLE IV OF CHAPTER 98 TO PROVIDE FOR  
THE REGULATION OF COMMERCIAL PEDAL CARRIAGES**

I respectfully request that this Joint Ordinance be placed on the June 7, 2022 Meeting Agenda(s) for consideration, for introduction by the Lafayette City Council and Lafayette Parish Council with consideration for final adoption at the June 21, 2022 meeting(s).

  
Paul D. Escott  
Assistant City-Parish Attorney

**LAFAYETTE JOINT COUNCIL MEETING**

**AGENDA ITEM SUBMITTAL FORM**

1) JUSTIFICATION FOR REQUEST: A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Redesignating Article X of Chapter 98 of the Lafayette City-Parish Code of Ordinances as Article IV of Chapter 98, and Repealing and Reenacting Article IV of Chapter 98 to Provide for the Regulation of Commercial Pedal Carriages

2) ACTION REQUESTED: Adoption of Joint Ordinance

3) COUNCIL DISTRICT(S) (if applicable): N/A

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: June 7, 2022

B) FINAL ADOPTION: June 21, 2022

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) City Ordinance (17 pages)

C) Agenda Item Submittal Form (1 page)

6) FISCAL IMPACT:

       Fiscal Impact

  X   No Fiscal Impact

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