

CHAPTER 160: REGULATION OF MOBILITY DEVICES AND SHARED MOBILITY DEVICE SYSTEMS

§ 160-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADA-compliant ramp – A ramp which meets the requirements of the Americans with Disabilities Act of 1990 (ADA).

Allotted fleet size – The maximum number of permitted shared bicycles, shared bicycles with electric assist, and shared electric scooters that an operator is authorized to have available at any single point in time per day.

Applicant – An individual or entity with a pending application for a shared system permit.

Bicycle – A device as defined in § 102 of the New York State Vehicle and Traffic Law.

Bicycle with electric assist – A bicycle as defined in § 102-c(a) or § 102-c(b) of the New York State Vehicle and Traffic Law.

Crosswalk – A portion of a roadway as defined in § 110 of the New York State Vehicle and Traffic Law.

Deployment – The initial placement of a shared mobility device for availability on an individual day.

Driveway – An entrance or exit as defined in § 114 of the New York State Vehicle and Traffic Law which is used by vehicular traffic.

Electric mobility device – Any bicycle with electric assist or electric scooter as defined in this chapter.

Electric scooter – A device as defined in § 114-e of the New York State Vehicle and Traffic Law.

Furnishings zone – That portion of a sidewalk adjacent to the curb that contains elements such as street trees, signal poles, streetlights, bicycle racks or other street furniture. This area does not include the curb itself or the pedestrian through-zone.

Geofencing – The use of Global Positioning System ("GPS"), Radio Frequency Identification ("RFID"), or other technology to create a virtual geographic boundary, enabling software to trigger a response in a shared mobility device when it enters or leaves a particular area.

Grouping – The placement of two or more shared mobility devices at a docking station.

Mobility device – A bicycle or an electric mobility device as defined in this chapter.

Multiuse path – A public way designed and designated for use by pedestrians, persons riding bicycles, and, to the extent also permitted, those employing other non-motorized conveyances (such as in-line skates, roller skates, skateboards, and kick scooters).

Not-for-profit operator – A company, person, or philanthropic organization that engages in or operates a shared system but does not charge for its use.

Operator – An individual, sole proprietorship, partnership, association, corporation, or not-for-profit organization that engages in or operates a shared system business or enterprise, including the employees, agents, designees, representatives, officers, and/or directors thereof. For the purposes of this section, there shall be no distinction between an operator and a permit holder.

Pedestrian through-zone – That portion of a sidewalk used primarily by pedestrians for travel and for accessing transit or buildings. It does not include the furnishings zone.

Permit holder – The individual, sole proprietorship, partnership, association, corporation, or not-for-profit organization that is the named holder of a permit issued pursuant to this chapter. For the purposes of this section, there shall be no distinction between an operator and a permit holder.

Public highway – A public way as defined in § 134 of the New York State Vehicle and Traffic Law.

Rebalancing – The act of relocating shared mobility devices from overcrowded stations to those with a shortage of devices.

Shared bicycle system – A network of publicly available bicycles as defined in § 1243 of the New York State Vehicle and Traffic Law.

Shared bicycle with electric assist system – A network of publicly available bicycles with electric assist as defined in § 1243 of the New York State Vehicle and Traffic Law.

Shared electric mobility device – A bicycle with electric assist or electric scooter that is part of a shared mobility device system.

Shared mobility device – A bicycle, bicycle with electric assist, or electric scooter that is part of a shared mobility device system.

Shared electric scooter system – A network of publicly available electric scooters as defined in § 1282 of the New York State Vehicle and Traffic Law.

Shared mobility device system – A shared bicycle system, shared bicycle with electric assist system, shared electric scooter system, or any network offering a combination of two (2) or more types of shared mobility devices for public use.

Shared mobility device system permit – A permit issued by the City as provided in this chapter.

Sidewalk – A portion of a street intended for pedestrian use as defined in § 144 of the New York State Vehicle and Traffic Law.

User – A natural person who operates a shared mobility device in a shared mobility device system.

§ 160-2. Scope.

This chapter applies to the operation of bicycles, electric bicycles, and scooters and to the regulation of shared mobility device systems on any public highway, crosswalk, multi-use path, park or public space, municipal or private parking lot within the City of Kingston that is open to and used by the general public.

ARTICLE I. BICYCLES

§ 160-3. State law provisions.

- A. This article is adopted pursuant to §180 of the New York State General Municipal Law.
- B. Should the requirements of this article conflict with or otherwise be inconsistent with any provision or requirement of the New York State Vehicle and Traffic Law, the provisions imposing the higher standards shall govern.

§ 160-4. Operational requirements.

- A. When two or more persons in a group are operating bicycles on a roadway, they shall ride single file.
- B. No person operating a bicycle shall carry another person, except upon a seat specifically provided for such passenger.
- C. No person operating a bicycle shall cling or attach himself or the bicycle to any other moving vehicle.
- D. No person shall operate a bicycle while in an intoxicated condition.
- E. No person shall operate a bicycle while using a mobile telephone (as defined in § 1225-C of the New York State Vehicle and Traffic Law) or a portable electronic device (as defined in § 1225-D of the New York State Vehicle and Traffic Law).
- F. No person shall operate a bicycle while wearing any headset or headphones which cover both ears or with earbuds or while wearing earplugs in both ears.
- G. No person shall operate a bicycle while their ability to operate such a bicycle is impaired by the use of a drug as defined in § 114-a of the New York State Vehicle and Traffic Law.

- H. No bicycle shall be operated within the period from sunset to sunrise without using a headlight attached to the front of the bicycle, visible under normal atmospheric conditions from the front thereof a distance of not less than 300 feet, nor without having a red light or a reflector attached to the rear of the bicycle, which is clearly visible in the headlight beam of a motor vehicle for a distance of not less than 200 feet to the rear of the bicycle.
- I. No person shall operate a bicycle that, due to its mechanical condition, cannot be safely operated.
- J. Any person operating a bicycle shall refrain from any trick riding and shall operate said bicycle with at least one hand on the handlebars. For the purposes of this chapter, “trick riding” shall mean operating a bicycle on a roadway or occupied parking lot in a reckless manner or performing tricks or nonstandard bicycling maneuvers. This definition includes, but is not limited to, having all or more than one of the wheels of the bicycle not touching the ground, weaving in and out of traffic, spinning the bicycle or any of its wheels outside of the customary rotations associated with the standard operation of a bicycle, and any stunts, including acrobatic maneuvering of the bicycle or handstands.
- K. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- L. Every person operating a bicycle shall strictly observe and obey all traffic signs, traffic control signals, and all other applicable traffic rules and regulations, and shall obey the orders and directions of every officer of the City authorized to direct or regulate traffic.

ARTICLE II. ELECTRIC MOBILITY DEVICES

§ 160-5. State law provisions.

- A. This article is adopted pursuant to §1242(3) and § 1281(2) of the New York State Vehicle and Traffic Law.
- B. Should the requirements of this article conflict with or otherwise be inconsistent with any provision or requirement of the New York State Vehicle and Traffic Law, the provisions imposing the higher standards shall govern.

§ 160-6. Operational requirements.

- A. Every person operating an electric mobility device is subject to all of the duties applicable to the driver of a vehicle and the rider of a bicycle under the New York State Vehicle and Traffic Law and the traffic regulations of the City, including, without limitation, Article I of this chapter.
- B. No person shall operate a bicycle with electric assist in excess of twenty (20) miles per hour or an electric scooter in excess of fifteen (15) miles per hour. Notwithstanding the foregoing,

no person shall operate a bicycle with electric assist or an electric scooter at a speed greater than is reasonable and prudent under the conditions then existing.

- C. Operation of electric scooters is prohibited on any roadway or highway with a posted speed limit in excess of 30 miles per hour, and electric scooters shall not be operated within designated bicycle lanes.
- D. Every person operating an electric mobility device must wear a helmet designed to protect against serious head injury at all times that the electric mobility device is in motion.
- E. When two or more persons in a group are operating electric mobility devices on a roadway, they must ride single file.
- F. No electric mobility device shall be used to carry more than one person at one time. No person operating an electric mobility device shall carry any person as a passenger in a pack fastened to the operator or fastened to the electric mobility device.
- G. No person operating an electric mobility device shall carry any package, bundle or article which prevents that person from keeping at least one hand upon the handlebars, or which obstructs their vision in any direction, and all wheels of the electric mobility device shall remain upon the ground at all times during operation.
- H. Every person operating an electric mobility device must yield the right-of-way to pedestrians in all circumstances.
- I. Every electric mobility device operated within the period from sunset to sunrise must have a properly lighted headlight attached to the front of the device, visible under normal atmospheric conditions from the front thereof a distance of not less than 300 feet, nor without having a red light or a reflector attached to the rear of the device, which is clearly visible in the headlight beam of a motor vehicle for a distance of not less than 200 feet to the rear of the device.
- J. No person shall operate an electric mobility device while using a mobile telephone (as defined in § 1225-C of the New York State Vehicle and Traffic Law) or a portable electronic device (as defined in § 1225-D of the New York State Vehicle and Traffic Law).
- K. No person shall operate an electric mobility device while wearing any headset or headphones which cover both ears or with earbuds or earplugs in both ears.
- L. No person shall operate an electric mobility device while in an intoxicated condition.
- M. No person shall operate an electric mobility device while their ability to operate such a device is impaired by the use of a drug as defined in § 114-a of the New York State Vehicle and Traffic Law.
- N. Every person operating an electric mobility device must strictly observe all traffic signs, traffic control signals, and all other applicable traffic rules and regulations.

ARTICLE III. REGULATION OF SHARED MOBILITY DEVICE SYSTEMS

§ 160-7. Permitting required for operation of shared mobility device systems.

- A.** Every person engaged in the operation of a shared mobility device system must first obtain a permit for such operation from the Kingston City Clerk.
- B.** A shared mobility device system permit shall be issued only where an applicant meets all the requirements of this section and any criteria in addition thereof established by the City as deemed necessary to effectuate the purposes of this chapter.
- C.** Each shared mobility device system permit shall be valid for no more than one (1) year from the date of issuance.
- D.** An application for a shared mobility device system permit must be submitted on a form prescribed by the Kingston City Clerk which will include, without limitation, the following information:
 - 1. Legal name of the operator;
 - 2. The operator's "Doing Business As" (DBA) certificate, if applicable;
 - 3. Certified copy of the operator's Certificate of Incorporation and proof of registration with the New York State Department of State;
 - 4. Certificate of insurance evidencing required coverage pursuant to this section;
 - 5. Company address;
 - 6. Contact name;
 - 7. Contact telephone number;
 - 8. Contact email address;
 - 9. The operator's proposed fleet size and composition;
 - 10. The operator's plan for equitable shared device deployment and service, including, without limitation: education of, marketing to, and engagement with low-income, minority, non-English speaking, and zero-car populations;
 - 11. The operator's proposed method for users to access the shared mobility device system without a smartphone and/or a credit or debit card; and
 - 12. Any other information as specified on the application form.
- E.** As a condition of the issuance of a shared mobility device system permit, each applicant shall furnish proof of commercial liability insurance consistent with the City's insurance requirements. Such insurance shall be issued by an insurance company which is licensed to do business in New York State and shall name the City as an additional insured.
- F.** The application fee, permit fee, subsequent permit renewal fees, and other fees as applicable shall be as provided in § 160-15 of this chapter.

§ 160-8. Denial, termination, and non-renewal of permits.

- A. The City may, in its sole discretion, deny an application for a shared mobility device system permit.
- B. The City reserves the right to terminate a shared mobility device system permit at any time and require the removal from service of the entire fleet of devices to which such permit applies. Such notice of termination shall be delivered to the operator as outlined in the permit. Fleet removal shall be completed within thirty (30) days of the date of the notice of termination unless a different time period is established by the City.
- C. The City may, in its sole discretion, refuse to renew a shared mobility device system permit.
- D. If the City declines to renew a shared mobility device system permit, the permit holder must remove its shared mobility devices within five (5) business days of the permit expiration date.
- E. The City may suspend operation of a permitted shared mobility device system if the City believes that continued operation under the permit would constitute a direct and substantial threat to public health or safety.

§ 160-9. Safety of shared mobility devices.

- A. All bicycles used in shared mobility device systems issued a permit under this chapter shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512-Requirements for Bicycles. Additionally, permitted shared mobility systems shall meet the safety standards outlined in the International Organization for Standardization (ISO) section 43.150-Cycles, subsection 4210.
- B. All bicycles with electric assist used in shared mobility device systems issued a permit under this chapter shall meet the definition of low-speed electric bicycles in 15 U.S. Code § 2085; and shall be subject to the same requirements as bicycles described in paragraph A of this section.
- C. All electric scooters used in shared mobility device systems issued a permit under this chapter shall meet all applicable standards established by the Consumer Product Safety Commission.
- D. All shared mobility devices used in shared mobility device systems issued a permit under this chapter shall meet the equipment requirements of Title VII, Articles 34 and 34-D of the New York State Vehicle and Traffic Law.
- E. Operators shall educate users on the safe and lawful operation of shared mobility devices, which shall include, at a minimum, providing the following at the time of registration and at subsequent activations of shared mobility devices:
 - 1. Information on compliance with traffic rules and signals;

2. Information on locations where riding and parking shared mobility devices is and is not permitted; and
3. Other information as may be required by the City.

F. Operators shall use best efforts to ensure that users comply with all applicable New York State and local laws, rules, regulations during the use of shared mobility devices, including, without limitation, those outlined in Article I and Article II of this chapter.

§ 160-10. Fleet size.

- A. An operator shall comply with the maximum fleet size requirements specified in the operator's permit.
- B. An operator may submit an application for an increase in its permitted fleet size up to one (1) time per month, provided that at least two (2) months have elapsed since the initial issuance of the permit. To obtain such an increase, an operator must demonstrate to the City's satisfaction that, on average, each shared mobility device in its fleet is being used more than three (3) times per day.
- C. Each application for an increase in permitted fleet size will be subject to an application fee as provided in § 160-15 of this chapter.

§ 160-11. Fleet deployment.

- A. Shared mobility devices shall only be deployed at locations that comply with the parking regulations in § 160-13 of this chapter.
- B. Shared mobility devices shall only be deployed:
 1. In groupings with a combined length of no greater than ten (10) feet, immediately abutting one another; and
 2. With at least twenty (20) feet left clear between groupings of shared mobility devices along the same block face. (For the purposes of this chapter, "block face" shall mean any of the four (4) sides of a City block.)
- C. Operators shall cease deploying shared mobility devices at any address or coordinates provided by the City within twenty-four (24) hours' notice.
- D. Operators shall pull support and redeployment vehicles all the way up to, and parallel with, the curb, for shared mobility device loading and unloading. Operators shall not load or unload shared mobility devices in a vehicle or bicycle lane, or in a manner that impedes travel in those lanes.

- E. If, in the City's sole discretion, the City determines that an operator's redeployment or collection activities are being performed in an unsafe manner or in violation of applicable laws, that determination shall be grounds for permit termination pursuant to § 160-8 of this chapter.

§ 160-12. Fleet operations and maintenance.

- A. An operator shall maintain staffed locations within the City for the purpose of maintaining and rebalancing the shared mobility devices within the operator's fleet.
- B. An operator shall maintain a twenty-four (24) hour customer service hotline for users and members of the public to report safety concerns, maintenance issues, make complaints, or ask questions. The customer service hotline shall make assistance available in both English and Spanish.
- C. Each shared mobility device in an operator's fleet shall contain clearly displayed identifying information, which must include, without limitation, the operator's name, contact information, and a unique device identifier which is visible from a distance of ten (10) feet, not covered by branding or other marking, and used in the operator's tracking and record-keeping systems to identify the shared mobility device.
- D. Each shared mobility device must be equipped with active GPS location-tracking capabilities to ensure the prompt location of damaged or inoperable devices, to identify the sites of reported unsafe and/or unlawful riding and/or parking of devices, and to facilitate the collection of such data as the City may require.
- E. Operators shall remove any inoperable or unsafe shared mobility device from public availability within a reasonable time after notice thereof. The operator shall return such inoperable or unsafe shared mobility device to full working order before returning it to public availability.
- F. Operators shall maintain records of maintenance activities, including, without limitation, the maintenance record for each shared mobility device which corresponds to that device's unique device identifier. Operators shall make such records available to the City for inspection upon the City's request.
- G. Operators shall provide the City or its designee with a monthly activity report, in such format and containing such information as shall be prescribed by the City.
- H. In the event of extreme weather, in the City's sole discretion, the City may require an operator to remove all shared mobility devices from the streets if safe operation is not deemed feasible. Shared mobility devices shall be stored by the operator for the duration of the extreme weather conditions and shall be returned to public availability once deemed safe by the City.
- I. The City may, in its sole discretion and without prior notice to an operator, remove any shared mobility device in an operator's fleet from its current location. In such a case, the City will attempt to notify the operator within a reasonable time thereafter. The operator shall pay the

cost of any such removal and the City will not be liable for any damages that occur as a result of the removal.

§ 160-13. Parking of shared mobility devices.

- A.** Any shared mobility device shall be parked only in designated bicycle or electric mobility device parking areas.
- B.** No user, operator, or agent thereof shall park a shared mobility device on the private property of another without permission.
- C.** A user may park a shared mobility device in officially designated bicycle or electric mobility device parking areas, in a sidewalk furnishings zone, or any other place where it is not otherwise prohibited by publicly authorized signs, this chapter or any other ordinance, state law, or federal law.
- D.** No user shall attach or secure a shared mobility device to public or private property in a manner that may damage, impair, or render such property unusable.
- E.** No user shall leave a shared mobility device lying on its side on or adjacent to any sidewalk or multi-use path, or park a shared mobility device in any of the following locations:
 - 1. Within a designated no-parking zone;
 - 2. Within a designated public transit stop, except in designated bicycle racks or designated bicycle or electric mobility device parking areas;
 - 3. On a public sidewalk obstructing the pedestrian through zone or on a multiuse path;
 - 4. on any part of an ADA-compliant ramp or in any other manner that would restrict the movement of persons with disabilities;
 - 5. In designated and marked special use zones, including, but not limited to, commercial service zones, passenger loading zones, customer service zones, and valet zones;
 - 6. In a manner that obstructs fire suppression appurtenances, building entryways, exits, or driveways;
 - 7. in a manner that obstructs street furniture that pedestrians access, including but not limited to benches and parking pay stations;
 - 8. on those public highways without curbs in a manner so as to force a pedestrian to walk in the traveled portion of the roadway;

9. within a designated handicapped parking space and adjoining clear zones;
10. in front of or within a public or private driveway or the entrance to an alley;
11. within any portion of a sidewalk, street, trail, or building entrance or exit that provides access to disabled persons in accordance with the American with Disabilities Act;
12. within **15** feet of a fire hydrant;
13. within a pedestrian crosswalk;
14. within **20** feet of the driveway entrance to any fire station or on the side of the street opposite the entrance to any fire station within **75** feet of the entrance when properly posted;
15. within a designated turn or bicycle lane;
16. within the traveled portion of a public highway, including an intersection and pedestrian crossing;
17. within a landscaped or planted area;
18. within a roadway median; or
19. within an area scheduled and posted for cleaning or snow removal.

§ 160-14. Geofencing.

- A. The City shall maintain a list on file with the Kingston City Clerk of areas within its boundaries that are:
 1. geofenced to prevent all operation of shared mobility devices;
 2. geofenced to reduce the speed of bicycles with electric assist and electric scooters to a specific motor-assisted speed limit, as determined by the City; and
 3. geofenced to prevent the parking of a shared mobility device and ending of a ride, unless done so in a designated shared mobility device parking area.
- B. During temporary street or other right-of-way closures due to scheduled construction, special events, or other planned activities, the City may, in its sole discretion, establish temporary geofenced areas. The City shall, where practicable, provide operators with a twenty-one (21) day notice of such establishment.

- C. In the event of extreme weather or emergency circumstances as determined by the City, the City may, in its sole discretion, establish temporary geofenced areas and shall, where practicable, provide operators with a twenty-four (24) hour notice of such establishment.

§ 160-15. Fees and fines.

- A. Applicants and operators shall pay fees consistent with the fee schedule established in Chapter 217, including, but not limited to:
 - 1. permit application fees;
 - 2. permit renewal fees; and
 - 3. non-compliance fees, for any operator that has failed to secure or maintain the permits required under this chapter.
- B. Not-for-profit operators may apply to the Common Council for a waiver of any fees assessed pursuant to this section.