ORDINANCE NO. 4686-19

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, SPECIFICALLY TITLE 15, MOTOR VEHICLES, TRAFFIC AND PARKING, RELATED TO SHARED MOBILITY.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Chapter 1, Miscellaneous, and Chapter 15, Bicycles, is hereby amended and modified as underlined or stricken herein.

See Title 15, Motor Vehicles, Traffic and Parking, marked “Exhibit A” hereto

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING 06-06-2019
PASSED ON SECOND READING 11-07-2019
PASSED ON THIRD READING 11-21-2019
APPROVED AND SIGNED IN OPEN MEETING
ON THE 21st DAY OF NOVEMBER, 2019

/s/ Jenny Brock
MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

APPROVED AS TO FORM:

/s/ Sunny R. Sandos
City Attorney
“Exhibit ‘A’” – AMENDED for Third Reading

TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER 1
MISCELLANEOUS


(2.1) “Bicycle, electric-assisted.” Also known as an “e-bike”, an electric-assisted bicycle is a type of bicycle that has two (2) or three (3) wheels, a saddle, fully operable pedals for human propulsion, an integrated electric (not gas) motor with a maximum output of 750 watts, and is divided into three (3) classifications:

(a) Class 1. A class 1 electric-assisted bicycle provides assistance only when the rider is pedaling (no built-in throttle), and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
(b) Class 2. A class 2 electric-assisted bicycle, also known as a “low-speed throttle-assisted electric bicycle” is a bicycle equipped with an electric motor that may be used exclusively to propel the bicycle, without pedaling, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
(c) Class 3. A class 3 electric-assisted bicycle, also known as a “speed pedal-assisted electric bicycle” is a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.

(3) “Bicycle lane, conventional.” A portion of a roadway which has been designated for the exclusive use of bicycles.

(3.1) “Bicycle lane, protected.” A portion of, or adjacent to, the roadway which has been designated for the exclusive use of bicycles and has some physical, stationary, or vertical separation between moving motor vehicle traffic and the bicycle lane. Examples of vertical separation include, but are not limited to, plastic posts, bollards, curbs, planters, raised bumps, or parked cars. Protected bicycle lanes can be at street level or raised, either to sidewalk level or a level between the street and sidewalk level.

(15) “Motor vehicle.” Every vehicle which is self-propelled, excluding electric scooters, motorized bicycles as defined in by Title 55 (Motor and Other Vehicles) of the Tennessee Code Annotated, § 55-8-404, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
(16) “Motorcycle.” Every motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle, as defined by Title 55 (Motor and Other Vehicles) of the Tennessee Code Annotated, §§ 55-8-101.

(18.1) “Operator.” For purposes of this title, an operator is a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a shared mobility platform, whether for profit or not for profit.

(29.1) “Shared Mobile Device.” For purposes of this title, a shared mobile device is only a bicycle or electric-assisted bicycle, designed specifically for shared-use and deployed by shared mobility operators.

(29.2) “Shared Mobility.” Shared mobility is a network or system of shared mobile devices, offered for rent in short time increments from unstaffed, self-service docking locations, and operated within the public right-of-way, that provides increased mobility options over short distances in urban areas.

(29.3) “Shared Mobility Zone.” For purposes of this title, a shared mobility zone is an area generally identified between East Tennessee State University, the Veterans Administration medical complex and downtown, and identified on mapping that is managed and stored by city geographic information systems.
CHAPTER 15

BICYCLES AND SHARED MOBILITY

SECTION
15-1501. Applicability
This chapter shall apply to all multi-use trails, sidewalks, and roadways; and to all persons using the aforementioned multi-use trails, sidewalks, and roadways. (Ord. #3443, Jan. 1997)

The parent of any minor child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (Ord. #3443, Jan. 1997)

15-1503. Bicycle riders subject to vehicle regulations.
Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or the traffic laws of this city applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application to bicycles. (Ord. #3443, Jan. 1997)

15-1504. Obedience to traffic-control devices.
(1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a public safety officer.

(2) Whenever authorized signs are erected indicating that no right or left turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. #3443, Jan. 1997)
15-1505. **Operating a bicycle on or adjacent to a roadway.** (1) When a bicycle lane is not available, all persons operating a bicycle upon an arterial, collector, or local roadway shall ride on the right side of the road, moving in the same direction as motor vehicle traffic. All persons operating bicycles upon a roadway shall not ride more than two (2) abreast when in traffic.

(2) **Convention Bicycle/Bike Lane (CBL):** When a bicycle conventional bike lane is available, all persons operating a bicycle shall ride in the bicycle conventional bike lane in the same direction as vehicular traffic; providing however, that the operator may move out of the bicycle lane to make a left or right turn, or to avoid a hazardous condition. All persons entering a bicycle conventional bike lane shall yield the right-of-way to all bicycles already in the bicycle lane. (Ord. #3443, Jan. 1997)

(3) **Protected Bicycle/Bike Lane (PBL):** When a protected bike lane is available, all persons operating a bicycle shall ride in the protected bike lane in the appropriate direction and manner as indicated by signage or pavement markings. All persons entering a protected bike lane shall yield the right-of-way to all bicycles already in the lane, and all bicycle movements in and out of protected bike lanes shall occur at designated openings in the lane.

15-1506. **Operating a bicycle on a bikeway multi-use trail.** All persons operating a bicycle or class 1 e-bike on a bikeway multi-use trail shall ride on the right side of the bikeway multi-use trail; providing however, that the operator may move left to make a left turn, to avoid a hazardous condition, or to pass a pedestrian or slower moving bicycle object. Due care shall be taken and an audible signal given when passing a pedestrian or slower moving bicycle object. (Ord. #3443, Jan. 1997) Any class 2 and class 3 e-bikes are prohibited from operating on multi-use trails.

15-1507. **Operating a bicycle on a sidewalk.** (1) No person over the age of sixteen (16) shall operate a bicycle on a sidewalk located on a local street unless that person is supervising a child while riding. All persons may operate a bicycle on an arterial or collector street.

(2) All persons operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before passing said pedestrian. (Ord. #3443, Jan. 1997)

(3) No e-bike shall be operated on any sidewalk unless the assisting motor is disabled and the person riding the e-bike is supervising a child while riding.

15-1508. **Emerging from an alley, driveway, or building.** All persons operating a bicycle emerging from an alley, driveway, or building shall upon approaching a sidewalk or roadway yield the right-of-way to all pedestrians and automobiles. (Ord. #3443, Jan. 1997)

15-1509. **Drivers and passengers.** All persons riding on a bicycle shall be on a regular seat. Extra riders shall not be permitted to ride on a bicycle in a manner other than the bicycle or its equipment was designed. (Ord. #3443, Jan. 1997)

15-1510. **Warning device.** No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. (Ord. #3443, Jan. 1997)
15-1511. **Hitching prohibited.** No person operating a bicycle shall attach oneself to a vehicle or hold onto another vehicle while it is moving. (Ord. #3443, Jan. 1997)

15-1512. **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the existing conditions, and in no case greater than the applicable posted speed limit. (Ord. #3443, Jan. 1997)

15-1513. **Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the operator from keeping at least one (1) hand upon the handlebars. (Ord. #3443, Jan. 1997)

15-1514. **Lights and reflectors.** No person shall operate a bicycle at nighttime unless the bicycle or operator is equipped with a white light visible from a distance of at least five hundred (500) feet to the front of the bicycle and red or amber light, flashing light, or reflector, visible from a distance of at least five hundred (500) feet to the rear of the bicycle. (Ord. #3443, Jan. 1997)

15-1515. **Brakes.** All bicycles shall be equipped with mechanical brakes suitable of bringing the bicycle to a quick stop. (Ord. #3443, Jan. 1997)

15-1516. **Bicycle Parking.** No person shall park a bicycle on a multi-use trail, sidewalk, or roadway, in such a fashion that it obstructs any other automobiles, bicycles, or pedestrian lawful form of traffic. (Ord. #3443, Jan. 1997)

15-1517. **Shared Mobility.**

(1) **General Operating Regulations.**
   (a) Any operator proposing a shared mobility platform within the City shall first obtain a business license and any applicable development permits.
   (b) Shared mobility docking stations shall be installed on private property and only within the shared mobility zone. Accompanying shared mobile devices may be used as allowed by this chapter only within the shared mobility zone.
   (c) Permittees Operators agree that the City is not responsible for educating users regarding applicable laws. The City is not responsible for educating users on the use and operation of any shared mobile device. Permittees Operators agree to educate users regarding all applicable laws and to instruct users to comply with all applicable laws.

(2) **Indemnification of Shared Mobility platforms.** Any operator shall indemnify and hold harmless the City of Johnson City from any claims arising from the provision or use of shared mobility.

(3) **Abandonment.** Any shared mobile that is abandoned or left unattended within the public right-of-way for a period greater than twelve (12) hours may be removed and impounded by the City at the expense of the permittee.