

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE TO RELATING
ELECTRIC BICYCLES, ELECTRIC SCOOTERS, MICROMOBILITY DEVICES, SHARED
ACTIVE TRANSPORTATION SYSTEMS AND BIKEWAYS

DRAFT 04-29-2021

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article I of Chapter 6 of the Town Code, Definitions and Interpretations is amended by adding six new definitions, “electric bicycle,” electric scooter,” “micromobility,” shared active transportation systems,” and “shared device,” as listed below, and by renumbering the remaining definitions in alphabetical order.

(7) *Electric Bicycle (E-Bike)*. A bicycle, usually designed for a single rider, with a small electric helper motor with less than 750W and a maximum speed of 28 mph on flat surfaces. Riders must be at least 16 years of age. There are three classes of electric bicycles:

Class 1 –Pedal Assist (pedalec). An electric assist bike that provides power only when pedaled, capable of a maximum operating speed of 20 mph. (Class 1 e-bikes are the most common type of e-bikes used for shared active transportation systems.

Class 2—Throttle Assist. A throttle assist electric bicycle provides power without pedaling and is capable of a maximum operating speed for 20 mph.

Class 3—Pedal assist (pedalec) at higher speeds. An electric assist bike that provides power only when pedaled and can reach an operating speed of 28 mph.

(8) *Electric Scooter (E-scooter)*. A vehicle that is steered by a steering handle, designed to be stood upon by the operator while the vehicle is in operation, and powered by a motor capable of propelling the vehicle at a speed no greater than 20 miles per hour on a level surface; and whose wheels have diameters of ten inches or less. Riders must be at least 16 years of age.

(12) *Micromobility*. Any small, low-speed, human- electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.

(19) *Shared Active Transportation System (SATS)*. A business or service that provides one or more shared devices, for rent where, by design of the business, the shared devices are intended to be used within a defined service area and stored or parked within a designated area, or hub, or docking station, when not rented by a customer.

(20) *Shared Device*. A bicycle (defined in subdivision (2)), electric bicycle (defined in subdivision (7)), or electric scooter (defined in subdivision (8)), or other micromobility device that is rented by a business or service to customers through a SATS (defined in subdivision (19)).

Section 2. Subsection 6-34(2), Establishment of Bikeways, is amended by adding a new subdivision (h) to read as follows:

- h. The Homestead Road-Chapel Hill High School Multi-Use Path beginning at the Claremont neighborhood and extending south east, under Homestead Road, and across Bolin Creek by way of a pedestrian bridge to Chapel Hill High School.

Section 3. Section 6-37, Shared Usage By Bicyclists and Pedestrians is rewritten to read as follows:

Section 6-37 Shared Usage By Bicyclists, Pedestrians and others using Micromobility Devices

While roadways are provided primarily for the safety and convenience of motor vehicles, sidewalks are provided primarily for the safety and convenience of pedestrians, and bikeways are provided primarily for the safety and convenience of bicycles, it is recognized that in many instances such facilities may be shared. Where these facilities are shared, pedestrians and bicyclists shall exercise extreme caution and the following regulations shall apply:

- (1) When using bikepaths where there is no designated pedestrian area, pedestrians shall walk as far to the right as practicable, shall walk no more than two abreast, and shall exercise due care. Bicyclists shall give an audible signal before passing a pedestrian on a bikepath where there is no designated pedestrian area.
- (2) Class 1 and class 2 electric bicycles, electric scooters and other types of micromobility devices may be operated on bikepaths subject to the provisions of subsection (1) above; travel speeds shall not exceed fifteen miles per hour. When the micromobility device is a shared device and the speed limit can be controlled by the shared active transportation system, the speed limit shall be functionally capped to fifteen miles per hours on bikepaths.
- (3) When using those sidewalks where bicycle traffic is permitted, bicyclists shall not exceed seven miles per hour; shall yield the right-of-way to pedestrians; and, when passing pedestrians from the rear, shall pass only on the left and only after giving an audible warning to such pedestrians; and shall not ride on any sidewalk in such a way as to endanger pedestrians.
- ~~(3) Except on a street or portion thereof designated with a shared lane marking, bicyclists using a roadway shall ride as far to the right as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. On a street or portion thereof designated with a shared lane marking, bicyclists must ride in the direction of traffic, upon the right half of the roadway, and may travel in any lateral position within the right half of the roadway. (Amend. 9/21/2010)-(Deleted 2/18/14)~~
- ~~(4) Persons riding bicycles upon a roadway, sidewalk, or bikeway shall ride single file, when to do otherwise would obstruct traffic or create a hazard. In no case should there be more than two bicycles riding abreast. (Deleted 2/18/14)~~
- (4) The area along the north side of East Poplar Avenue shall be a pedestrian lane, and no person may ride, drive or park any vehicle (including a bicycle) upon such pedestrian lane.

Section 4. Section 6-39, “Bicycles Subject to General Statutes” is renamed “Bicycles, including Electric Bicycles, Electric Scooters and other Micromobility Devices Subject to General Statutes”

Section 5. Subsections 6-39(1) and (2) are amended by adding the words “electric bicycles, electric scooters and other micromobility devices,” to the first clause of the first sentence.

Section 6. Article VIII, Bicycles, is amended by adding a new section 6-40.2, Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices, to read as follows:

Section 6-40.2 Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices

The Town may allow, by permit or contractual agreement allow for the establishment of one or more shared active transportation systems subject to the following provisions.

(1) The shared active transportation system shall identify a service area where, subject to the standards in this chapter, shared devices may be operated without penalty and locations where such devices may be stored when not in use. Such storage locations may include formal docking stations or racks, or informal areas or hubs designated by pavement markings, textured pavement treatments, signage or some combination.

(2) Placement of shared devices when not in use by a customer shall be within these designated storage areas.

(3) If a storage area is not available, the operator of the shared device may place the device along the sidewalk or other public right-of-way so long as such placement shall not impede movement to such an extent that a person with a motorized wheelchair (or similar device designed principally to convey a person with limited mobility) cannot safely navigate the sidewalk.

- a. If a shared device is found obstructing the sidewalk, it shall be the responsibility of the shared active transportation system, when notified, to retrieve the device and return it to an allowed parking location.
- b. If a shared device is found outside the public right-of-way it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to an allowed parking location.
- c. If a shared device is found in a location where it is inaccessible to customers, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to use.

- d. If a shared device is found to be inoperable, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and remove it from use.

(4) The Shared Active Transportation System shall provide the Town with anonymized data from the usage of the system in the form of the General Bikeshare Specification Feed (GBSF).

(5) The Shared Active Transportation System shall provide a method by which people can access the system without needing a smartphone or bank account in addition to a payment system using a smart phone application.

(6) The Shared Active Transportation System shall provide safety information and inform users of the need to wear helmets while operating their shared devices.

(7) Any other provisions as included in the permit or contractual agreement with Town.

Section 7. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.