

Order 189-17/18

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**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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**AMENDMENT OF PORTLAND CITY CODE CHAPTER 25.  
STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES  
ARTICLE II. OBSTRUCTIONS, ENCUMBRANCES AND AUTHORIZED EVENTS  
Re: BIKE SHARE ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE, IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Chapter 25, Article II, Obstructions, Encumbrances and Authorized Events. Section 25-27 and 25-31 of the Portland City Code is hereby amended to read:*

**Sec. 25-27. Fees and fines.**

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, eighty-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;

...

- (7) Location of dumpster on city-owned property, except as part of a street festival or other special event declared by the city council, two hundred twenty-five dollars (\$225.00) per fiscal year or any portion thereof.

- (8) Operation of a bike sharing system (as defined in 25-31 below,) according to the following fee schedule:

Station-less Systems (or Hybrid systems not meeting 50% docking point threshold):  
Initial Annual Permit Fee, per operator per calendar year:

Less than 250 bicycles \$1,500

251 to 500 bicycles \$2,500

More than 500 bicycles \$500 per every additional 250 bicycles or fraction thereof

Annual Renewal Fee (Station-less Systems), per operator per calendar year:

Less than 250 bicycles \$1,000

251 to 500 bicycles \$2,000

More than 500 bicycles \$ 250 per every additional 250 bicycles or fraction thereof

Bicycle Parking Mitigation: To help mitigate the increased bicycle parking demands of a Station-less Bike Sharing System, the operator will either: 1) provide and have installed within the public right-of-way bicycle parking sufficient to accommodate the equivalent of 10% of the number of bicycles deployed in the operator's fleet with approved bicycle racks in approved locations or 2) make a financial contribution to the Sustainable Transportation Fund for the purchase and installation by the City of bicycle parking sufficient to accommodate the equivalent to 10% of the number of bicycles deployed in the operator's fleet.

Station-based/Hybrid Systems (Station-based systems must provide at least 50% as many docking points as bikes):

Initial Annual Permit Fee, per operator per calendar year:

Less than 250 bicycles \$500

251 to 500 bicycles \$1,000

More than 500 bicycles \$250 per every additional 250 bicycles or fraction thereof

Plus \$50 per approved docking station.

Annual Renewal Fee, per operator per calendar year:

Less than 250 bicycles \$500

251 to 500 bicycles \$1,000

More than 500 bicycles \$250 per every additional 250 bicycles or fraction thereof

Plus \$25 per approved docking station.

Within one year following the issuance of the first permit for a bike sharing system, the fee schedule above is to be re-assessed.

Should the number of bicycles be increased during any calendar year requiring additional fees, the difference in permit fees paid to date will be payable and a revised permit application is to be filed before their deployment. A reduction in bicycles in any one calendar year will not trigger a refund of permit fees paid.

(b) The following fees are hereby established for the issuance of a revocable outdoor dining permit:

...

25-31 ~~Reserved.~~ Bike Sharing Systems

(a) A "bike sharing system" is defined as a system of bicycles, electric bicycles, helmets, or similar bike-share-related merchandise that is made available for rent for general public use, generally for short periods of time, and may include docks or stations for storing bicycles when not in use.

(b) Bike sharing systems require annual revocable street occupancy permits pursuant to this section and section 25-27 (a) (8), above.

(c) The City Manager or her/his designee is hereby authorized to develop regulations to further delineate reasonable rules for operation of a bike sharing system, including limits on the number of bikes (including per operator), where bikes and other bike-share-related merchandise may be stored or parked on public ways, requirements for insurance, indemnity and bonding, the conduct and responsiveness of bike share operators, requirements for data sharing and reporting, restrictions on advertising and signage, and other

relevant factors to ensure safe and effective operation of such a system. The rules will be submitted to the City's Sustainability & Transportation Committee for review and comment prior to adoption and, following adoption, shall undergo an annual review by the Committee of the rules' effectiveness.

(d) The City Manager may set a cap on the number of bike sharing systems that may operate in the city at one time. If such a limit is set, the City shall determine operators through a competitive bidding process.

(e) In addition to the street occupancy permit fees outlined in 25-27 above, in the event that any installation, reinstallation, relocation, repair or maintenance of any existing or future improvements owned by, constructed by or on behalf of the City is made costlier by virtue of a bike sharing system, the operator of that bike sharing system shall pay to the City an amount equal to such additional cost as reasonably determined by the City Manager or the City Manager's duly authorized representatives.

(f) It shall be considered a violation of the City Code to park, leave standing, or leave unattended a bicycle that is part of a bike sharing system, as defined in Sect 25-31(a), on any sidewalk, street, or public right-of-way except as authorized under a valid street occupancy permit. Bicycles parked, left standing, or left unattended constitute a public nuisance subject to abatement and removal by duly designated authorities by the City Manager. Failure to obtain a street occupancy permit as required by this section, parking or leaving unattended a bicycle in an unauthorized location, and any other violations of this Section or the Rules and Regulations governing bike sharing systems shall be subject to the fines outlined in Section 1-15 of the City Code.