



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**January 23, 2020**

**Department** Safety & Code Enforcement

**Director Approval** *David Cowan*

**AGENDA ITEM** Consideration of Downtown Bike Rack Policy

**SUMMARY RECOMMENDATION** City staff is seeking direction from the Commission on the installation of downtown bike racks and drafting an ordinance.

**BACKGROUND** The City of Independence was contacted by a local bike club and organizations doing a bike share program about the installation of downtown bike racks. The City Staff requested that the group meet and review the project with the Chamber and Main Street and make a recommendation back to the City. The attached report was received from the group and recommended bike designs for downtown bike racks.

I have reviewed the report and visited with City Staff about the implementation of a program to facilitate the request. The draft ordinance provides for an application process, review, and Commission approval of the racks. The ordinance also provides the Police Department with procedures and administrative processes to deal with the bicycles and funding for the bike rack installations. City Staff is seeking Commission direction for the implementation of this program.

**BUDGET IMPACT** The budget impact would consist of purchasing bike rack(s), installation and maintenance.

**SUGGESTED MOTION** I move that City Staff proceed with the implementation of a bike rack program and ordinance.

**SUPPORTING DOCUMENTS**

1. Design Ideas
2. Bike Rack Group Report
3. Draft Ordinance
4. Draft Application Form





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# Report on Downtown Bicycle Racks

## Purpose:

The purpose of this committee was to provide a recommendation to the City of Independence on bike racks downtown, design, proposed locations, thoughts on a bike share program and provide input on any policies we feel should be adopted.

## Members:

Ken Brown, Don Farthing, Tim Haynes, Dean Hayse, Jerry Hopkins, Bret Kelley, Tabatha Snodgrass, Brandon West, Garrett Wilson and Lisa Wilson

## Downtown Bicycle Parking Recommendations:

Independence Main Street in partnership with the Independence PRIDE Committee has identified multiple locations within Downtown Independence that could be utilized for bike rack placement. The selected locations offer visibility to users, artistic aesthetics, and are located where they will not impede pedestrian traffic. Identified locations are: corner of Penn & Chestnut (in front of Ane Mae's), Community National Bank & Trust Main Bank (Julie Voelker is the contact we spoke with at the bank) and pocket park next to the VFW Post 1186.

This committee also identified locations for future placement of bike racks: G & W, Walmart, Independence Public Library, Riverside Park & Zoo, all city owned public parking lots, and several locations on the campus of Independence Community College.

Providing bicycle parking in Downtown Independence is an important goal for this committee.

Additionally, providing secure bicycle parking within the Downtown will make for easier access for bicyclists to frequent retail and restaurant establishments and encourage users to utilize alternative transportation methods, instead of driving motor vehicles where car parking is limited.

## Bikeshare Program:

This committee spoke to several communities in and around Kansas pertaining to their experiences with bikeshare programs. After hearing of a partnership between Independence Public library and Independence Community College Library using bikes donated from the Independence Police Department it is the wishes of this committee to revisit the bikeshare program after these two entities have had a trial and error year.

This committee does believe a bikeshare program would offer visitors and residents an affordable and healthy option for bicycling around Downtown Independence and throughout the City of Independence.

## Policies:

After speaking with Chief Harrison, we do not feel there are any policy changes needed at this time. But, would like to revisit this subject again after the bike racks have been in place and we have had time to observe the usage and habits of bicyclist in the downtown area.

## Design:

Attached you will find three design options we agreed upon as a committee. We have sent two of the designs out for bid with a local iron shop. We were hoping to hear from them before submitting our report but understand he is understaffed and backlogged over the holiday season. After speaking with Mr. Mark Leaman he is very interested in bidding/doing these for the City of Independence at a very affordable rate. He indicated he would have to modify one of the designs somewhat to adjust to what they are capable of doing here locally. I expect to hear from him after the first of the year. Listed below are the required measurements we indicated are needed after researching ADA Standards.

- Minimum of 30 inches tall (32-36 inches preferred) and 18 inches wide between the two points of contact.
- No gaps where both width and length are between 3.5 inches and 9 inches in width (to prevent children from trapping their heads)
- Fabricated of schedule 40 steel pipe or minimum 11 gauge tubing with maximum 3 inch outside diameter and minimum ¼ inch thickness.

I have also given Mr. Leaman your contact information so that he will be able to forward any questions or concerns to you also.

In closing, we would like to thank you for allowing us to join forces and work on a plan for placement of bicycle racks in the downtown and look forward to working with you again. Please let us know if any additional information is needed. Again, thank you for this opportunity.



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**Code - Article III Sidewalks:**

Section \_\_\_\_\_ Bike Racks and Bicycling

**Reason for Policy:**

The City of Independence becomes a safer, more welcoming place for bicycling, we are increasingly encountering bicycles that are either locked to handrails, entrances, trees, ramps, or other objects or have been abandoned by their owners. This policy identifies what actions are to be discouraged, and how they should be dealt with, as well as making clear the expectations for both cyclists and administrators in managing this issue. The code also serves to encourage the safe operation of bicycles on and around the City of Independence.

**Policy Statement:**

The intent of this policy is to provide clearer guidance to cyclists about the expectations of the City with regard to the reasonable operation and registration of bicycles to be used, stored, or operated in the City of Independence. In addition, it provides clear expectations of the police department to respond to particular issues, and act accordingly. Further, it aims to make the City of Independence a better environment for bicyclists and non-cyclists alike. The policy applies to all bicycles used, stored, or operated in the City. This policy constrains the suite of locations that are considered acceptable bicycle parking spaces and formalizes an expectation of citizens denizens not to leave bicycles parked for undue lengths of time and/or in conditions that limit the ability of the bike rack to function effectively for other users. In addition, the policy explicitly identifies the required actions of the police department in responding to and removing bikes parked in violation of the code and encourages the registration of any bicycle to be operated in the City of Independence.

**Section 1.1 Bike Rack Installation**

**Application**

Downtown Businesses, Main Street, Chamber or other civic organizations can request decorative bike rack(s) installation. An application making the request must be completed and submitted to the City of Independence.

All applications will be reviewed to ensure compliance with city policy and ADA compliance and submitted to the City Council for approval.



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## **Section 2.1 Registration**

### **Voluntary Registration**

All bicycles used, stored, or operated in the City of Independence are recommended to be registered with the Independence Police Department (IPD). Registration increases the likelihood that a bicycle may be reclaimed if stolen, returned if abandoned, or otherwise paired with its owner in case of separation. Owners may register their bikes at the Independence Police Department.

### **Registration Display**

Bicycle registration stickers are to be displayed on the interior face of the seat tube or bottom tube so as to be easily visible.

## **Section 2.2 Bicycle Parking**

### **Bicycle Parking Where Permitted**

Bicycles shall be parked, stored, or left in areas specifically designated for such parking by the presence of racks or other devices designed for bicycle parking or when designated by the posting of signs indicating the space as a bicycle parking area.

### **Parking Prohibited**

No bicycle shall be parked, stored, or left in the following areas:

1. In any way so as to block or impede the normal flow of traffic on any highway, roadway, street, alley, sidewalk, mall, patio, parking area or bicycle path in the City.
2. In a manner as to block or otherwise impede normal entrance to or exit from any building in the City (include within six feet of an entrance or exit unless in a bicycle rack or other designated bicycle parking area)
3. On any building access or egress ramp
4. In any way so as to interfere with or impede the normal movement of persons with disabilities, pedestrians or bicyclists upon ramps, stairways or curb cuts.
5. Streets, highways, roadways, alleys, or bicycle paths or parking areas adjacent to a curb or cement device that is painted red, or any fire lane
6. On any lawn or landscaped area except in those areas designated as a bicycle parking area by the presence of racks or other parking devices or signs indicating the area as a bicycle parking area.



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7. Any lobby, hallway or room of any building unless said area is specifically designated for bicycle parking.
  1. Designated areas must be in accordance with all Federal, State and local fire and safety regulations.
  2. This Section is not intended to prohibit the storing or parking of a bicycle in an area by any person to which the area or room has been assigned as that person's office or residence, e.g., a residence hall room or apartment. However, use of any assigned area for bicycle parking or storage may be restricted when, in the judgment of the person(s) responsible for the area, movement of the bicycle or use of the assigned space for bicycle parking or storage interferes with the routine activities normally conducted in the area or creates other problems. A bicycle stored inside a building must not be positioned so as to impede exiting in the event of an emergency.

### **Locking to Unauthorized Objects**

No bicycle shall be chained or otherwise locked, or attached to any handrail, tree, shrubbery, door, signpost, lamp, telephone pole, lamppost, fence, or other object not maintained or designated for the purpose of securing bicycles.

## **Section 2.3 Bicycle Use**

### **Shared Walkways**

All bicycles may be operated on shared walkways in accordance with state laws, with the following additions:

1. Bicyclists shall yield to pedestrians on all shared walkways.

### **Sidewalks**

In accordance with City Code, bicycles may not be operated on sidewalks.

### **Scope:**

This policy applies to all users, owners, or operators of bicycles in the City of Independence.

### **Policy Terms:**

#### **Bicycle Registration**

A formal process of recording the serial number and owner of a bicycle with the Independence Police Department.

#### **Sidewalk**

Any walkway space 5 feet wide and narrower that is immediately adjacent to a roadway.



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### **Shared Walkway**

Any walkway space not immediately adjacent to a roadway, or walkway space immediately adjacent but wider than 5 feet.

### **Bike Rack**

Any object expressly intended for the attachment and securing of a bicycle through the use of a locking mechanism. Examples may include “wave” racks, “swerve” racks, or “pi” racks.

### **Procedures:**

Bicycles in violation of these policies will be subject to the following procedures where applicable.

## **Section 5.1 Removal of Bicycles**

### **Removal of Bicycles Procedure**

1. **Abandoned Bicycles:** personnel authorized by Section \_\_\_\_ shall conduct sweeps (no less than once every year) for abandoned bicycles or via a report to the police department of an abandon bike. During these sweeps or citizens request, personnel shall pick up bicycles that have been abandoned. Said authorized personnel may also elect to tag bicycles at any time in response to special requests from any member of the community. Bicycles tagged will have their location recorded and a photograph taken of the bike. In addition, bicycles marked this way are to be checked against the IPD bike registration database, and any identified owners contacted and notified that their bicycle has been claimed as abandoned; the owner may claim it per Section \_\_\_\_ within 3 days of the tag upon the bicycle, the bicycle shall be deemed abandoned and authorized for removal in accordance with these policies after 3 days. Abandoned bicycles removed in this way will be held in storage by IPD at a facility specifically designated for said storage until after the minimum holding period of 6 months has passed, and thereafter will be donated to charitable organizations or sold at bike sale organized and advertised by the Police Department.

2. **Bicycles blocking emergency access:** Bicycles blocking emergency access may be impounded immediately upon discovery of their placement, including the removal of any locking mechanisms. The City will store any bicycles impounded in this way in accordance with Section 5.1.1, and they will be subject to a **\$25** impound fee upon reclamation.

3. **Bicycles blocking flow of traffic or other access:** Bicycles blocking the follow of traffic or other access may be tagged as an obstruction by authorized personnel. If said bicycle is not removed within 24 hours, it may be impounded in accordance with the sections of this policy and its owner assessed a **\$25** impound fee upon reclamation.



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#### **4. Removal or Alteration of Obstructing Bike Part**

Whenever any bicycle is found in violation of this Ordinance, and removal of the bicycle is called for according to its procedures, any City personnel authorized to enforce bicycle parking may use whatever reasonable measures necessary to move, alter or remove any part or component of the bicycle. City personnel so authorized to alter a bicycle in this manner, and the City of Independence, shall not be liable to the owner for damage or the cost of repair or replacement of such parts or components.

#### **5. Waiver of Liability**

City of Independence personnel so authorized to remove and impound a bicycle in the above manner and where removal of a locking mechanism or device is required, and the City of Independence, shall not be liable to the owner of the securing device or the owner of the bicycle for the cost of repair or replacement of such securing device or for damage to (or theft of) the bicycle while in possession of the Independence Police Department.

#### **6. Removal of Locks and Locking Devices**

Locks or locking devices left on parking racks, bicycle lockers, or parking devices not securing a bicycle, or left attached to any object not maintained or designated for the purpose of securing bicycles may be removed by authorized City personnel in accordance with the applicable bicycle removal policy. City personnel so authorized, and the City of Independence, shall not be liable to the owner of the securing device for the cost of repair or replacement of such securing device.

#### **7. Impound Appeals**

Any owner of a bicycle impounded in accordance with section 2.2 may, upon reclaiming their bicycle per 8.1.1, appeal the impound fee by contacting IPD and requesting an appeals consideration.

8. Any appeals consideration must demonstrate that the bicycle was either (1) impounded improperly (i.e. not in accordance with section 5.1.2 and 5.1.3), or (2) was not in violation of section 2.2.2 when impounded.

9. Responsibility for conducting review of any appeals is delegated to the Independence Police Chief.

10. Responsibility for reviewing appeals or ruling on an appeal decision is the City Manager.



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## **Recommended Locations of Bike Racks Section 8.1 Bike Rack Placement**

### **Application**

Downtown Businesses, Main Street, Chamber or other civic organizations can request decorative bike rack(s) installation. An application making the request must be completed and submitted to the City of Independence.

### **Bike Rack Installation:**

The City of Independence offers 2 - types of bike racks for installations. By limiting the types of racks the City can respond most cost-effectively and can replace damaged racks without a time-consuming procurement process. (Other rack types may be requested as part of streetscape and development projects.) There is no fee for bicycle parking rack or installation for City Racks if approved by the City.

### **City Racks Process & Requirements**

1. Once a request is received, it is logged and the site is inspected.
2. City staff inspects the proposed locations, evaluating each site based on Guidelines to ensure adequate clearance for pedestrian right-of-way, provide sufficient distance from fire hydrants, curb ramps, and other features. Due to the great interest in this program, staff cannot respond to each suggestion.
3. If installation is feasible, staff notifies the adjacent business of the proposed installation, allowing two weeks for comment.
4. Request is submitted to the City Council for Approval
5. Approved sites are will be scheduled for installation.
6. Denial of request will receive a written notification of their denial. Appeals can be made to the City Council.

The waiting period for a requested bicycle parking rack varies depending on availability of funding and complexity of the installation. The City has a goal of installing bicycle parking racks requested through the Program once every six months or after 2 sites have been approved, whichever comes first.



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## **Responsibilities:**

### **9.1 Responsibilities with Regard to Bicycles in Violation**

#### **Independence Police Department**

The Independence Police Department (IPD) is authorized to move, relocate, immobilize, or impound any bicycle which:

1. Is parked in violation of any of Section 2 of this policy;
  2. Appears to be abandoned as evidenced by signs of disuse or neglect, including but not limited to missing components, chains seized by rust, and the accumulation of wildlife;
  3. Has been reported as stolen to any law enforcement agency.
- IPD is jointly delegated the authority and responsibility to conduct sweeps for abandoned bicycles after school sessions or as needed. Such authorization may be delegated to volunteers designated by IPD chief of police.
  - Any bicycles which are tagged for removal will be inventoried and their serial number, make, and model kept on record by IPD for purposes of potential return to owner in accordance with section 8.1.
  - IPD is responsible for enforcing all applicable laws of the State of Kansas pertaining to bicycle operation and policies governing bicycle operation contained herein.

## **Enforcement:**

### **10.1 Bicycle Impound Fee**

#### **Impound Fee**

Any bicycle impounded pursuant to any section of this Policy not claimed in accordance with the abandoned bicycle policy shall be stored for a period of no less than six months. If, during that time, the owner of that bicycle wishes to reclaim it they may do so by contacting IPD. Any bicycle being released must be demonstrated to be the property of the claiming party through display of registration, proof of purchase, or other unique identification. A fee of \$25 shall be charged to the owner prior to the release of any impounded bicycle. Fees collected pursuant to this Section shall be retained to support the bike rack program and the installation of bike racks. These fees will be collected and administered by City of Independence Clerk office under the Director of Finance.

Any bicycle impounded in accordance with the abandoned bicycle policies covered above may be reclaimed by the owner of that bicycle as long as the following two conditions are met: (1) the bicycle must currently be in the possession of one of the



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parties to this policy or a designated partner and (2) the owner must demonstrate ownership through display of registration, proof of purchase, or other unique identification. No fee shall be charged to the owner for release of any bicycles collected through the abandoned bicycle removal process.

# City of Independence Decorative Bike Racks Application

This application is to request consideration of a bike rack with a unique custom design. The application must be submitted by a business, Main Street, Chamber or Civic Organization.

## Organization Information

Organization Name:			
Organization Address:		Zip:	
Contact Person:			
Contact Phone:		Contact Email:	

## Number and Type of Racks

**Please enter the desired type of bike rack** Please see [www.independences.gov](http://www.independences.gov) for design options.

Number of library rack:	0
Number of modern bike rack:	0
Number of City bike rack:	0

## Proposed Locations

**Please submit a map of your proposed bike rack locations with a corresponding table of information.** Bike racks should be placed on public property following the guidelines in Section 1.1 of the Bicycle Ordinance available at: [www.independences.gov](http://www.independences.gov)

The **map** will need to show enough detail to clearly indicate which property each proposed rack is adjacent to. Please include on the map:

- A title with the organization name. If multiple maps are used to show different parts of the area, include an address range for each individual map.
- Street names
- North arrow
- Proposed bike rack locations labeled with ID numbers

For the **corresponding table**, please list the ID numbers identified on the map and provide the following information:

- Adjacent address
- Rack type
- Number of racks at that specific location
- Install type (whether the rack is new install or replacement of an old rack)
- Location notes (the name of the adjacent building or business and/or any specific suggestions on the exact rack placement)

### Proposed Design

**Please briefly describe the design(s), including identifying the CMYK values for all colors** in the design either in the description box or in an attached image file. The City recommends using 1-2 designs throughout a neighborhood.

**Please attach an image file of each design for the bike racks in .png, .jpg, or similar format.** The final designs will need to be in Illustrator or InDesign vector format, but a standard image file is suitable for this application.

The maximum label image sizes are:

- Circular plate U-rack: 13-3/4" diameter
- Bar U-rack: 1-13/16" tall by 16-1/2" wide

Design Description	The City will be using a design that shows the Calatrava with the word "Independence" in white underneath it, all on a blue background.
Color CMYK Values	White text and Calatrava: C=0 M=0 Y=0 K=0 Blue background: C=100 M=29 Y=0 K=51

### Summary

**Please ensure you are submitting all of the following items:**

- A completed application
- A map of the proposed locations
- A table with additional information on the locations
- An image of each proposed design

**Please email all files to [davidc@independencesks.gov](mailto:davidc@independencesks.gov) with the subject line “Decorative Bike Racks Application.”**