

REGULATING ORDINANCE OF RULES FOR THE BICYCLE LOAN SERVICE

HEADING I. GENERAL CONDITIONS

Article 1. Aim.

The aim of this ordinance is to give the general regulations of the conditions of usage of the individualized public transport service of bicycle loan (from now on AMBICIA'T VINARÒS) whereby, the user may loan a bicycle for personal use, as long as the conditions established in this ordinance are followed, and always leaving it in one of the designated places.

Article 2. Registering with the service.

All those wishing to use the town bicycle loan service should previously have registered with the service at any of the System Users Registering Offices. Initially, the Tourist and Information Office, Plaza Jovellar, 2, will be the Registering Office.

The basic requirement for using this service is to have a mobile phone. You must complete a form (as shown in annex I), and attach a photocopy of your DNI, passport or NIE. Payment should be made as stated in the established conditions in the corresponding tax ordinance.

Once the details and receipt of payment are checked, the applicant will be given a document which will verify him/her as a user, then he/she will be assigned a secret code so that the service may be used. The aforementioned document will be considered personal and non-transferable.

When the period of validity has expired, the user should renew registration with the Bicycle Loan System at any of the System Users Registering Office, having previously paid for the cost stated for said renewal.

It is possible to make a voluntary cancellation of the bicycle loan service. To do this, just go to the Town-Hall, indicating your personal details and stating your reason for cancellation.

The Town-Hall can make an agreement with organizations or institutions dealing with tourism, for non-residents to use the service, with established conditions of acceptance.

HEADING II. ORGANIZATION AND FUNCTIONALITY

Article 3. Characteristics of the bicycle loan service.

The system has parking spaces and automatic machines for bicycles installed at different places in the town. Each automatic machine includes a sheltered bike rack with supporting elements, mechanisms for using padlocks and control units, as well as

bicycles for loan.

Article 4. Location of automatic bicycle parking machines.

The bicycle loan service can be used at the following places:

- FORA FORAT. Ps. Fora Forat crossroads with Av. de la Mediterrània.
- LIBRARY. Pl. Hort dels Escribans.
- SOUTH COAST (SALINAS). Av. Francisco Baila, crossroads with C. Salinas A.
- BULLRING. Av. Febrer de la Torre, crossroads with C. Clara Campoamor.
- RENFE TRAIN STATION/ LEOPOLDO QUEROL HIGH SCHOOL. Av. Gil Atrocillo, crossroads with Av. Joan XXIII.

The Town-Hall may modify the location of automatic machines or extend points of service.

Article 5. Users of the service.

All adults who have registered may use the town bicycle loan service.

Persons with a handicap cannot use the town bicycle loan service, all users must be physically and mentally able to ride a bicycle, adhere to these regulations and others on the Highway Code.

Article 6. Operating the town bicycle loan service.

To obtain a bicycle at any of the automatic parking machines you must send a SMS text from the mobile phone indicated on the user's registration application, to the phone established for operating the service (600-124-125), in the following way:

coger b<n°bike> c<n°padlock> <secret user's code>

Example: Coger b50 c305 vi1325

The spaces indicated in the example must be left.

The chosen bicycle, identified by its number will be freed from the padlock and can be used until it is returned to any of the places available at a bicycle point belonging to the system. The company in charge of controlling, supervising, checking and maintenance of the system will make sure that there are bicycles and spaces available at the different bike parks.

To return a bicycle to one of the automatic bicycle machines, the bicycle must be correctly secured by padlock. The system will recognize the return of a bicycle and conclude the users loan.

Article 7. Conditions of use.

1. The user can use the AMBICIA'T VINARÒS service at the following times:

From Monday to Saturday:

- Autumn- Winter season (October to March): From 8.00 to 20.00.
- Spring-Summer season (April to September): From 8.00 to 21.00.

Sundays and bank holidays:

- Throughout the year: From 9.00 to 20.00.

The service will not be available on 25 December or 1 January.

The timetable established for each season could be modified with an authorized organization by agreement.

2. Use of the bicycle is limited to three hours, after which the user must leave it at any of the designated bike parks before the time period has transpired. The information collected by the control system which registers the time of obtaining and returning the bicycle are definite proof of usage time.
3. Bicycles can only be used in Vinaròs centre or outside it on the routes with bicycle lanes.
4. Modifications to these times will be appropriately displayed on the information charts at each loan point or on informative notices.
5. The use of a bicycle will be limited to this timetable and times determined at all times by Vinaròs Town-Hall.
6. Use of bicycles depends on their availability at different loan points.
7. Whilst using this service, the user must show the Service user's identity card (or document which substitutes it), as proof of identity, when requested by persons authorized by Vinaròs Town-Hall to control the bicycle loan system.

HEADING III. RIGHTS, OBLIGATIONS AND PROHIBITIONS

Article 8. Rights.

1. All inhabitants have the right to register with the service providing they comply with the age and capacity conditions stated in article 5.
2. Make use of the bicycle for pleasure trips and town journeys.

Article 9. Obligations and responsibilities of the user/title-holder.

1. All citizens must use the town bicycle loan service correctly, being as careful as possible. Each bicycle must be returned in the same state as it was found, in good working order and clean, once it has been padlocked a second message must be sent to finish the loan. All citizens must comply with the rules established in this ordinance.
2. All users must always respect the General Highway Code Regulations, and always use a helmet.
3. When climatic conditions demand (rain, fog or little visibility) and when it is beginning to get dark, the user must wear a high visibility jacket to be easily seen.
4. The user is obliged while using the bicycle to look after it, respect traffic regulations and use the loan service correctly.
5. Neither Vinaròs Town-Hall nor the maintenance company are responsible for any

damage that the user may incur while using a bicycle, nor are they responsible for damages due to incorrect use of the bicycle or for damage caused to third persons by the user. Furthermore, the user or titleholder must check the state of the bicycle before using it as the Town-Hall will NOT be responsible in any way whatsoever for damages produced by usage.

6. The user must remove and return the bicycle within the established time limit. Failure to do so will lead to total or partial de-activation of the service and further consequences.
7. For the length of the loan, the user must be sure to park the bicycle in strategic areas, which are appropriate and safe, and do not block entry or cause unsafe situations, always following defined parking restrictions of the corresponding regulations.
8. The user must always be responsible for any obligation or driving offence due to riding the bicycle, which could be determined by any Authority or Organization, whether it be State, Autonomous or Local.
9. The user must immediately communicate with Vinaròs Town-Hall any incident which may occur, such as deterioration or malfunctioning which makes it difficult to use the bicycle, as well as any situation where the user could be involved as a consequence of the service or which could affect it.
10. In the case of an incident which affects the mechanics of the bicycle, the user must immediately communicate this to those responsible for maintenance. The bicycle is the responsibility of the user until it is deposited in one of the system's bike parks, made available to the Town-Hall or to the company managing the service.
11. In the case of loss or theft, the user must make a report within no more than 8 hours to the Guardia Civil or Local Police.
12. In the case of theft of the bicycle the user must take a copy of the corresponding report in writing to the Environmental Council at Vinaròs Town-Hall in a maximum of 16 hours after the time the report was made, or on the next working day. In the case of non-presentation of the said report, the user will have his/her subscription cancelled for 6 years as well as a very serious fine.
13. The user will be responsible to the Town-Hall for the loss or damage to any of the elements belonging to the system during the time that the bicycle is removed and returned.
14. Unjustified abandoning of the bicycle will cause cancellation of the service for one year and a very serious fine.
15. The user must communicate any change to details contained in ANNEX 1. Failure to do so could de-activate the service and cause cancellation of it.
16. To cancel the bicycle loan system voluntarily, all you need to do is present in writing an application for cancellation and attach your identification card.
17. In the case of non-usage of the system during the period of one year, the user will automatically be cancelled from the system.

18. In the case of non-returning of the bicycle, two requests will be sent to the last member who used the loan service, and after these two requests the title-holder will be demanded to either return the bicycle or pay the estimated value of said vehicle.
19. In any case, the user must respect the conditions of use and obligations established in the Registering and Cancellation documents prepared for this service.

Article 10. Prohibitions.

1. It is prohibited to use a bicycle outside the established timetable and areas.
2. It is prohibited for the user to lend, rent, give or carry out any other act of disposal of the bicycle or secret code in favour of third persons, with or without profit.
3. It is prohibited to use a bicycle in competitions of any kind or on steps, garage ramps, pavements or similar.
4. It is prohibited to dismantle or manipulate a bicycle in any way.
5. It is prohibited for the bicycle to be used differently from what the service intended it for, especially for financial or professional gain.
6. The user is prohibited from transporting any person, animal or object on the bicycle, or taking any elements not belonging to the bicycle which could be used for this purpose.

HEADING IV. SANCTIONING SYSTEM

Article 11. General principles

1. The Sanctioning system of these regulations conforms to the principles included in Law 30 of 26 November 1992, of the Legal System of Public Administration and Sanctioning Procedures and development regulations.
2. In the same way, the regulations contained in heading XI of Law 7 on 2 April 1985, which regulate the Basis of the Local Government, development and regulating rules, will be applied.

Article 12. Offences.

1. Non-compliance with established obligations, prohibitions and requirements in this ordinance is considered an offence.
2. Offences will be sanctioned in accordance with what is established in the state, autonomous and town legislation of the resulting application.
3. Offences will be classed as minor, serious and very serious.

Article 13. Minor offences.

The following are considered minor offences:

1. Returning a bicycle late without justification.
2. Not parking a bicycle during loan time in a strategic, appropriate or safe place which does not block entry or could cause unsafe situations.
3. Not communicating to the Environmental Council of the Town-Hall any changes in the user's personal details.

Article 14. Serious offences.

The following are considered serious offences:

1. Using a bicycle in areas not established for its use.
2. Lending a bicycle to third persons.
3. Not respecting established traffic regulations for these vehicles.
4. Not returning a bicycle in good working order and clean.
5. Not communicating any damage, incident or accident which occurs during the use of a bicycle.
6. Causing damage to a bicycle due to incorrect use despite having to pay costs for repairing the vehicle.
7. Returning a bicycle more than 12 hours late.
8. Commit two minor offences repeatedly in a twelve month period.

Article 15. Very serious offences.

The following are considered very serious offences:

1. Using a bicycle to make a profit; it is strictly prohibited to rent and/or sell or use a bicycle for business, transporting goods or any other professional use.
2. Not making a report in the case of theft of a bicycle.
3. Commit two minor offences repeatedly in a twelve month period.
4. Acts of damaging facilities and elements of the service.
5. Abandoning and unjustified loss of a bicycle.
6. Not reporting the loss or theft of a bicycle within the given period.
7. Not handing in the report of the loss or theft of a bicycle to the Environmental Council at the Town-Hall within the given period.

Article 16. Sanctions.

In accordance with the Heading added by Law 57/2003, on 16 December, offences in the current regulations will give rise to the following sanctions:

Minor offences will be penalized with: penalties of time and/or fines up to 750euros.

Serious offences with: penalties of time and/or fines up to 1,500euros.

Very serious offences with: penalties of time or fines up to 3,000euros.

Article 17. Independent offences and sanctions and prevalence of Criminal Law demanded by other sectoral orders

1. The sanctions established by offences categorized in these Regulations are

independent from those which apply when events could be incurred by the person responsible in accordance with other sectoral legislation.

2. When acts stipulated in the administrative sanctioning procedure have penal relevance, administrative procedures will be suspended until the penal procedure is resolved.

Article 18. Temporary or total user de-activation.

Independently from the corresponding sanctions imposed, temporary or total user de-activation from the bicycle loan service could take place in accordance with the following criteria:

1. In the case of late return of the bicycle or in sending the end message of the loan. Proceedings will be taken to de-activate the user depending on the delay and with the following effects:
 - a. If return of a bicycle is less than an hour late, or if it is parked in an unauthorized place, then prohibition from the service will be for 1 full day.
 - b. If late return of a bicycle is between 1 and 8 hours, prohibition will be for two full days.
 - c. If late return of a bicycle is after service closing time at loan points, de-activation will be for 10 full days.
 - d. If late return of a bicycle or the second message is sent between 8 and 24 hours after having taken it, then prohibition will be for one month.
 - e. If late return of a bicycle or the second message is sent more than 24 hours after the loan limit then the user will be de-activated for a one year period.
 - f. In the case of a repeat incident and/or failure to comply with article 16, de-activation could be complete and indefinite.
2. Periods of de-activation will be for complete days, beginning from the day after late return of a bicycle takes place.
3. Abandoning a bicycle, lack of communication or late communication of any incident related to the use of the service or the absence of a police report in the case of theft of a bicycle, will mean cancellation of the town bicycle loan service.
4. In the case of temporary de-activation, re-activation will occur automatically once the period of restriction has transpired. Complete de-activation will require a new application from the interested party to be re-activated, bearing in mind that the period of restriction in using the service cannot be less than that established for the corresponding offence.

Article 19. Personal Data Protection.

1. Personal information on service users will be subject to computer processing for the purpose of their connection with Vinaròs Town-Hall as a consequence of registering with the bicycle loan service.
2. The bearer of said information can exercise his/her rights of opposition, access,

rectification and cancellation in accordance with what is stated in Law 15/1999 on the Protection of Personal Data.

3. The user accepts that all information given is exact and agrees to the conditions of this ordinance.

FINAL PROVISIONS

This ordinance will take effect once fully published in the Province of Castellón Official Bulletin, and the anticipated period in article 70.2 of the Law Regulating the Basis of the Local Government, has transpired