

REGULATIONS FOR THE USE AND ORGANISATION OF THE “C’ENTRO IN BICI” (CITY CENTRE CYCLING) SERVICE (FREE HIRE OF MUNICIPAL BICYCLES)

HEADING I – USE OF THE “C’ENTRO IN BICI” SERVICE

ART. 1 – DEFINITION OF THE SERVICE

The “C’entro in bici” service is aimed at promoting sustainable mobility in Modena.

The Regulations concern the organisation and use of the free hire of municipal bicycles. The service is called “C’Entro in Bici” and is distributed throughout the urban area.

The service involves essential equipment for its operation, composed of yellow-coloured bicycles, bicycle racks and keys.

ART. 2 – CHARACTERISTICS OF THE SERVICE

The service is available to anyone interested in its use throughout the municipal territory, exclusively between 7:00 and 24:00, subject to the payment of €20.00 as a deposit to receive the related key.

In order to use the municipal bicycles, it is necessary to have the special coded key that, when inserted into the device in the rack, allows the user to remove the bicycle. The coded key remains inserted in the device in the rack so that the user of the particular bicycle can be identified.

ART. 3 – PROCEDURE FOR REQUESTING THE CODED KEY

The coded key necessary to use the municipal bicycle can be obtained at:

- The Public Relations Office (URP) of the Municipality of Modena
- The managing operator for the maintenance and security of the bicycles, appointed by the territorial Town-Planning, Transport and Mobility Department.

For this purpose, people interested in using the service must comply with the following conditions:

- Fill in and sign the application form bearing the personal details of the person making the request, the series number of the issued coded key and the contractual obligations to which the undersigner and owner of the key is bound;
- Pay the sum of € 20.00 as a deposit.

The aforesaid person (hereafter the applicant) is requested to show a valid document of identification and to provide precisely all the information necessary to obtain the coded key.

Tourists need to request the coded key at the Public Relations Office of the Municipality of Modena or from the Information and Tourist Reception Office of the Municipality of Modena (IAT). For this purpose, tourists interested in using the service must comply with the following conditions:

- Fill in and sign the application form bearing the personal details of the person making the request, the series number of the issued coded key and the contractual obligations to which the undersigner and owner of the key is bound;
- Pay the sum of € 20.00 as a deposit;
- Provide a photocopy of the personal identification document.

Tourists are normally obliged to return the key and to request the restitution of the deposit only at the Office where they obtained the key (URP or IAT), during the service opening times. They will only be able to refer to the other Office for these operations in the event of unforeseen circumstances.

The URP and the IAT are not obliged to insert the names of tourist-users into the "C'Entro in Bici" service database, except in the event of failure to return the coded key within the declared terms.

ART. 4 – REQUIREMENTS FOR REQUESTING THE CODED KEY

In order to have the right to receive the coded key that makes it possible to use the municipal bicycle as part of the "C'Entro in Bici" service, it's necessary to have the following requisites:

- to be at least 18 years of age;
- to be resident in Modena or, alternatively: to document/declare to a) be registered in a scholastic institute in Modena; b) to carry on a professional activity in the municipal or provincial territory; c) to be domiciled in Modena;
- to be a tourist. In addition to personal details, tourists are requested to indicate a) the length of their stay in Modena; b) their place of accommodation; c) the address at which they can be contacted; d) the date and time when they expect to return the coded key.

Besides individual users, group users may also make use of the "C'Entro in Bici" service. A group user is a public or private organisation that, carrying out a service in the public interest intended for citizens who may or may not be from Modena, with registered office in the city – that intends to promote the use of bicycles for urban mobility on the part of their employees and/or users, specifically making use of the "C'Entro in Bici" bicycles, to collect at the various collection points distributed in Modena.

The "C'Entro in Bici" bicycle service can be used by registering with the service and acquiring the coded keys distributed through the operator for the maintenance and security of the bicycles.

The group user pays a deposit of € 20.00 for every key received.

The coded keys acquired by the group user must be managed by the latter to encourage access to the bicycles relating to the "C'Entro in Bici" service solely for its own users and employees, without any discrimination, according to the procedures provided for by these Regulations.

It should be noted that every collection point – being a public service located in a public area – is available to all users registered with the service.

For the purpose of registration with the "C'Entro in bici" service, the group user is represented by a person authorised by the organisation. The reference person represents their body to all intents and purposes, both legally and economically, obliging them to comply with the regulatory terms and conditions and assigning them the costs and responsibilities deriving from registration with the "C'Entro in Bici" service.

ART. 5 – PROCEDURE FOR USING THE MUNICIPAL BICYCLE

The use of the municipal bicycle is regulated by the following rules, to which the user of the service declares to conform, undersigning the application form for the coded key:

- 1) the municipal bicycle must be used exclusively within the Municipal territory of Modena; it is forbidden to transport the bicycle elsewhere with any means of transport;
- 2) the municipal bicycle must be returned to the same rack and in the same conditions as when it was taken;
- 3) the municipal bicycle must be used exclusively in the period of time between 07.00 and 24.00 on each day;
- 4) the municipal bicycle must be returned to the special rack so as to permit subsequent users of the service to use it;
- 5) the municipal bicycle must be locked with the appropriate anti-theft cable when the bicycle is left temporarily unguarded during the period of use.

ART. 6 – OBLIGATIONS OF THE USER OF THE SERVICE

The user of the municipal bicycle, by unconditionally undersigning the application form for the coded key, assumes the following obligations:

- I. to be in possession of a single coded key and to keep it with care;
- II. to check the proper working of the bicycle when receiving it and to use it only if it is considered as fit for use;

- III. take care of the municipal bicycle in a diligent manner;
- IV. compensate for damages attributed as a result of careless use of the mechanical system and/or of the various parts of the municipal bicycle, including accessories;
- V. ride and use the municipal bicycle in compliance with the highway code, as well as observing the general principles of prudence, diligence and the safeguarding of other people's rights (*neminem laedere*);
- VI. not to claim any right of ownership of the bicycle and of the coded key in use;
- VII. to return the coded key to the Public Relations Office or to the Information and Tourist Reception Office or to the operator for the maintenance and security of the bicycles, further to the unchallengeable request of the municipal Administration;
- VIII. not to grant the use or custody of the municipal bicycle to persons not suitable for such operations, on penalty, should this not be the case, of being held as solely responsible;
- IX. to notify the operator for the maintenance and security of the bicycles any damage to the bicycle occurring during its use;
- X. to unconditionally exonerate the Municipality of Modena from every and any damage, also not relating to property, suffered by third parties (persons, objects or animals) or by the user during and/or with regards to the use of the municipal bicycle;
- XI. to pay the operator for the maintenance and security of the bicycles the sum necessary for the complete repair of the municipal bicycle damaged or destroyed by the user as a result of accident and/or breakage;
- XII. not to tamper with any mechanical part of the municipal bicycle.

ART. 7 – PENALTIES

The user of the municipal bicycle, in contravening the obligations as set out in the previous article assumed through the undersigning of the application form for the coded key, is bound to pay the Municipality of Modena – to the managing operator for the maintenance and security of the bicycles – the following sums in the form of a penalty, without prejudice to compensation for possible greater damage caused, and to carry out the fulfilments indicated below without reserve:

- a) loss of the key for the special anti-theft cable for closing the municipal bicycle: €20.00 as reimbursement of the price of the aforementioned key;
- b) use of the municipal bicycle outside the regulatory time interval: € 20.00 plus € 2.00 for each day the return is delayed, calculated from the date of ascertaining of this default to the date when the municipal bicycle is returned to its special rack;
- c) the possession of more than one coded key: € 20.00 for every coded key besides the first one given;
- d) loss of the coded key: the user undertakes to make a prompt report to a Police Post (State Police [*Polizia di Stato*] or Carabinieri) and to submit a copy of this report to the Public Relations Office or to the operator for the maintenance and security of the bicycles, thereby exonerating themselves from any form of liability. In the absence of the aforementioned report, in the event that the municipal bicycle is stolen using the lost coded key, the user undertakes to pay the Municipality of Modena the commercial value of the bicycle at the time of the theft. Moreover, in the event that the user wishes to take possession of a second coded key, they must submit a copy of the report to the police of the loss of the first key and pay the amount of € 20.00. Should the lost key be found, it will be reused, cancelling the data previously inserted. Finding the key does not give right to the reimbursement of € 20.00;
- e) theft of the municipal bicycle in use after it has been left in a place other than in the appropriate rack without the anti-theft cable provided for fastening the bicycle: the user undertakes to make a prompt report to a Police Post (State Police or Carabinieri) and to submit a copy of this report to the operator for the maintenance and security of the bicycles and in any case to pay the Municipality of Modena the commercial value of the bicycle at the time of the theft;
- f) theft of the municipal bicycle in use after it has been left in a place other than in the appropriate rack using the anti-theft fastening cable provided: the user undertakes to make a prompt report to a Police Post (State Police or Carabinieri) and to submit a copy of this report, together with the anti-theft cable key, to the operator for the maintenance and security of the bicycles; otherwise, the user

undertakes to pay the Municipality of Modena the commercial value of the bicycle at the moment of the theft;

- g) leaving the municipal bicycle in a place other than in the appropriate rack without the anti-theft fastening cable provided: penalty of €. 20.00. The operator for the maintenance and security of the bicycles relating to the "C'Entro in bici" service shall arrange for the recovery of the municipal bicycle and retrieval of the relative coded key from the rack. In addition, the Municipality reserves the right to assess the seriousness of the user's improper behaviour for the purpose of possible exclusion from the service.

ART. 8 – ADDITIONAL RESPONSIBILITIES - LIABILITY

The use of the service on the part of users is subject to the undersigning and unconditioned acceptance of the provisions of these Regulations, as well as the provisions and clauses set out in the appropriate application form for the coded key.

In all events, it should be understood that the Municipality of Modena is not liable for:

- damages and detriment of any kind suffered by the user of the municipal bicycle because of or as a consequence of such use, as well as caused to third parties (persons, objects or animals) further to the use of the bicycle;
- the loss, destruction, theft or robbery of objects or animals present on the municipal bicycle used.

The user is obliged, furthermore, to exonerate the Municipal Administration from all possible liability deriving from administrative violations committed during use of the municipal bicycle by way of infringements of Legislative Decree no. 285 of 30 April 1992 "Nuovo Codice della Strada" (New Highway Code) and successive modifications and integrations, as well as the relative Execution Regulations as per Decree of the President of the Republic no. 495 of 16 December 1992 and successive modifications and integrations, as well as those provided for in other legal provisions regulating or deriving from administrative measures.

The user, having the right, with their coded key, to use the bicycles provided by other Municipalities, herewith undertakes to comply with and to accept the rules with which each Municipality regulates its own service according to its unchallengeable discretion.

ART. 9 – RESTITUTION OF THE CODED KEY

The user of the "C'Entro in Bici" service has the right to return the coded key assigned to them by the Municipality of Modena at any moment, referring to the Public Relations Office (also tourists), the Tourist Office (only tourists) or to the operator for the maintenance and security of the bicycles (excluding tourists).

Once the regularity of the user's position has been ascertained, the office concerned will cancel the user's name from the "C'Entro in Bici" service and will return the deposit paid beforehand.

In the event of outstanding sums relating to the "C'Entro in Bici" service owed to the Municipality of Modena, the user (including tourists) has the obligation to fully settle such sums before requesting the restitution of the deposit initially paid to obtain the use of the coded key.

HEADING II – MANAGEMENT OF THE "C'ENTRO IN BICI" SERVICE

ART. 10 – ATTRIBUTIOPN OF FUNCTIONS

The following functions are assigned to the public Relations Office and to the operator for the maintenance and security of the bicycles:

- distribution of the keys, subject to compilation of a special application form and the undersigning of the Regulations for the use and management of the "C'Entro in Bici" service, and payment of the sum of € 20.00 as a deposit for receiving the key on the part of the applicant;
- restitution of the deposit paid for the coded key, when it is returned;
- collection of the copy of a report of theft of the municipal bicycle and/or loss of the coded key as provided for in these Regulations (to be subsequently sent to the operator for the maintenance and security of the bicycles);

- the management of the software with the data of all holders of keys and of the relative identification codes.

The Public Relations Office and the Tourist Reception Office are assigned the following functions exclusively regarding a tourist-user:

- distribution of the keys, subject to compilation of a special application form and the undersigning of the Regulations for the use and management of the ‘C’Entro in Bici” service, and payment of the sum of € 20.00 as a deposit for receiving the key on the part of the applicant;
- collection of the copy of a report of theft of the municipal bicycle and/or loss of the coded key as provided for in these Regulations (to be subsequently sent to the operator for the maintenance and security of the bicycles);
- restitution of the deposit paid for the coded key, when it is returned
- keeping documents regarding the assignment and return of the coded keys (forms, copy of identity document, and reports of theft and/or loss of keys).

The following functions are assigned exclusively to the managing operator for the maintenance and security of the bicycles:

- maintenance of the bicycles;
- recovery of the bicycles and retrieval of the coded key from the rack, in the cases provided for by these Regulations;
- supervision of the correct use of the bicycles on the part of users;
- collection and filing of the copy of any reports of theft of the municipal bicycle and/or loss of the coded key provided for by these Regulations;
- handing over a second coded key, according to the procedures provided for by art. 7 of these Regulations;
- collection of the key that allows the anti-theft cable to be used, as in the case provided for by art. 7 of these Regulations;
- collection of sums relating to penalties.

ART. 11 – SECURITY AND MAINTENANCE

The management of the security and maintenance of the bicycles used for the “C’Entro in Bici” service is assigned by the territorial Town-Planning, Transport and Mobility Department to persons or bodies (being part of the Municipality or not) through special administrative acts.

ART. 12 – FINAL PROVISIONS

For circumstances not expressly provided for and regulated by these Regulations, reference should be made to the laws in force on the matter.

Having read the regulatory clauses set out above, I declare to accept them unconditionally and in full.

APPLICANT’S SIGNATURE

Modena, _____200_

INFORMATION

OWNER AND BODY RESPONSIBLE FOR THE “C’ENTRO IN BICI” SERVICE

Municipality of Modena

Reference (also tourists)

Public Relations Office

Modena - Piazza Grande, 17 – Tel. 059.20312 - Fax 059.2032612

E-mail: piazzagrande@comune.modena.it - <http://www.comune.modena.it>

Opening hours: from Monday to Friday 9.00 -13.00; Monday, Tuesday, Thursday and Friday, 15.00 -18.30; Saturday 9.30 -12.30 –

Reduced opening hours in August

Reference (for tourists only)

Tourist Reception Office

Modena – Piazza Grande, 14 – Tel. 059.2032660 - Fax 059.2032659

E-mail iatmo@comune.moena.it - <http://www.comune.modena.it>

Opening hours: Monday 15.00-18.00 – from Tuesday to Saturday 9.00 -13.00 and 15.00 -18.00 – Sunday and bank holidays 9.30 -12.30. –

The service is closed: 25 and 26 December; 1 and 31 January; Easter and Easter Monday; 15 August.

MANAGING OPERATOR OF THE “C’ENTRO IN BICI” SERVICE

Oltre il Blu Cooperativa Sociale - Onlus

Modena - Viale Corassori, 72 - Tel. 059.2929409 - Fax 059.2925799

E-mail: info@oltreilblu.org http: www.oltreilblu.org

Reference (not for tourists)

"Blu Parking la Civetta" Car Park

Modena - Via Ciro Menotti (Entrance Via Borelli, 90) – Tel. 059.216577

Opening times: from Monday to Friday 7.30 -14.30