



Legislation Details (With Text)

File #: 170441 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 6/20/2017 **In control:** COMMON COUNCIL
On agenda: **Final action:** 7/31/2018
Effective date:

Title: A substitute ordinance relating to the operation of dockless bicycle share systems in the city.

Sponsors: ALD. BAUMAN

Indexes: CYCLING, LICENSES

Attachments: 1. Bike email 1, 2. PW Presentation_Dockless Bike Share 2018 0718, 3. PW Bikeshare email, 4. Bikeshare email, 5. Bike Share Memo to Common Council, 6. Notice Published on 8-16-18

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|------------------------|-------------------------|--------|-------|
| 6/20/2017 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 7/13/2018 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 7/18/2018 | 0 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 5:0 |
| 7/31/2018 | 2 | COMMON COUNCIL | PASSED | Pass | 14:0 |
| 8/9/2018 | 2 | MAYOR | SIGNED | | |
| 8/16/2018 | 2 | CITY CLERK | PUBLISHED | | |

170441
SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance relating to the operation of dockless bicycle share systems in the city.

81-43.7 cr
101-53 cr

This ordinance prohibits the operation of dockless bicycle share systems in the city upon the public right-of-way. In addition, this ordinance allows dockless bicycle share operators to participate in a dockless bicycle share pilot study which will be administered by the department of public works.

Whereas, Dockless bicycles do not require docking stations to park bicycles and instead can be parked and locked via internal wheel-lock, integrated locking devices such as u-locks or cables, or other mechanisms that prevent the wheels from moving and render the bicycles immobile; and

Whereas, Dockless bicycles may be a beneficial addition to the city’s transportation network; and

Whereas, Dockless bicycle share systems may allow rapid expansion of bicycle share opportunities into areas currently underserved by bicycle share; and

Whereas, Dockless bicycle technology is developing rapidly; and

Whereas, The city recognizes that dockless bicycle share has the potential for causing disruption and hazards in the public right-of-way; and

Whereas, It is the intent of the common council to prohibit dockless bicycle share systems in the city unless a pilot study can demonstrate their usefulness, effectiveness and safe operation; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-43.7 of the code is created to read:

81-43.7 Dockless Bicycle Redemption Fee. The fee for redemption of a dockless bicycle that has been impounded shall be \$100. (See s. 101-53)

Part 2. Section 101-53 of the code is created to read:

101-53. Dockless Bicycle Share Systems.

1. DEFINITIONS. In this section:

- a. "Bicycle" means any vehicle propelled by the feet acting upon pedals and having 2 or more wheels, any 2 of which are more than 14 inches in diameter.
- b. "Dockless bicycle share system" means a system of self-service bicycles made available for shared use to individuals on a short-term basis, which may be rented via a smart-phone app, vendor website, vendor customer service number, or a pre-paid PIN and which do not require structures at permanent, fixed locations where rides must begin and end.
- c. "Operator" means any person who owns or operates a dockless bicycle share system.
- d. "Person" means any individual, firm, corporation, limited liability company, partnership or association acting in a fiduciary capacity.

2. PROHIBITED. No person may operate a dockless bicycle share system in the city upon the highway including public streets and sidewalks.

3. EXCEPTION. Notwithstanding the foregoing, the operation of a dockless bicycle share system shall be permitted if the operator participates in a dockless bicycle share pilot study administered by the department of public works. Participation in the pilot study may only occur upon application and approval of the department of public works. This pilot study shall become effective by August 1, 2018.

4. REMOVAL OF DOCKLESS BICYCLES. If the chief of police or commissioner of public works finds on any alley, street, highway or public place within the city, any dockless bicycle belonging to an operator who is in violation of this section, the chief, the commissioner or other authorized agent of the city may have the dockless bicycle immediately removed to a suitable place of impoundment. If the operator can be identified, a notice informing the operator of the location of the dockless bicycle and the procedure for reclaiming the dockless bicycle, shall be sent to the operator's corporate headquarters within 24 hours after removal.

5. PERIOD OF IMPOUNDMENT. Upon impoundment, a dockless bicycle shall be held a minimum of 30 days unless earlier redeemed by the owner or owner's representative upon payment of the redemption fee provided in s.81-43.7.

6. DISPOSITION OF UNREDEEMED DOCKLESS BICYCLES. The commissioner of public works may dispose of impounded dockless bicycles that are not redeemed within 30 days in any of the following ways:

- a. Public auction or sale.
- b. Donation to a suitable nonprofit organization for charitable, educational or other eleemosynary purposes.
- c. Scrapping a dockless bicycle that cannot be disposed of through any other reasonable means.

7. OWNER RESPONSIBLE FOR COSTS. The owner of any dockless bicycle removed under this provision shall be responsible for all costs of impounding and disposing of the dockless bicycle. Costs not recovered from the sale of the dockless bicycle may be recovered in a civil action by the city against the operator. The city assumes no responsibility for damage to dockless bicycles impounded under this section.

8. PENALTY. Any person violating the provisions of this section shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$500 per day for each dockless bicycle operated or parked upon the highway including public streets and sidewalks. For each second or subsequent conviction, the forfeiture shall be not less than \$500 nor more than \$1,000.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB171656-4
Kathleen Brengosz:
7/17/2018