



Legislation Details (With Text)

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File created: 7/10/2018 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 7/31/2018

Effective date:

Title: A substitute ordinance relating to dockless motorized scooters in the city.

Sponsors: ALD. BAUMAN

Indexes: DOCKLESS MOBILITY SYSTEMS

Attachments: 1. 2018-07-12 Eastern District of WI filing of Notice of Removal.pdf, 2. 2018-07-12 file stamped Milwaukee County Notice of Filing of Notice of R...pdf, 3. 2018-07-12 Ltr to A. Stephens Encl Filings.pdf, 4. Interim Operating Agreement 6.8.18 - BLANK, 5. Milwaukee - Indemnification Agreement, 6. Bird Intro Deck, 7. Bird Deck 5.23, 8. City-of-Milwaukee_Bird-Rides,-Inc_18-GL,-Auto,-Um_6-22-2018_1287905327, 9. Email2, 10. Ware on Bird Scooters 7.17.18, 11. Email1, 12. Bird Email 3, 13. Bird Citation, 14. Bird - DPW July 2018, 15. Bird email 4, 16. bird email 5, 17. Eyes on Milwaukee_Dockless Scooters Debut Here » Urban Milwaukee, 18. UPDATED_Bird Scooters Land in Milwaukee in Time for Summerfest - Shepherd Express, 19. City of Milwaukee suing Bird_BizTimes Media Milwaukee, 20. City Attorney's office says Bird scooters in Milwaukee not lawful - Milwaukee - Milwaukee Business Journal, 21. City says it's illegal to ride Bird scooters on streets, sidewalks, 22. Milwaukee taking legal action against Bird Scooters, 23. Bird scooters in Milwaukee are illegal to use says city attorney, 24. 'Pure arrogance_' City officials warn Bird scooters illegal in Milwaukee; operators subject to \$98 fine _ FOX6Now, 25. Bird Scooters are illegal to ride on streets or sidewalks, city attorney's office says - TMJ4 Milwaukee, WI, 26. City requests 30 day suspension of Bird scooter service, 27. Bird scooters show up in Arlington — without county's blessing _ WTOP, 28. Denverite article, 29. Austin City Council scrambles to regulate a sudden flock of electric scooters on its streets _ The Texas Tribune, 30. City leaders file lawsuit against 'Bird Scooters', 31. Nashville to Bird_Remove all scooters from city rights-of-way by end of Wednesday or face impounding, 32. Metro takes Bird to court - Nashville Business Journal, 33. email5, 34. email4, 35. email3, 36. DPW Email, 37. email6, 38. CC File 180606 motion.pdf, 39. Letter to Mayor, 40. email7, 41. Notice Published on 8-3-18, 42. Three Scooter Companies Are Competing to Own Portland's Streets. Here's How They Compare, 43. Southern Californians are tossing electric scooters into ocean, burning them_report _ Fox News, 44. Scooter use is rising in major cities. So are trips to the emergency room, 45. Notice Published on 8-16-18

Date	Ver.	Action By	Action	Result	Tally
7/10/2018	0	COMMON COUNCIL	ASSIGNED TO		
7/18/2018	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
7/31/2018	1	COMMON COUNCIL	SUBSTITUTED	Pass	14:0
7/31/2018	1	COMMON COUNCIL	PASSED	Pass	12:2
7/31/2018	1	MAYOR	SIGNED		
8/3/2018	1	CITY CLERK	PUBLISHED		

180606
SUBSTITUTE 2
180607

ALD. BAUMAN

A substitute ordinance relating to dockless motorized scooters in the city.

81-43.9 cr
101-54 cr

This ordinance outlines local regulation of the operation of dockless motorized scooter systems in the city in recognition of the need for State legislation allowing motorized scooters.

Whereas, Dockless scooter technology is developing rapidly; and

Whereas, Dockless bikes and motorized scooter technology can be a valuable component of an urban transportation system; and

Whereas, The City recognizes that dockless motorized scooters may create disruption and hazards in the public right-of-way; and

Whereas, The City wishes to conduct a pilot study to evaluate the operation and effectiveness of dockless motorized scooter systems but may not do so until the state statutes are amended to allow the operation of dockless motorized scooter upon the highway including public streets and sidewalk; and

Whereas, It is the intent of the City to seek state legislation regulating standards and registration of dockless motorized scooters as part of a shared system or as privately owned vehicles; now, therefore

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

Part 1. Section 81-43.9 of the code is created to read:

81-43.9 Dockless Motorized Scooter Redemption Fee. The fee for redemption of a dockless motorized scooter that has been impounded shall be \$100.

Part 2. Section 101-54 of the code is created to read:

101-54. Dockless Motorized Scooters.

1. DEFINITIONS. In this section:

a. "Dockless" means a system of self-service vehicles made available for shared use to individuals on a short-term basis, which are GPS enabled, and may be tracked and remotely disabled, and 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.

b. "Motorized scooter" means a vehicle that is designed to be stood or sat upon by the operator and that has 2 small diameter wheels, upright t-shaped handlebars and is powered by an internal combustion engine or electric motor capable of propelling the device with or without human power.

c. "Operator" means any person who owns, leases, offers to rent, collects, distributes, repairs

services, charges or otherwise asserts control of a dockless motorized scooter system.

d. "Person" means any individual, firm, corporation, limited liability company, partnership or association acting in a fiduciary capacity.

2. REMOVAL OF DOCKLESS MOTORIZED SCOOTERS. As under s. 341.04(1), Wis. Stats., the operation of unregistered motor vehicles on public highways is prohibited, if the chief of police or commissioner of public works finds on any alley, street, highway or public place within the city, any dockless motorized scooter, the chief, the commissioner or other authorized agent of the city may have the dockless motorized scooter 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 motorized scooter and the procedure for reclaiming the dockless motorized scooter shall be sent to the operator's corporate headquarters within 24 hours after removal.

3. PERIOD OF IMPOUNDMENT. Upon impoundment, a dockless motorized scooter 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.81-43.9.

4. DISPOSITION OF UNREDEEMED DOCKLESS MOTORIZED SCOOTERS. The commissioner of public works may dispose of impounded dockless motorized scooters 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 motorized scooter that cannot be disposed of through any other reasonable means.

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

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB171710-6
Kathleen Brengosz:
7/31/2018

Clerical Correction -- James R. Owczarski -- July 31, 2018