



Legislation Details (With Text)

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Title: An ordinance relating to dockless mobility systems in the city.

Sponsors: ALD. BAUMAN

Indexes: CYCLING

Attachments: 1. The death of the sidewalk - The Washington Post, 2. These small businesses use marketing technology to do a lot with a little, 3. Motion at Council, 4. Proof of Publication

Date	Ver.	Action By	Action	Result	Tally
6/18/2019	0	COMMON COUNCIL	ASSIGNED TO		
6/26/2019	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
7/9/2019	1	COMMON COUNCIL	SUBSTITUTED	Pass	14:0
7/9/2019	0	COMMON COUNCIL	PASSED	Pass	12:1
7/19/2019	0	MAYOR	SIGNED		
7/25/2019	0	CITY CLERK	PUBLISHED		

Number
190443
SUBSTITUTE 2
170441, 180606, 180607

ALD. BAUMAN

An ordinance relating to dockless mobility systems in the city.

81-43.7 am
81-43.9 rp
101-53-0 am
101-53-1-a rc
101-53-1-b rc
101-53-1-c am
101-53-2 am
101-53-3 am
101-53-4 am
101-53-5 am
101-53-6 am
101-53-7 am
101-53-8 am
101-54 rp
102-3-3 am

102-3-11 rn
102-3-11 cr
102-3-12 rn
102-7 am

This ordinance establishes regulations for the operation of dockless mobility systems. A dockless mobility system is a system of self-service mobility devices, including bicycles, motorized scooters and other micro-mobility vehicles, made available for shared use to individuals on a short-term basis, which do not require structures at permanent, fixed locations where rides must begin and end. This ordinance also prohibits the operation of electric scooters on most sidewalks.

Whereas, Dockless mobility technology is developing rapidly; and

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

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

Whereas, The City wishes to conduct pilot studies to evaluate the operation and effectiveness of dockless mobility systems; 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 amended to read:

81-43.7 Dockless ~~[[Bicycle]]~~ >>Mobility Device<< Redemption Fee. The fee for redemption of a dockless ~~[[bicycle]]~~ >>mobility device<< that has been impounded shall be \$100. (See s. 101-53)

Part 2. Section 81-43.9 of the code is repealed:

Part 3. Section 101-53-0 of the code is amended to read:

101-53. Dockless ~~[[Bicycle Share]]~~ >>Mobility Systems<<.

Part 4. Section 101-53-1-a and b is repealed and recreated to read:

1. DEFINITIONS.

a. "Dockless mobility system" means a system of self-service mobility devices, made available for shared use to individuals on a short-term basis, which may be rented through 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. "Mobility device" means a vehicle, whether motorized or not, including a bicycle, a scooter, a skateboard, or any other micro-mobility vehicle which is exempt from state registration under ch. 341, Wis. Stats.

Part 5. Section 101-53-1-c of the code is amended to read:

c. "Operator" means any person who owns >>, leases, offers to rent, collects, distributes, repairs, services, charges or otherwise controls a dockless mobility system<< ~~[[or operates a dockless bicycle share system]]~~.

Part 6. Section 101-53-2 to 8 of the code is amended to read:

2. PROHIBITED. No person may operate a dockless ~~[[bicycle share]]~~ >>mobility<< system in the city upon the highway including public streets and sidewalks.

3. EXCEPTION. Notwithstanding the foregoing, the operation of a dockless ~~[[bicycle share]]~~ >>mobility<< system shall be permitted if the operator participates in a dockless ~~[[bicycle share]]~~ >>mobility system<< pilot study administered by the department of public works. Participation in a 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]]~~ >>MOBILITY DEVICES<<. 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]]~~ >>mobility device<< belonging to an operator who is in violation of this section, >>or in violation of the pilot program requirements, including, but not limited to, improper parking of a mobility device,<< the chief, the commissioner or other authorized agent of the city may have the dockless ~~[[bicycle]]~~ >>mobility device<< 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]]~~ >>mobility device<< and the procedure for reclaiming the dockless ~~[[bicycle]]~~ >>mobility device<<, shall be sent to the operator's corporate headquarters within 24 hours after removal.

5. PERIOD OF IMPOUNDMENT. Upon impoundment, a dockless ~~[[bicycle]]~~ >>mobility device<< 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]]~~ >>MOBILITY DEVICES<<. The commissioner of public works may dispose of impounded dockless ~~[[bicycles]]~~ >>mobility devices<< 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]]~~ >>mobility device<< that cannot be disposed of through any other reasonable means.

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

Part 7. Section 101-54 of the code is repealed.

Part 8. Section 102-3-3 of the code is amended to read:

102-3. Definitions.

3. BICYCLE LANE means that portion of a roadway set aside by action of the common council for the exclusive use of bicycles, electric assistive personal mobility devices, >>electric scooters<<, and other vehicles specified by the common council under the authority of s. 349.23, Wis. Stats.

Part 9. Section 102-3-11 and 12 of the code is renumbered to 102-3-12 and 13.

Part 10. Section 102-3-11 of the code is created to read:

11. ELECTRIC SCOOTER means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor.

Part 11. Section 102-7-1 of the code is amended to read:

102-7. Bicycle Regulations.

1. RIDING ON PUBLIC WAYS. No bicycle >>or electric scooter<< shall be operated upon any public sidewalk, any pedestrian path in the public parks, or upon any public school grounds or public playgrounds. This subsection shall not apply to bicycles when operated on school grounds or playgrounds when officially sanctioned functions are in progress; bicycles operated by police officers in the necessary discharge of their official duties; or to sidewalks or sidewalk areas designated by the common council and identified by signs or other clear markings as a bicycle way. Children less than 10 years of age who are supervised by an adult may ride on any sidewalk that does not abut a building. A further exception is made for any disabled person to permit riding upon any public sidewalk or playground while accompanied by a responsible adult. When operating a bicycle on a bicycle way every driver shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle driver or pedestrian proceeding in the same direction.

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: _____

LRB174044-2

Kathleen Brengosz:

7/8/2019