ORDINANCE NO. 3703

SUBSTITUTE AMENDMENT #1

AN ORDINANCE TO CREATE SECTIONS 13.085 and 18.02(2m) AND TO AMEND SECTIONS 18.02(1)(d) AND 18.02(2)(b) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF BELOIT PERTAINING TO ELECTRIC SCOOTERS

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 13.085 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

"13.085 ELECTRIC SCOOTERS

(1) PURPOSE AND INTENT. The purpose and intent of this section is to protect the public health, safety and welfare, and to prevent or mitigate against any adverse impact that shared scooter operations use may have to public or private property by licensing all persons who make available shared scooters in the city.

(2) DEFINITIONS. In this section, the following words and phrases shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

Bicycle lane means that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted under section 349.23 (2) (a) Wis. Stats., and so designated by appropriate signs and pavement markings.

Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles, electric scooters, and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

Customer shall mean a user of a shared scooter.

Dock shall mean a structure at a permanent, fixed location from which shared scooters may be deployed for use by the public.

Electric scooter or *scooter* means a device weighing less than one hundred 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 twenty (20) miles per hour on a paved level surface when powered solely by the electric motor.

Mobile application shall mean the software installed on a customer's mobile device that allows the customer to access shared scooters.

Multiuse path means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding mobility devices except as otherwise specifically provided by law.

Park means a public recreation center or area and other public areas, created, established, designated, maintained, provided or set aside by the City, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

Scooter share shall mean a transportation system providing users the ability to access scooters via mobile technology and that do not need to be attended by the licensee, allowing the user to pick up a scooter from one location and leave it at another within a system's service area.

Shared scooter shall mean an electric scooter offered or operating in a system through which members of the public are offered for consideration the use of scooters.

Rebalancing shall mean redistributing scooters throughout the city to ensure all areas are served by scooter share.

(3) LICENSE REQUIRED. No person shall offer short-term commercial rental of electric scooters to the public for use of such scooters within the city unless the person has obtained a license in accordance with this section. Issuance of a license does not authorize the operation of a shared scooter on private property without the approval of the property owner.

(4) NUMBER OF LICENSES LIMITED. The City shall issue no more than two (2) licenses for shared scooter operations within the city. Applications will be processed on a first-come, first-served basis.

(5) LICENSE REQUIREMENTS.

(a) Application. A license applicant under this section shall apply on forms available from the City Clerk and pay all applicable fees. The license applicant must be the person who will own, control or operate the proposed scooter share program or operation.

(b) Insurance. A license applicant shall maintain insurance as required by this subsection and shall submit a certificate of insurance with the application.

1. The applicant shall provide the City a thirty (30) day written notice of cancellation, non-renewal, or material change by any insurer providing coverage required by this subsection.

2. Insurance companies shall have a current A.M. Best rating of A-VII or better.

3. Applicant's insurance policy limits shall meet at least the following requirements:

   a. Workers' Compensation (only required if the applicant employs persons within the State of Wisconsin) – Statutory Limits;

   b. Commercial General Liability Insurance - $1,000,000 per occurrence and $2,000,000 in the aggregate; and

   c. Auto Liability - $1,000,000 per occurrence.

4. The City of Beloit shall be listed as an additional insured on the applicant's Commercial General Liability Insurance policy. The coverage required by this subsection shall be primary to the additional insured and not contributing with any other insurance or similar protection available to the additional insured, whether other available coverage is primary, contributing or excess.

5. If the applicant uses subcontractors for maintenance, rebalancing, or any other aspects of the applicant's scooter share business, the subcontractor shall be covered by the applicant's insurance or applicant must demonstrate that the subcontractor independently meets the insurance provisions of this subsection.

(c) Indemnification. The applicant shall agree to indemnify, defend, and hold the City (and city officers, employees, and agents) harmless from and against all actions, damages, or claims brought against the City arising out of the applicant's operations. The City Attorney shall have the authority to negotiate the terms of the indemnification provision with the applicant.

(d) User Agreement/Privacy Policy. The applicant shall provide a copy of the applicant's user agreement and privacy policy with the application.

(e) Term. A license issued pursuant to this section shall be effective upon issuance. It shall expire on the 31st day of December following its issuance.

(f) Fees. Application and scooter fees for scooter share operations shall be established by City Council resolution.

(g) Notice of Changes. An applicant shall report to the City Clerk any changes to the information provided to the City during the application process within three (3) business days of the change. If the information reported to the City includes an increase in the number of shared scooters, any additional fees shall be submitted to the City simultaneously with the change of information.

(h) Granting Licenses. The City Clerk shall issue a license under this section if all requirements have been met. The City Clerk shall follow the guidance outlined in subsection (6) when processing an application for a license.

(6) REFUSAL TO ISSUE LICENSE; SUSPENSION OR REVOCATION

(a) General. The City Clerk shall refuse to issue a license if the applicant:

1. Intentionally or knowingly makes a false statement as to a material matter in an application for a license; or

2. Has been convicted twice within a 12-month period for a violation of this section regarding the deployment of a shared scooter or the rebalancing or removal of a shared scooter, or a rule or regulation adopted under this section regarding the deployment of a shared scooter or the rebalancing or removal of a shared scooter, or has had a license revoked within two (2) years of the date of application; or

3. Has deployed unlicensed electric scooters within the city in violation of this section; or

4. Fails to pay an outstanding municipal court judgment for a violation of this section.

(b) Notice. If the City Clerk determines that a license should be denied, the City Clerk shall notify the applicant in writing that

the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant of the right to, and the process for, appeal of the decision.

(c) Suspension or Revocation of License.

1. The City Clerk may suspend a license if the City Clerk determines that the licensee failed to comply with a request to remove a shared scooter, a request to rebalance shared scooters issued by the City within the time specified in the order, or for failure to comply with any other requirement in this section. Suspension of a license does not affect the expiration date of the license.

2. The City may revoke a license if the City Clerk determines that the licensee has:

a. Made a false statement as to a material matter in the application concerning the license; or

b. Failed to maintain the insurance required by this section; or

c. Operated shared scooters that were not authorized by the license; or

d. Failed to pay a fee required by this section; or

e. Failed to comply with the provisions of this section.

3. After revocation of a license, a person is not eligible for another license for a period of one (1) year from the date of the revocation.

(d) Appeal. Any person whose application for a license is denied by the City, or a licensee whose license has been revoked or suspended by the City, may appeal the decision to the City Council by filing a written notice in the City Clerk's office within ten (10) business days of the decision.

(7) LICENSEE REQUIREMENTS.

(a) A licensee shall provide, in its mobile application, a means for customers to notify the licensee if there is a safety or maintenance issue with the shared scooter.

(b) A licensee shall include, in its mobile application, prominently displayed notification of the following information:

1. Scooter riding on sidewalks is not permitted;

2. Helmet use is encouraged while riding a scooter;

3. Users shall yield to pedestrians in crosswalks;

4. When riding on-street, users must comply with all traffic regulations, as drivers would in a motor vehicle;

5. Information on where electric scooters may be legally parked, which may include bicycle racks, designated scooter parking areas, or on private property with the consent of the property owner;

6. Electric scooter riding is prohibited wherever city ordinance prohibits the operation of motorized vehicles; and

7. Clear and understandable language about user fees for the rental of any shared scooter.

(c) A licensee shall provide users with a 24-hour customer service telephone number to report safety concerns, complaints, or to ask questions.

(d) A licensee shall understand and educate users regarding the laws applicable to riding and operating in the city, including that scooters are prohibiting from operating on sidewalks or in certain locations.

(e) A licensee shall provide materials to its users to promote safe riding and educate uses on rider responsibilities and encourage safe and courteous riding and parking.

(f) A licensee shall provide direct, current contact information to the City for the licensee or local persons capable of retrieving or rebalancing shared scooters.

(g) Upon notification from the City that an electric scooter of the licensee is improperly parked, the licensee shall relocate the electric scooter in accordance with the following requirements:

1. Within two (2) hours of notice received between 7:00 a.m. and 7:00 p.m.

2. By 9:00 a.m. for notice received between 7:00 p.m. and 7:00 a.m.

(h) A licensee shall remove or repair any inoperable shared scooter or shared scooter that is not safe to operate within 24 hours of notice by any means to the licensee.

(i) A licensee shall maintain records of the number of rides sold or used in each month, the distance traveled in each ride and the geographic area covered, and provide such information monthly to the City.

(j) A licensee shall not deploy more than 150 shared scooters. Up to an additional 50 shared scooters may be deployed if merited by data provided by the licensee and approved by the City Engineer or designee.

(k) A licensee shall rebalance shared scooters every morning to maintain supply throughout all areas of demand in the city.

(L) A licensee shall remove all shared scooters from public right-of-way and all city property every morning by 8:00 a.m., except for those areas where scooters are legally parked.

(m) A licensee shall remove all shared scooters from use in the city during any unlicensed time period.

(n) A licensee shall ensure that deployed scooters do not impede City or resident snow removal or ice control operations. So as not to interfere with snow or ice removal efforts, all shared scooters shall be temporarily removed from the public rights-of-way and parking lots in the event of a snowfall two inches or greater or if a snow emergency is declared under section 13.04 of this Municipal Code. Scooters not removed may be relocated or impounded by the City at licensee expense and any damage to scooters or related equipment that may be caused by snow removal activity shall be the sole responsibility of the licensee.

(o) A licensee shall prohibit, through use of geofencing or other similar means, the operation of a shared electric scooter in areas where motorized vehicle operation is prohibited.

(p) A licensee shall govern the speed of a shared scooter where there are reduced speed requirements required by this Municipal Code.

(8) SHARED SCOOTER STANDARDS. No person shall offer a shared scooter for use that does not meet each standard set forth in this section:

(a) All scooters used in a scooter share shall meet all applicable federal and state standards for electric scooters, including those established in sections 347.489(1), (2) and (3), Wis. Stats.

(b) Speed of electric scooters used in a scooter share shall be governed to fifteen (15) miles per hour or other speed required by this Municipal Code.

(c) The shared scooter shall be equipped with technology to track the location of the scooter in addition to the ridership data required by this section.

(d) Each shared scooter shall have affixed, in a prominent location, a license sticker and identifying information that includes:

1. The name, address, email address, and 24-hour customer service telephone number of the licensee; and

2. A unique identifying number or series of numbers for each shared scooter.

(e) Each shared scooter shall be equipped with wheel-lock technology to prevent unauthorized use.

(f) Each shared scooter shall be inspected by a licensee at least once per month. The inspection shall include, at a minimum, a check of the brake function, and brake-level wear. Any shared scooter deemed unsafe or inoperable shall be placed out of service immediately. A licensee shall maintain records of their inspections, which shall be open to the City for inspection upon reasonable request.

(9) ELECTRIC SCOOTERS REGULATED

(a) No person shall operate an electric scooter on any roadway under the city's jurisdiction having a speed limit of more than twenty-five (25) miles per hour.

(b) No person may operate an electric scooter on any sidewalk.

(c) No person shall park an electric scooter in any location except where authorized in subsection (10). For shared scooters, both the licensee and user are jointly and severally liable for any parking in violation of this section.

(10) PARKING OF ELECTRIC SCOOTERS.

(a) Electric scooters shall be parked upright in a neat and orderly manner. No person shall park an electric scooter in violation of this provision.

(b) No person shall park an electric scooter in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 60 inches.

(c) No person shall park an electric scooter in a manner that obstructs a crosswalk or access to a crosswalk, a driveway, or a private road.

(d) No person shall park an electric scooter in a manner that violates the Americans with Disabilities Act.

(e) No person shall park an electric scooter in a manner that would impede vehicular traffic on a street or alley.

(f) No person shall park an electric scooter in a manner that would impose a threat to public safety or security.

(g) Except as otherwise permitted in this section, no person shall park a scooter on bicycle ways, bicycle lanes, or multi-use paths.

(h) Electric scooters may be parked in a docking station, bicycle rack, designated shared scooter parking location, geofenced parking location, or on private property with permission. Geofenced locations for shared scooter parking shall be subject to approval by the City Engineer or designee.

(11) RELOCATION AND IMPOUNDMENT OF ELECTRIC SCOOTERS

(a) Relocation and Impoundment Authorized. If the City finds any electric scooter parked in violation of this section, the City, or authorized agent of the City may have the electric scooter immediately relocated to a legal parking location or removed to a suitable place of impoundment. If impounded, and the owner can be identified, a notice informing the owner of the location of the electric scooter and the procedure for reclaiming the electric scooter shall be sent to the owner within twenty-four (24) hours after removal.

(b) Relocation and Impoundment Fees. Fees for redemption of an impounded electric scooter and relocation of an illegally parked electric scooter shall be as established by City Council resolution.

(c) Holding Period. Upon impoundment, an electric scooter shall be held a minimum of thirty (30) days unless earlier redeemed by the owner or owner's authorized agent, upon payment of the redemption fee, if not otherwise paid by deposit or financial guarantee. If an electric scooter is not redeemed, the City shall dispose of the electric scooter consistent with the City's disposal of abandoned property ordinance. The cost of impoundment and/or disposal shall be collected from the licensee either through the financial guaranty required by this section or directly from the licensee if the financial guarantee is insufficient to cover the cost.

(d) Outstanding Fees. A licensee that owes $500 or more to the City related to the relocation or impoundment or a licensee's shared scooters shall, upon five (5) business days' written notice, have their license suspended until the total amount owed has been paid. Prior to the expiration of the five (5) business days' notice, the licensee shall remove their shared scooters from the city or shall make payment to the City. If the licensee does not remove their shared scooters from the City or make payment to the City during this time, the City may impound the shared scooters pursuant to this subsection.

(e) Unlicensed Shared Scooter Operations. In the event that a person commences short-term commercial rental of electric scooters to the public in the City without having first obtained a license in accordance with this section, the City may, without advance notice, take possession of any unauthorized electric scooters in the right-of-way. The City shall provide notice to the unauthorized person that it has taken possession of the electric scooters and invoice the unlicensed person the rate for relocating an electric scooter set in subsection (9) above. The unlicensed person may appeal fees imposed by this section in the matter provided in section 1.15 of this Municipal Code. If the unlicensed person does not appeal the fees imposed, or make payment within forty-five (45) days of receipt of invoice, the City may dispose of any electric scooters belonging to the unlicensed person in its possession. Any proceeds from the disposition shall be used to offset the unlicensed person's unpaid fees. Any costs from the disposition shall be billed to the unlicensed person.

(f) Appeal. A licensee may request review of or appeal the determination of a fee in a manner provided in section 1.15 of this Municipal Code

(12) PENALTY. Any person who shall violate any provision of this section shall be subject to a forfeiture as provided by section 25.04 of this Municipal Code."

Section 2. Section 18.02(1)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(d) Motor Vehicle means any self-propelled vehicle including a snowmobile. Wheelchairs are excluded from the definition of motor vehicle."

Section 3. Section 18.02(2)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(b) Operation and Parking of Motor Vehicles in Parks. No person, except a City employee engaged in maintenance work for the City, may operate a motor vehicle or park a motor vehicle in a City park except upon established roadways and parking lots. This prohibition does not apply to golf carts operated on the Krueger-Haskell Golf Course, electric scooters operated on multi-use paths, and wheelchairs."

Section 4. Section 18.02(2m) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

"(2m) ELECTRIC SCOOTERS. The operation of an electric scooter shall be permitted within a park on multi-use paths, established roadways and parking lots. The speed limit for an electric scooter on a multi-use path shall not exceed 10 miles per hour. No person shall operate an electric scooter in a park in violation of this section or in violation of standards established in section 13.085 of this Municipal Code."

Section 5. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 6. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 21st day of June, 2021.

CITY COUNCIL FOR THE CITY OF BELOIT

By: _____
Clinton Anderson, President

ATTEST:

By:_____
Lorena Rae Stottler, City Clerk-Treasurer

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