

ORDINANCE NO. 661
AN ORDINANCE AMENDING THE CITY CODE
Chapter 24 Streets, Sidewalks and Other Public Places, Article II. Right-Of-Way
Management adopting a new section 24-53 Mobility Sharing Operations
and Amending the Master Fee Schedule

The City Council of the City of Golden Valley hereby ordains as follows:

Section 1. City Code Chapter 24 Street, Sidewalks and Other Public Places, Article II. Right-Of-Way Management is hereby amended by adding a new Section 24-53 to read as follows:

Section 24-53 - Micromobility Sharing Operations

a) Definitions

- (1) "*Impoundment*" or "*Impound*" as used in this chapter means removal of a micromobility vehicle to a storage facility or designated impound location by the City or a licensed City contractor in response to authorization from a police officer, traffic control agent, or other City employee who is designated by the director of public works to act under this section.
- (2) *License agreement* or *license* as used in this section shall mean a written contract or agreement issued by the City Manager or their designee, with approval by the City Council.
- (3) *Micromobility vehicle* as used in this section shall include bicycles, electric-assisted bicycles, motorized foot scooters, and any other transportation device identified as a micromobility vehicle pursuant to City Council action. A current list of all micromobility vehicles included in this definition shall be kept on file by the City Manager or their designee, and will be made readily available for public inspection.
- (4) *Micromobility sharing* or *micromobility sharing operation* as used in this section shall mean any rental or lending service that:
 - a. Allows riders to temporarily use micromobility vehicles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and
 - b. Encourages, allows, or is susceptible to micromobility vehicle vending, renting, or lending from City-maintained right-of-way or other City property.

b) License Agreement Required

- (1) Notwithstanding any other provision to the contrary, no person shall engage in the business of micromobility sharing from City-maintained right-of-way or other City property without a valid license agreement with the City.
- (2) Any micromobility vehicle that is part of a micromobility sharing operation not authorized by a license agreement under this section shall be deemed an

unpermitted micromobility vehicle. Any person in possession of an unpermitted micromobility vehicle may ride such micromobility vehicle into and through the City, subject to all applicable state and local laws and rules. All unpermitted micromobility vehicle must be attended by the same user at all times while on City-maintained right-of-way or other City property. As used in this article, "attended" means a readily identifiable user is located within five (5) feet of the micromobility vehicle.

c) Control Of Right-Of-Way

License agreements issued pursuant to this chapter shall not operate so as to transfer ownership or control of the public right-of-way to micromobility sharing operators, or to any other party.

d) Compliance with Laws

Micromobility sharing operators and consumers shall comply with all applicable federal, state, and local laws, as they may be amended from time to time. The operation of a micromobility vehicle upon a public street, alley, highway, sidewalk, or other public property in the City shall be governed by the corresponding provisions of Minn. Stat., Chapter 169.

e) Attachment Of Micromobility Vehicles Prohibited

Micromobility vehicles that are part of any micromobility sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, or any other immovable object with a lock unless expressly permitted under a valid license agreement.

f) Enforcement

- (1) Micromobility vehicles may be deemed to be part of a micromobility sharing operation based on any of the following: marketing or advertising associated with a business logo attached to the vehicle; marketing or advertising associated with the overall appearance of the vehicle; the existence of a locking mechanism that can be unlocked for a fee or other form of direct or indirect compensation; or any other indicator that would lead a reasonable person to believe that the vehicle is used for micromobility sharing as defined in this section.
- (2) Any micromobility vehicle deemed to be part of a micromobility sharing operation that is found illegally parked, or otherwise in violation of this section or the terms of a valid City license agreement, shall be subject to impoundment under subsection (g) herein.
- (3) Any micromobility vehicle deemed to be part of a micromobility sharing operation that is left unattended on private property shall be subject to impoundment under subsection (g) herein. Impoundment shall not occur unless and until a qualifying request to remove the bicycle is made by the owner or authorized representative of such property.
- (4) In addition to any other remedy available at equity or law, failure to comply with the provisions of this section, or with the terms of any license agreement issued pursuant hereto, may result in impoundment as provided in this section, license termination, suspension or cancellation, administrative fines, restrictions, or other penalties as provided herein.

g) Impounding Authorized

- (1) Micromobility vehicles may be impounded by any traffic officer or duly authorized City employee because:
 - a. The micromobility vehicle was found improperly attached in violation of subsection (e) herein.
 - b. The micromobility vehicle was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.
 - c. The micromobility vehicle is part of an unpermitted micromobility vehicle sharing operation or is found in violation of one or more provisions of this section.
 - d. The micromobility vehicle is found in violation of one or more of the terms of a contract or license issued under subsection (b) herein.
- (2) All micromobility vehicles found in violation of this section are subject to impoundment without warning.
- (3) Not more than seventy-two (72) hours after impoundment of any micromobility vehicle, the City shall provide written notice to the owner of the micromobility vehicle, as disclosed by readily identifiable owner contact information attached to the micromobility vehicle. The notice shall be sent by either electronic or US mail. The notice shall contain the full particulars of the impoundment and redemption process. If a micromobility vehicle is redeemed prior to the submission of notice, or if the City is unable to readily identify the owner, then notice need not be sent. Saturdays, Sundays and City holidays are to be excluded from the calculation of the seventy-two-hour period.
- (4) All micromobility vehicles impounded under this section shall be subject to an impounded fee that is sufficient to offset the City's costs of enforcement and storage for each such micromobility vehicle.

h) Sale of Impounded Micromobility Vehicles.

Any micromobility vehicle lawfully coming into the possession of the City and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold to the highest bidder at public auction or sale following reasonable published notice.

Section 2. The 2019 Master Fee Schedule is hereby amended by adding the following new Micromobility Fees:

Impound Fee(per device)	\$ 56.00
Storage Fee (per device)	\$ 18.00 per day (24 hours)
License Fee (each year)	\$ 250.00

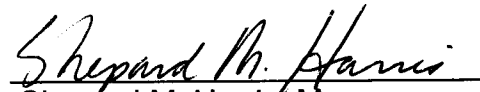
The Master Fee Schedule is reviewed annually and fees may be revised as needed.

Section 3. City Code Chapter 1 entitled "General Provisions" and Sec. 1-8 entitled "General Penalty; Continuing Violations" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.


Section 4. This ordinance shall take effect from and after its passage and publication as required by law.

First Consideration	April 2, 2019
Second Consideration	April 16, 2019
Date of Publication	April 25, 2019
Date Ordinance takes effect	April 25, 2019

Adopt by the City Council this 16th day of April, 2019.


 Shepard M. Harris, Mayor

ATTEST:


 Kristine A. Luedke, City Clerk

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