

## Staff Report

**MICROMOBILITY (Motorized Scooters)**

March 10, 2020

**BACKGROUND:**

At the June 18, 2019 City Council meeting, Council directed staff to investigate how other cities have regulated micromobility transportation to determine if there are ordinances that may be considered to offer this type of transportation in Ames.

**WHAT IS MICROMOBILITY?**

Micromobility encompasses several modes of transportation and the primary condition for inclusion in this category is a gross vehicle weight of less than 1,100 pounds. Some of the more commonly known modes are electric/motorized scooters, electric skateboards, shared bicycles, and electric pedal assist bicycles. **For the purposes of this report, motorized scooters will be the focus.** Scooters are generally used for the “last mile” of the individual’s trip with an average ride lasting less than 10 minutes.

**MOTORIZED SCOOTERS OVERVIEW:**

Motorized scooters are typically activated through a free app. Users create a profile on the app including their method of payment. Once the user profile is created, a map appears showing the location of the scooters. The user finds a scooter and scans the QR code on the scooter to unlock it. Once unlocked, charges to use the scooter began accumulating and are applied to the user’s payment method. An example of charges is \$1.00 to unlock the scooter and .15 cents per minute to ride. Upon completion of their scooter ride, the user is expected to return the scooter to a designated area so it’s available for the next rider. Failure to do so could result in additional charges and/or the inability to activate another scooter for future use.

Scooters are tracked through GPS and at the end of the daily hours of operation, individuals employed by the scooter company collect the scooters and transport them to a designated location for re-charging. Scooters are then returned to designated areas the next morning for use.

Motorized scooters began showing up in communities in 2018. Early in their deployment, scooter companies arrived in communities with very little to no notice and simply dropped off scooters. City officials scrambled to address the safety and regulation needs as well as respond to the numerous complaints from citizens and business owners while other citizens tested out the new mode of transportation. Scooter companies learned this was an unacceptable way to deal with communities and instead have begun working with cities

to develop acceptable policies/ordinances which can alleviate most of the perceived problems with motorized scooters.

### **POTENTIAL BENEFITS/CONCERNS OF MOTORIZED SCOOTERS:**

A committee comprised of City and ISU staff met between August – January to discuss and review information regarding scooters and identified potential benefits and concerns for City Council to consider.

- **Benefits**

- Motorized scooters are often viewed as primarily meeting a recreational need, however, some research indicates that they are an affordable and convenient mode of transportation that compliments existing public transportation.

- Jobs are also created as scooter companies hire individuals to collect and transport scooters for re-charging as well as work on scooter repairs.

- Some reduction in carbon emissions can be realized for those who switch for using a car to a scooter as a means of transportation for that trip.

- The availability of scooters could be seen as a fun factor desired by the City Council and compatible with the goal of supporting multi-modal forms of transportation.

- Pursuing this micromobility option establishes a workable framework to potentially include similar forms of transportation in the future.

- **Concerns**

- Safety of the rider interacting with the public is a primary concern and is dependent on where scooters would be allowed for use and at what time of the day they are allowed. (Note: The current City ordinance regulating bicycles permits riding on roadways, bicycle paths, and specified sidewalks.)

- There is a concern as to where the scooters should be parked when in use by a customer and after their time has expired. In many cities scooters have been left in the middle of sidewalks, bike paths, parking ramps blocking the mobility of other pedestrians and vehicles.

- As the City looks to develop place making spaces and enhancing walkability, there is concern expressed by some that the availability of scooters will influence the replacement of the physical activity that comes with walking and bicycling.

- Another concern deals with who will be responsible for enforcement of improper parking of the scooters in timely manner. It is believed assigning this task to the Police Department or another City department would not be advisable.

-It is questionable whether or not the City can successfully implement a motorized scooter policy without the ISU campus being included.

**DISCUSSION WITH SCOOTER COMPANY:**

Bird Scooters is the company that has had the most frequent contact with the City and ISU. In a conference call with Bird representatives they explained changes they've implemented in their business model in the past 18 months to collaboratively work with communities in establishing motorized scooter services. They view themselves as contributors to transportation options. Bird works with cities and universities to establish the best locations for the motorized scooters, implement geo-fencing, educate riders about scooter safety and work with city and university officials on messaging. In the communities where Bird operates, they see enforcement on scooters being managed in the same manner as bicycles. They see benefit with implementing pilot programs in order to introduce the service, determine the need, and monitor community feedback.

**IOWA STATE UNIVERSITY'S POSITION IN REGARDS TO SCOOTERS:**

Feedback received from the representatives of the ISU administration during the committee meetings indicates an opposition to allowing motorized scooters on campus. In addition, it should be noted that in the fall of 2018 the ISU Student Government passed a resolution barring motorized scooter on campus.

Much of their concern is focused on the safety issues between pedestrians/motorists confronting motorized scooters on the various paths/streets on campus; along with scooters being deposited on sidewalks, bike paths, and other areas on campus when not in use that inhibit pedestrian movement.

**IMPORTANT POLICY ISSUES THAT SHOULD BE ADDRESSED IF THE CITY COUNCIL CHOOSES TO ALLOW MOTORIZED SCOOTERS ON CITY RIGHTS-OF-WAY:**

Outreach to five university communities was initiated to collect and review examples of policies and ordinances they are using. When it comes to contracting with the scooter companies and longer-term policy development, there are several issues for City Council to consider:

- 1.) Number of scooter companies
- 2.) Number of scooters
- 3.) Permitting
- 4.) Areas of operation (geo-fencing)
- 5.) Policy and ordinance enforcement

**1. Number of Scooter Companies Allowed**

The number of scooter companies allowed in a community varies from city to city based on anticipated use determined by the city. In Ann Arbor, MI three companies operate

motorized scooters while in Bloomington, IN and Oxford, OH there are two companies. Columbia, MO and Stillwater, OK each have allowed one scooter company.

Since this is a relatively new industry and the surveyed cities have not received requests in excess of their desired allotment, there is no legal challenge to a city's ability to limit the number of scooter companies it will allow the community.

## **2. Number of Scooters**

The number of scooters allowed to be deployed is outlined in agreements that each city has with scooter companies. Some of the cities have also charged a one-time per scooter deployment fee. Cities consider population, areas of operation, and the number of intended riders when determining the number of scooters allowed. Ann Arbor approved 200-300 scooters to be in use while Stillwater decided on 300. Columbia and Oxford each have about 500 scooters and Bloomington allows 500-600 scooters.

## **3. Permitting**

In addition to operation agreements with the scooter companies, all but one city has implemented some type of permit requirement. Ann Arbor requires a permit for the charging station that a scooter company is installing in the public right of way. In Bloomington, Columbia, and Stillwater a business license must be obtained and fees are applied. Oxford does not require any type of business permit or license at this time.

## **4. Areas and Hours of Operation/Parking**

The cities of Ann Arbor, Columbia, and Oxford all use geo-fencing to control areas where scooters can go. In Ann Arbor, scooters are allowed in the downtown area and some areas on the University of Michigan campus. The scooters can be used in bike lanes and the roadway when bike lanes are not available. Scooters are required to be parked upright in an orderly manner on hard surfaces such as existing sidewalk extensions areas and cannot obstruct the sidewalk for pedestrian travel, ADA ramps, fire hydrant, utility pole or box, etc. Scooter use begins at 7:00 a.m. and ends at 9:00 p.m. every day. There is also a 15 mph speed limit with slower limits in certain areas of campus.

Columbia allows scooters to be operated in bike lanes and on roadways when bike lanes are not available. However, scooters cannot be used on the city's trail system. The University of Missouri allows the scooters on campus, but they must be placed in a bicycle rack when not in use. Both the city and university use 15 mph as the maximum speed limit for the scooters. Scooter use begins at 7:00 a.m. and ends at 8:00 p.m. every day. Scooters are allowed to park on sidewalks in an upright position so as not to obstruct the flow of pedestrian traffic.

In Oxford, scooters can be ridden on sidewalks, except in the business district. Parking for the scooters is available in designated spots on each block. Scooters are to be parked in upright positions and not obstructing pedestrian traffic, ADA ramps, utility poles, etc. The city plans to expand shared use paths to accommodate additional modes of transportation. Scooters are in operation from 5:00 a.m. and ends at 9:00 p.m. daily.

Miami University is geo-fenced and scooters are only allowed in bike lanes within the campus area.

The Cities of Bloomington and Stillwater leave it up to the scooter companies to establish hours of operation and safe speeds. Bloomington allows scooters on multi-use trails and paths, roadways, and designated sidewalks while Indiana University approves of scooters using roadways throughout campus. Bloomington City Ordinance requires scooters to park either in bicycle racks located in the public right-of-way or on the street within painted boxes specifically designated for scooters. The scooters can also be parked on sidewalks as long as they are in an upright position, leave a clear pathway of at least 54 inches wide, and do not obstruct ADA ramps/parking zones, utility poles, commercial window displays and street furniture. Scooters in Stillwater can be operated in bike lanes and on streets and designated sidewalks. The city ordinance requires scooters to be parked in designated racks that are located within boundary areas specified for scooter pick-up and drop-off. Scooters cannot be parked on sidewalks, rights-of-way, or public easements. Oklahoma State University allows scooters around campus and uses geo-fencing for slower speeds (less than 15 mph) in designated areas of campus. Scooters are parked at charging stations located around campus. OSU has adopted 7:00 a.m. until 9:00 p.m. as hours of operation.

#### **5. Policy and Ordinance Enforcement**

Police and/or Code Enforcement staff are commonly used in all of the communities to enforce scooter-related ordinances. Oxford also relies on their Fire Department to assist with tracking accidents and injuries related to scooter use. The cities all shared situations in which scooters were impounded. For example, in Columbia, the University of Missouri had designated areas where scooters are to be returned. When scooters were left out in the open and not returned to the designated area, the University impounded them and charged the scooter company. In turn, the scooter company would issue a fine to the rider. The City of Columbia intervened and the scooter company put a safety compliance program in place that still involved issuing fines to riders, but also blocking riders from using the scooters.

The issue of liability around scooter use in the community is being handled by including indemnity clauses in the agreements between the cities and scooter companies. All of the cities that were contacted require this protection, except for Oxford. Their experience thus far has been with scooter-related injuries occurring outside the hours of scooter operation.

#### **EXAMPLES OF POLICIES AND ORDINANCES IN OTHER COMMUNITIES:**

Attached for City Council review are the current ordinances/agreements regarding the use of motorized scooters in the five university towns that were studied.

## **OPTIONS:**

1. Direct staff to pursue the development of a pilot program for micromobility transportation, specifically motorized scooters. A pilot program would allow the use of scooters throughout the City (not including ISU property, unless they concur) in accordance with the policies established by the City Council and an agreement finalized with a scooter company and the City for a one year trial period.

**Under this option, the City Council will have to give staff direction regarding the numerous policy issues listed above.**

2. Direct staff to conduct further research on micromobility transportation.
3. Decide not to support micromobility transportation (motorized scooters) in the city at this time.

## **STAFF COMMENTS:**

There are many examples of agreements, policies, and ordinances available from other communities who have explored the first step in developing shared mobility programs. Both cities and the Bird scooter company recommend considering a pilot program proposal. It appears that motorized scooter companies have altered their business approach and are now seeking first to work more closely with communities in establishing acceptable micromobility transportation policies before deploying their scooters in a city.

It is anticipated that the majority of motorized scooter users will be ISU students. Should the City Council choose to pursue Alternative #1, it should be emphasized the ISU representatives have expressed opposition to allowing scooters on campus. Therefore, the overall success of this micromobility option could be in jeopardy if the availability/connectivity of scooters are not integrated between the City and ISU properties.

**INTERIM RIGHT-OF-WAY LICENSE AGREEMENT**  
**FOR DOCKLESS VEHICLE VENDOR**

This Interim Right-of Way License Agreement (the "Agreement") is made and entered into on this \_\_\_\_\_ day of October, 2018 (the "Effective Date") by and between the City of Ann Arbor, Michigan ("City") and Bird Rides, Inc. ("Licensee") (City and Licensee each being a "Party" or collectively being the "Parties").

WHEREAS Licensee has, without permission or right, deposited its motorized scooters in City owned or used and regulated rights of way ("ROW"), for purposes of holding them out for rent and shared use;

WHEREAS Licensee proposes to continue to do so;

WHEREAS City, and the public it represents, has both regulatory and proprietary interests in its ROW;

WHEREAS City has and exercises discretion in what enforcing its interests in its ROW;

WHEREAS City is willing to allow the Licensee's vehicles to be used and left in the ROW subject to Licensee's agreement to, and compliance with, the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants of the Parties hereto, the City and Licensee hereby enter into this Agreement, subject to the following terms and conditions:

**Section 1. Term.** Unless earlier lawfully terminated, this Agreement shall commence on the Effective Date and expire after three months, or the City adopts an ordinance superseding it, whichever occurs first.

Licensee's insurance and indemnity obligations under this Agreement shall survive expiration or termination of this Agreement.

**Section 2. License.** Subject to this Agreement's terms and conditions, City grants Licensee a temporary, non-exclusive license to leave, park, or deposit ("Park") no more than 200 bicycles, e-bikes, e-scooters, skateboards, or other small, wheeled vehicles that are not "motor vehicles" under the Michigan Vehicle Code ("Scooters") in the ROW (the "License").

Nothing in this Agreement shall be construed to grant Licensee any other rights or interests in the ROW. The License shall not be deemed or construed to create an easement, lease, fee, or any other interest, in the ROW, shall be personal to Licensee, and shall not run with the land. Licensee shall not record this Agreement or any memorandum of it. City may terminate this Agreement, as provided under its terms, without the need for court action or court order and shall not be deemed to breach the peace as a result of such termination or other exercise of self-help under this Agreement.

**Section 3. Consideration.** As consideration for the License and reimbursement for City's costs and expenses associated with this Agreement and the License, and in addition to any other monetary obligation it has to the City, Licensee shall pay City: (1) \$5,000 upon the Effective Date and, (2) \$1 per day per Scooter permitted by the License, for a total of \$18,400 (based on having 200 Scooters operating in the City for 92 days), and, (3) any other of the City's actual direct costs paid or payable in accordance with the established accounting procedures generally used by the City and which the City uses in billing third parties for reimbursable projects ("Costs") arising from this Agreement or from Licensee's failure to comply with it.

Licensee shall, upon the City's request, provide the City with any documents or data appropriate for the City to calculate its entitlement under this section.

City may invoice Licensee for its due monetary obligations under this Agreement at intervals as City deems appropriate. Licensee shall pay such invoices within 14 days.

**Section 4. Parking.** Licensee shall use reasonable efforts to ensure that Scooters not in current use are parked upright, in an orderly manner, on a hard surface.

Licensee shall also use reasonable efforts to ensure that Scooters are Parked in accordance with all applicable laws, including the City's Code of Ordinances and the state laws it incorporates by reference, including the Michigan Vehicle and Uniform Traffic Codes, as amended. Notwithstanding the foregoing, Scooters may also be Parked in sidewalk extension areas, as long as such Scooters do not obstruct the portion of the sidewalk for pedestrian travel, any ADA ramp or access point, fire hydrant, call box, or other emergency facility, or utility pole or box.

Licensee represents and warrants that it knows the foregoing laws.

**Section 5. Operation.** Licensee shall use reasonable efforts to ensure that its Scooters are operated in accordance with all applicable laws, including the City's Code of Ordinances and the state laws it incorporates by reference, including the Michigan Vehicle and Uniform Traffic Codes, as amended.

Licensee represents and warrants that it knows the foregoing laws.

**Section 6. Deployment Locations.** Licensee shall share Scooter deployment locations with City on at least a weekly basis or upon reasonable request; City may request removal of any deployment location by notice to Licensee and Licensee shall remove such deployment locations within forty-eight (48) hours. City acknowledges that deployment locations are proprietary information of Licensee and shall not be shared publicly or with third parties without Licensee's prior written consent.

**Section 7. Abandonment.** Licensee shall promptly recover and take custody of all abandoned Scooters.

**Section 8. Markings.** Licensee shall ensure that each Scooter is conspicuously marked with



Licensee's unique branding, a unique serial number, and Licensee's contact information, including a 24-hour toll-free phone number and e-mail address. Licensee shall not apply any other markings to any Scooter.

**Section 9. Maintenance.** Licensee shall maintain Scooters in a good and safe working manner and in accordance with all applicable laws, including the laws that permit their operation, and shall promptly remove from the ROW any Scooter not so maintained.

**Section 10. Data Sharing.** Licensee shall, upon request, provide City all data related to Scooter use in the General Bike Share Feed Specifications ("GBFS") format. Aggregated reports on system use, compliance, operations—including but not limited to parking complaints, crashes, damaged or lost Scooters—shall be provided by Licensee to City upon request. Licensee shall make available to City any information from private entities related to requests for Scooters not to be used or parked at a private location upon request.

**Section 11. Insurance and Indemnity.** To the fullest extent lawful, Licensee shall defend, hold harmless, and indemnify the City and its officers, affiliated entities, fiduciaries, employees, agents and contractors from and of all claims, damages, losses, expenses, including attorney fees, or suits of any nature that arise from, are related to, or that the City may be subjected to, by reason or on account of this Agreement, the license granted under it, or the Scooters, except to the extent due to the negligence or willful misconduct of City or its agents and employees.

Licensee's contracts with users of the Scooters shall obligate users to release the City and its officers, affiliated entities, fiduciaries, employees, agents and contractors from the same claims, damages, losses, expenses, including attorney fees, and suits for which Licensee is obligated to indemnify, defend and hold the City harmless. Said contracts shall also obligate users of the Scooters to comply with all other terms of this Agreement.

Throughout the duration of this Agreement, and through any applicable period of repose or limitation, Licensee shall maintain commercial general liability insurance, with no exclusions or limiting endorsements, in the amount of at least \$1,000,000 for each occurrence of bodily injury liability or property damage liability, or both combined, \$2,000,000 general aggregate, \$1,000,000 personal and advertising injury, and \$2,000,000 products and completed operations aggregate, along with any other insurance required by law, including \$1,000,000 in motor vehicle liability insurance, including Michigan no-fault coverages, and worker's compensation insurance. Licensee shall maintain excess or umbrella liability insurance of at least \$5,000,000 for each occurrence and in the aggregate. All such insurance shall be issued by insurers authorized to do business in Michigan and who carry and maintain a minimum rating assigned by AM Best & Company's Key Rating Guide of "A-" and a minimum Financial Size Category of "V." The foregoing required insurance shall be primary as respects to any other insurance the City may have, including its self-insured retentions, which shall not be required to contribute and shall be considered excess only. For itself and any of its insurers, Licensee waives any right of recovery against City for any damages covered by Licensee's insurance. City shall be named an additional insured on all insurance coverages required by this Agreement and shall, without qualification, be entitled to 30-days' written notice of any cancellation or non-renewal of the same. Licensee shall, upon request, provide evidence satisfactory to the City of its compliance with its insurance

obligations under this Agreement.

**Section 12. Local Representatives.** Licensee shall designate one or more representatives who, as needed, can address any issues related to this Agreement in the City, in person, at any time, and who has authority to act on behalf of Licensee.

**Section 13. Damage to City Property.** To the fullest extent lawful, Licensee shall be liable to, and shall promptly reimburse, the City for any damage to City property related to or arising from the Scooters, except to the extent due to the negligence or willful misconduct of City or its agents and employees.

**Section 14. Education.** Licensee shall, to City's satisfaction, develop materials to instruct users of its Scooters of all applicable laws, and provisions of this Agreement, that relate to operation, and Parking of these Scooters. Licensee shall not allow any use of its Scooters by third parties unless they have first reviewed these materials.

**Section 15. Compliance with Laws.** Licensee shall comply with all applicable laws, this Agreement, and City policies, and guarantees its employees, agents and contractors, including independent contractors, do the same.

**Section 16. Seized Scooters.** The City may seize and impound any Scooter that is operated, deployed, abandoned or Parked in violation of any law or in breach of this Agreement, with or without issuing a ticket or citation. Unless City's continued possession of such Scooter is necessary for evidentiary or investigatory purposes, Licensee may recover possession of any seized or impounded Scooter upon Licensee's payment to the City of \$150 plus an additional \$15 per day of impoundment, which amounts are partial reimbursement of the City for its Costs related to seizure and storage of the Scooter, and which amounts shall be due and owing from Licensee to City even if Licensee elects not to recover possession. City shall not be liable for damages to Licensee for City's seizure or impoundment, or both, of any Scooters.

**Section 17. Termination by City.** Upon 3-days' written notice to Licensee, the City may terminate this Agreement, and the license for which it provides, following any breach of it by Licensee, or if City finds, in its sole discretion, that Licensee's use of the license granted under this Agreement threatens the safety and health of the City's residents and visitors. The City's rights of termination are in addition to all other rights and remedies which it may have at law or in equity.

**Section 18. Notices.** All notices or other correspondence or communications required by or related to this Agreement shall be in writing sent by email, and regular U.S. mail, postage prepaid, or delivered by courier to the following:

City:

Attention: John Fournier  
Assistant City Manager  
301 E. Huron Street  
Ann Arbor, Michigan 48107  
jfournier@a2gov.org

With a Copy to: Attention: Stephen K. Postema  
City Attorney  
301 E. Huron Street  
Ann Arbor, Michigan 48107  
spostema@a2gov.org

Licensee: 406 Broadway #369  
Santa Monica, CA 90401  
Attention: Government Partnerships

With a Copy to: 406 Broadway #369  
Santa Monica, CA 90401  
Attention: Legal Department  
Email: birdlegal@bird.co

All such notices, or other correspondence or communications are effective upon transmittal or delivery. The Parties may change recipients with 10-days' written notice to all Parties.

**Section 19. Modification.** This Agreement shall not be amended, modified or canceled without the written consent of the Parties.

**Section 20. Headings; Construction of Agreement.** The headings of each section of this Agreement are for reference only.

**Section 21. Severability of Provisions.** Except with respect to any indemnity, defense, hold harmless or insurance obligations of Licensee, or as otherwise specifically provided in this Agreement, all of the provisions of this Agreement shall be severable. In the event that any severable provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the parties.

**Section 22. Assignment.** Licensee shall not assign, delegate or transfer any right or obligation under this Agreement without City's prior written approval. Any assignment, delegation or transfer made or attempted without such approval shall be void.

**Section 23. Further Acts.** The parties agree to perform or cause to be performed any and all such further acts as may be reasonably necessary to fulfill the terms and conditions of this Agreement.

**Section 24. Binding Effect.** This Agreement shall be binding upon the Parties and upon any successors in interest.

**Section 25. Controlling Law.** This Agreement shall be construed and governed in accordance with the laws of the State of Michigan without giving effect to Michigan's choice or conflict of law provisions. Any lawsuit arising out of or related to this Agreement, the license it grants, or the Scooters shall be filed in either the courts of Washtenaw County, Michigan, or in the United States District Court for the Eastern District of Michigan, to the general personal jurisdiction of which Licensee submits.

**Section 26. Additional Remedies.** If Licensee breaches any provision of this Agreement, the City may, in its discretion, cure the breach, in which case Licensee shall be liable to City for City's Costs arising from the cure. The remedies available to the Parties under this Agreement are cumulative, in addition to any given by law or equity, and, to the fullest extent lawful, may be enforced successively or concurrently. Any amounts due from Licensee but not timely paid by Licensee shall accrue interest at twelve percent (12%) per annum starting from the date when due, which interest the Parties agree is not a penalty.

**Section 27. Waiver.** No consent or waiver, express or implied, by any party to this Agreement or any breach or default by any other party in the performance of its obligations under this Agreement shall be deemed or construed to be a consent to or waiver of any other breach or default in the performance of the same or any other obligations hereunder. Failure on the part of any party to complain of any act or failure to act or to declare any of the other parties in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights under this Agreement. The parties reserve the right to waive any term, covenant, or condition of this Agreement; provided, however, such waiver shall be in writing and shall be deemed to constitute a waiver only as to the matter waived and the parties reserve the right to exercise any and all of their rights and remedies under this Agreement irrespective of any waiver granted.

**Section 28. Representations.** The parties certify that they have the power and authority to execute and deliver this Agreement and to perform this Agreement in accordance with its terms. Licensee represents and warrants that it is the sole owner of the Scooters.

**Section 29. Conflicts of Interest.** Licensee represents and warrants that no officer or employee of City has, or will have, a direct or indirect financial or personal interest in this Agreement, and that no officer or employee of City, or member of such officer's or employee's immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of Company or its contractors under this Agreement.

**Section 30. No Partnership.** The Parties are not joint venturers or partners and do not have an employer-employee or master-servant relationship. City shall not be vicariously liable for Licensee or any of the riders of its Scooters.

**Section 31. Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to its subject matter, and supersedes all prior agreements and understanding of the Parties with respect to its subject matter. Nothing in this Agreement shall be construed to limit City's regulatory authority, or waive any immunity to which the City is entitled by law.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement to be effective on the Effective Date.

**LICENSEE,**  
A California business corporation

**CITY OF ANN ARBOR,**  
a Michigan municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# Bloomington, IN

## ORDINANCE 19-09

### TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"

- **Re Amending Chapter 15.04 (Definitions), 15.56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators**

WHEREAS, during September 2019, with little or no notice, shared-use motorized scooters (or e-scooters) arrived in Bloomington; and

WHEREAS, during the weeks following their arrival, the City of Bloomington (hereafter "the City") negotiated interim operating agreements governing shared-use motorized scooters until such time as the Common Council passed an ordinance regulating shared-use motorized scooters; and

WHEREAS, Ordinance 19-09 is now ready for the Council's consideration and will supersede the interim operating agreements as a more permanent measure governing shared-use motorized scooters; and

WHEREAS, the City has a fundamental responsibility to ensure safe passage in the public right-of-way in order to protect and promote health, safety, and welfare; and

WHEREAS, the City is charged with managing commerce that takes place in the public right-of-way; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are operated in a manner that is safe for all riders, pedestrians, and drivers; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are parked in a manner that does not clutter the public right-of-way or obstruct access for pedestrians, cars, bicycles, or buses; and

WHEREAS, the City wants to encourage, foster, and provide for new and innovative transportation options for Bloomington residents and visitors; and

WHEREAS, shared-use motorized scooters provide a transportation alternative to private, single-occupant vehicles and therefore have the potential to relieve traffic congestion, reduce carbon emission, and improve air quality; and

WHEREAS, effective and responsible regulation of shared-use motorized scooters helps to ensure that these new transportation options improve mobility for the Bloomington community while also incentivizing responsible behavior, creating local jobs, and compelling accountability;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1: Chapter 15.04 of the Bloomington Municipal Code shall be amended by adding new Sections 15.04.055, 15.04.056, and 15.04.145, whose titles shall be incorporated into the table of contents for the Chapter and whose content shall read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

**15.04.056 Motorized scooter.**

“Motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, and with a floorboard for the user to stand upon. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

**15.04.145 Shared-use motorized scooter.**

“Shared-use motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, with a floorboard for the user to stand upon, and that is held out for rent, lease, or otherwise made available for use by members of the public. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized

SECTION 2. Chapter 15.04 of the Bloomington Municipal Code shall be amended such that existing Sections 15.04.055 (“Multiuse path”) and 15.04.056 (“Multiuse trail”) are renumbered to Section 15.04.057 (“Multiuse path”) and Section 15.04.058 (“Multiuse trail”). The table of contents for this Chapter shall reflect the same.

SECTION 3. A new chapter, Chapter 15.58 “Motorized Scooters and Shared-Use Motorized Scooters,” shall be added to Bloomington Municipal Code and shall be added to the table of contents for Title 15. The new chapter shall read as follows:

**Chapter 15.58**  
**MOTORIZED SCOOTERS AND SHARED-USE MOTORIZED SCOOTERS**

**Sections:**

- 15.58.010 – Definitions.**
- 15.58.020 – Scope.**
- 15.58.030 – Applicability of state laws.**
- 15.58.040 – License**
- 15.58.050 – Parking.**
- 15.58.060 – Motorized scooter use.**
- 15.58.070 – Age.**
- 15.58.080 – Single rider permitted.**
- 15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**
- 15.58.100 – Lock down and removal from the public right-of-way.**
- 15.58.110 – Data sharing.**
- 15.58.120 – Public outreach.**
- 15.58.130 – Affordability and accessibility.**
- 15.58.140 – Removal, impoundment, storage, and disposal.**
- 15.58.150 – License revocation.**
- 15.58.160 - Violations and penalty.**

**15.58.010 – Definitions.**

The following definitions shall apply throughout this Chapter.

“Shared-Use Motorized Scooter Operator” means an individual or entity that leases, rents, or otherwise makes available shared-use motorized scooters, whether or not for profit. The term does not include individual, private owners of motorized scooters who are not engaged in the business or renting, leasing, or otherwise making motorized scooters available to members of the public at large.

**15.58.020 – Scope.**

Shared-use motorized scooter operators shall comply with this Chapter. Except where indicated herein, this Chapter does not govern the private use of motorized scooters by individual



**15.58.040 – License.**

- (a) It shall be unlawful to operate as a shared-use motorized scooter operator without first obtaining a license from the Board of Public Works.
- (b) Each shared-use motorized scooter operator shall pay license fees as established by the Board of Public Works. License fees may be updated from time-to-time by the Board of Public Works in order to properly reflect the City's expenses associated with allowing shared-use motorized scooters in the public right-of-way.
- (c) Licenses shall expire one year after issuance. In order to continue operating, a shared-use motorized scooter operator shall apply for a new license at least thirty (30) days prior to the expiration of its existing license. The Board of Public Works shall establish fees for renewal licenses, which may or may not be the same as the fees set forth for first-time licensees.
- (d) An application for a shared-use motorized scooter license shall be made on a form provided by the Board of Public Works, shall be signed by an authorized representative of the shared-use motorized scooter operator, and shall include, at a minimum, the following information:
  - (1) The maximum number of shared-use motorized scooters the shared-use motorized scooter operator may deploy within the corporate boundaries of the City during the applicable license term;
  - (2) A description of all shared-use motorized scooters that will be deployed, including the model, manufacturer, and color of each shared-use motorized scooter;
  - (3) Color photographs depicting the shared-use motorized scooter(s);
  - (4) A schedule of rates and charges that the applicant will charge to users;
  - (5) Detailed staffing and operational plans, including information regarding (i) local staffing and (ii) contractors the shared-use motorized scooter operator will utilize to perform services related to its shared-use motorized scooters;
  - (6) A GPS or GIS-based map depicting the proposed service area of the shared-use motorized scooters;
  - (7) A 24-hour customer service telephone number through which users and members of the public may contact the shared-use motorized scooter operator and that will be displayed on each shared-use motorized scooter;
  - (8) The shared-use motorized scooter operator's public outreach content, as required by Subsection 15.58.120(f);

(12) Any other information deemed necessary by the Board of Public Works.

- (e) Upon receipt of a completed license application and any required supporting documentation, the Board of Public Works shall either issue or deny the application for a license during a public meeting. In making this determination, the Board of Public Works shall, among other factors, consider the extent to which the applicant's prior or ongoing operations have complied with the law.
- (f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at a maximum, the number of shared-use motorized scooters authorized by the Board of Public Works. During license renewal, the Board of Public Works may increase or decrease the number of scooters a shared-use motorized scooter operator is permitted to deploy.
- (g) Any shared-use motorized scooter operator that operates without first having obtained a license or violates any provision of this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates any provision in this Chapter or any other condition imposed by the Board of Public Works may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.
- (h) If the Board of Public Works denies an application submitted by a shared-use motorized scooter operator, the Board shall issue written findings indicating the reasons for said denial. Any shared-use motorized scooter operator that has had its application denied may appeal said denial to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings.

**15.58.050 – Parking.**

- (a) Except as indicated herein, this Section applies to any motorized scooter, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Motorized scooters may be parked at any bike rack located in the public right-of-way.
- (c) Motorized scooters may be parked on the street within painted boxes that are specifically designated for scooters.
- (d) Motorized scooter parking is permitted on sidewalks with the following limitations.
  - (1) Motorized scooters shall be parked in an upright position.
  - (2) Motorized scooters shall be parked so as to leave a clear straight pathway at least fifty-four (54) inches wide.
  - (3) Motorized scooters shall not be parked so as to obstruct:

- (I) Any utility pole or utility box;
- (J) Any street furniture or newsrack; or
- (K) Any commercial window display.

(4) Motorized scooters shall not be parked so as to impede accessibility under the Americans with Disabilities Act (ADA), so as to impede access to accessible parking zones, or so as to impede access to parking spaces designated for persons with disabilities.

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone. However, motorized scooters may be parked at bike racks within the dismount zone, regardless of whether or not the bike rack is on the sidewalk.

- (e) Motorized scooters shall not be parked on unimproved surfaces.
- (f) No person shall park a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
- (g) Except within painted boxes that are specifically designated for scooter parking, motorized scooters shall not be parked upon any street or alley.
- (h) Except as permitted by subsections 15.58.050 (b), (c), and (d), motorized scooters shall not be parked upon any public property. At its sole discretion, the Board of Public Works may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Public Works exercises jurisdiction. At its sole discretion, the Board of Park Commissioners may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Park Commissioners exercises jurisdiction. At its sole discretion, the Redevelopment Commission may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated property over which the Redevelopment Commission exercises jurisdiction.
- (i) In order to verify compliance with the requirements of this Section, shared-use motorized scooter operators shall require shared-use motorized scooter users to take a photograph demonstrating the location of their parked scooter at the conclusion of their rental.
- (j) The City may move any shared-use motorized scooter that is parked in violation of this Section to a location where the scooter may be lawfully parked. If the City opts to move an illegally parked shared-use motorized scooter to a legal parking position, the City may nonetheless assess any applicable fines in accordance with this Chapter.
- (k) A violation of this Section shall be a Class D Traffic Violation which bears a penalty listed in Section 15.64.010(d). In addition, any shared-use motorized scooter parked in violation of this section and located so as to pose a hazard to public health and safety may be immediately removed and impounded by the City in accordance with Section 15.58.140.

**15.58.060 – Motorized scooter use.**

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:
  - (1) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall yield the right-of-way to any pedestrian.
  - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
  - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
  - (5) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
  - (6) No person shall operate a motorized scooter on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
  - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.
  - (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.

**15.58.070 – Age.**

- (a) No person under the age of 18 shall be permitted to rent or operate a shared-use motorized scooter.
- (b) A violation of this Section shall be a Class G Traffic Violation and shall subject the individual or entity that permitted a person under the age of 18 to rent or operate a shared-use motorized scooter to the penalty listed in Section 15.64.010(h).

**15.58.080 – Single rider permitted.**

- (a) It is a violation of this Chapter for more than one person to be upon a shared-use motorized scooter at any time.
- (b) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h). This penalty shall be assessed against each individual who is violating this section.

**15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**

- (a) All shared-use motorized scooters shall be compliant with all applicable American National Standards Institute (ANSI), ASTM International, and Consumer Product Safety Commission standards. If additional organizations similar to those listed in this subsection establish standards applicable to shared-use motorized scooters, the Board of Public Works may require that all shared-use motorized scooters comply with said additional standards.
- (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than fifteen (15) miles per hour.
- (c) All shared-use motorized scooters shall be assigned a unique identification number. The unique identification number must be visible to the user and to nearby pedestrians and must also identify the shared-use motorized scooter operator.
- (d) All shared-use motorized scooter operators shall display the following items conspicuously on each shared-use motorized scooter:
  - (1) The required 24-hour telephone number at which members of the public may contact the shared-use motorized scooter operator;
  - (2) The shared-use motorized scooter operator's website;
  - (3) Mobile application information of the shared-use motorized scooter operator;
  - (4) That users are encouraged to wear helmets;

- (f) All shared-use motorized scooters shall be equipped with the following:
- (1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front;
  - (2) A lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear or a red reflector visible from a distance of at least five hundred (500) feet to the rear; and
  - (3) A brake enabling a person who operates a shared-use motorized scooter to make the braked wheels skid on dry, level, clean pavement.
- (g) All shared-use motorized scooters shall be capable of being remotely locked down by the shared-use motorized scooter operator upon any report that the shared-use motorized scooter is not operating properly, pending a proper evaluation of the scooter.
- (h) All shared-use motorized scooters shall be maintained in a reasonably clean condition and proper working condition.
- (i) Shared-use motorized scooters shall not be made available for use by the public between the hours of 10:01 P.M. and 5:59 A.M. However, a shared-use motorized scooter ride that is initiated prior to 10:01 P.M. may be continued until it is completed, even if said ride is not completed until after 10:01 P.M. At the conclusion of any such ride, the shared-use motorized scooter that was utilized shall not again be made available for use by the public before 6:00 A.M.
- (j) All shared-use motorized scooters must meet any and all additional standards required by the Board of Public Works.
- (k) Any shared-use motorized scooter operator that deploys a scooter in violation of this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.100 – Lock down and removal from the public right-of-way.**

- (a) Any shared-use motorized scooter that is reported to a shared-use motorized scooter operator as unsafe to operate or as inoperable shall be immediately and remotely locked down by the shared-use motorized scooter operator, pending a proper evaluation of the scooter.
- (b) Any shared-use motorized scooter that is reported as unsafe to operate or inoperable shall be removed from the public right-of-way by the shared-use motorized scooter operator within two (2) hours of the shared-use motorized scooter operator's receiving notice of the defect or inoperability.

**15.58.110 – Data sharing.**

(a) Shared-use motorized scooter operators shall provide the City with anonymized real-time data in accordance with this subsection.

(1) Shared-use motorized scooter operators shall provide the City with Application Programming Interface (API) access to real-time information on their entire Bloomington fleet that comports with the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) standards, or any broadly adopted similar standards that are developed subsequent to the adoption of this subsection.

(2) Shared-use motorized scooter operators shall further provide the City with any additional real-time information that may be required by the Board of Public Works.

(3) All information provided by shared-use motorized scooter operators pursuant to this subsection may be displayed by the City and may be published by the City so that it is available to the public.

(b) Shared-use motorized scooter operators shall also provide the City with anonymized monthly reports in compliance with this subsection.

(1) Each monthly report shall contain anonymized data for each recorded shared-use motorized scooter trip, including, at a minimum:

- (A) An identification number identifying which shared-use motorized scooter was utilized for each trip;
- (B) Trip duration;
- (C) Trip distance;
- (D) Trip start date and start time;
- (E) Trip end date and end time;
- (F) Trip start location;
- (G) Trip end location; and
- (H) The actual cost of the trip charged to the user in cents.

(2) Each monthly report shall contain an anonymized record of shared-use motorized scooter collisions and accidents. Said report shall:

- (A) Identify the shared-use motorized scooter involved by identification number;
- (B) State the date and time of the collision or accident; and
- (C) State the location of the collision or accident;

(3) Each monthly report shall contain a record of any shared-use motorized scooter

- (c) Shared-use motorized scooters operators shall distribute to their users customer surveys regarding customer service and program evaluation, as may be required from time to time by the Board of Public Works.
- (d) Any and all information provided by a shared-use motorized scooter operator pursuant to this Section shall be anonymized so that individual shared-use motorized scooter users cannot be identified. Shared-use motorized scooter operators shall not share any personally identifiable information with the City or with an entity that is associated with the City.
- (e) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.120 – Public outreach.**

- (a) Each shared-use motorized scooter operator shall comply with the public outreach requirements of this Section.
- (b) Prior to any person's first use of a shared-use motorized scooter, a shared-use motorized scooter operator shall provide notice to each user through a Bloomington-specific mobile application regarding:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking; and
  - (3) Best practices concerning safe and courteous shared-use motorized scooter use.
- (c) Each shared-use motorized scooter operator shall develop a Bloomington-specific page on its website. Said page shall include, at a minimum, the following:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking;
  - (3) The City's affordability and accessibility requirements; and
  - (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (d) Two times per year, each shared-use motorized scooter operator shall engage in a week-long on-the-ground safety campaign designed to target areas of peak shared-use



- (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (e) Year-round, shared-use motorized scooter operators shall make available, at no charge and at a local location, helmets that may be procured by shared-use motorized scooter users.
- (f) Each shared-use motorized scooter operator shall submit the content in its mobile application, the details of its on-the-ground safety campaign, the content of its Bloomington-specific webpage, and the details of its helmet distribution plan as part of the license application that is submitted to the Board of Public Works. The Board of Public Works shall review and then either approve or require revision of said submission.
- (g) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.130 – Affordability and accessibility.**

- (a) Shared-use motorized scooter operators shall provide a fifty percent (50%) price discount to members of the public who can demonstrate participation in any local, state, or federally-administered assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or the Supplemental Nutrition Assistance Program (SNAP). The fifty percent (50%) discount required by this Section shall be applied to any and all fees and rates imposed by a shared-use motorized scooter operator including, but not limited to, any unlocking charge or per-minute usage fee.
- (b) As a condition of obtaining the license required in Section 15.58.040 and with the goal of making shared-use motorized scooters a mobility option for all Bloomington residents, the Board of Public Works may impose additional affordability and/or accessibility requirements on shared-use motorized scooter operators.
- (c) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.140 – Removal, impoundment, storage, and disposal.**

- (a) Any shared-use motorized scooter that poses a hazard to public health and safety may be immediately removed and impounded by the City. The City may dispose of any shared-use motorized scooter that has been impounded and stored by the City for a period of one-hundred eighty (180) or more days. Removal, impoundment, storage and disposal of

**15.58.150 – License revocation.**

The Board of Public Works may revoke a shared-use motorized scooter operator's license at any time if it finds that one of the following conditions exists:

- (a) The shared-use motorized scooter operator has failed to comply with the requirements of this Chapter, including, but not limited to, requirements regarding parking, age of users, scooter condition, scooter equipment, scooter appearance, maintenance, lock-down, removal, data reporting, public outreach, or affordability and accessibility.
- (b) The shared-use motorized scooter operator has failed to comply with other reasonable requirements imposed by the Board of Public Works.
- (c) The shared-use motorized scooter operator has violated any federal, state, or local law or regulation.
- (d) Before the Board of Public Works revokes a shared-use motorized scooter operator's license under this Section, it shall conduct a hearing to consider the evidence supporting said revocation. Following the hearing, the Board shall issue written findings of fact. The Board's decision may be appealed to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings of fact.

**15.58.160 - Violations and penalty.**

- (a) Unless a provision refers to another penalty, a violation of any provision of this chapter by an individual using a motorized scooter, whether such scooter is a shared-use motorized scooter or not, shall be a Class G Traffic Violation and is subject to the penalty listed in 15.64.010(h). Except for those violations which, by their very nature, can occur more than once in one day, each day that a violation continues shall constitute a separate violation.
- (b) Unless a provision refers to another penalty, a violation of any provision of this chapter by a shared-use motorized scooter operator shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator who violates this chapter may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

SECTION 4. Subsection 15.56.080(a) of the Bloomington Municipal Code is amended to add the words "or motorized scooters" at the end of the subsection, such that the subsection shall read as follows:

"Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the preferential use of persons riding bicycles or motorized scooters."

SECTION 5. Subsection 15.60.090(a)(4) of the Bloomington Municipal Code is amended by

SECTION 6. Subsection 15.64.010(d) of the Bloomington Municipal Code is amended to add the following:

Fine:	<p>Until December 31, 2018: \$20.00, \$40.00 (depending upon when paid)</p> <p>On and After January 1, 2019: \$30.00, \$60.00, depending on when paid</p>	
Covers:	15.58.050	Motorized scooter parking

SECTION 7. Subsection 15.64.010(e) entitled "Class E Traffic Violations" (Shared-use motorized scooter, impoundment and storage) is added to the Bloomington Municipal Code, and shall read as follows:

(e) Class E Traffic Violations (Shared-use motorized scooter, impoundment and storage)

Fine:	\$100.00, plus \$10.00 per day storage, plus \$150.00 for disposal	
Covers:	15.58.140	Shared-use motorized scooter, impoundment and storage

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the city clerk's office within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The city clerk, or his or her designee(s), shall hear all appeals of Class E traffic violation citations.

(B) The following persons shall have the authority to declare any traffic violation citation valid, null and void, or to reduce the fine imposed upon the showing of extenuating circumstances: the City Clerk, or his or her designee; the Parking Enforcement Manager, or his or her designee; or, the Parking Services Director, or his or her designee. The City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees may reduce a fine to a warning or void a citation in circumstances in which the recipient of the citation does not appeal the citation within the requisite fourteen-day period and where the recipient of such citation can demonstrate extenuating circumstances.

determined by the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees.

(E) The decision of the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 8. Subsection 15.64.010(h) of the Bloomington Municipal Code shall be amended by deleting the title "(Bicycle safety violations)" and replacing it with "(Bicycle and motorized scooter safety violations)" to add the following:

Fine:	\$20.00	
Covers:	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider

SECTION 9. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. This ordinance shall be in full force and effect beginning July 1, 2019.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_

## SYNOPSIS

Ordinance 19-09 establishes regulations governing motorized scooters and entities that rent motorized scooters to the public. The ordinance requires safe scooter use by setting a top permitted scooter speed of fifteen miles per hour, prohibiting double-riding, establishing eighteen as the minimum age to rent a scooter, and mandating that scooters be maintained in a safe condition. Ordinance 19-09 clarifies that motorized scooters, like bicycles, may be used on sidewalks except in dismount zones. In most places, motorized scooter parking is permitted on sidewalks, provided that the scooter does not restrict minimum straight clear passage to less than 54 inches and does not otherwise block a facility. However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes and bike racks. The ordinance establishes penalties for violations by motorized scooter users and entities that rent scooters to the public, up to and including impoundment and disposal of scooters.

Columbia, MO

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 288-18

**AN ORDINANCE**

amending Chapters 11, 14 and 17 of the City Code relating to motor propelled scooters and electric assist bicycles; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 11 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 11-230. Nuisances enumerated.

The following are declared to be nuisances:

- (1) Any condition, substance or thing on public or private property that is injurious or dangerous to public health or safety.
- (2) Any condition or thing defined as a nuisance in this Code or any code adopted by this Code.
- (3) Any condition prohibited by Article XI of this chapter (Aesthetic Regulations).
- (4) A tree or any tree limb that is dead and that is a hazard to life or property.
- (5) A tree or any tree limb that causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist, motor propelled scooter, or pedestrian at a street intersection.
- (6) A tree or any tree limb that could interfere with the passage of motor vehicles, bicycles, motor propelled scooters, or pedestrians on any public right-of-way.
- (7) A tree that harbors insects or disease that constitutes a potential threat to other trees.

- (8) Noxious fumes.
- (9) Accumulations or deposits of garbage other than garbage temporarily stored for lawful disposal provided that the garbage is temporarily stored in a leak proof container designed for the storage of garbage.
- (10) Any accumulation of trash or debris.
- (11) Sewage or other human organic waste discharged or exposed on any land in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease, or which contaminates surface water or ground water.
- (12) Any barn or other place where animal or fowl waste collects that is not kept in a clean and wholesome condition so that no odors offensive to a person of ordinary sensibilities are allowed to escape the premises.
- (13) Deposits of leaves, grass, dirt or other material that interfere with the proper functioning of any sewer inlet or fixture.
- (14) Any accumulation of unwholesome, impure or stagnant water.
- (15) Any accumulation of material that does or could afford harborage for rats, mice or snakes.

...

SECTION 2. Chapter 14 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 14-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed:

*Abandoned property.* Any unattended motor vehicle, trailer or all-terrain vehicle removed or subject to removal from public or private property as provided by this chapter, whether or not operational.

*Alley or alleyway.* Any public roadway which affords only a secondary means of access to the abutting property.

*Authorized emergency vehicle.* A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or

fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

*Business district.* The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

*Campus area.* An area bounded by the south right-of-way line of Locust Street, the east right-of-way line of Providence Road, the north right-of-way line of Stadium Boulevard and the west right-of-way line of College Avenue.

*Central business district.* All streets and portions of streets within the area described as: being bounded on the north by Park Avenue; on the south by Elm Street; on the west by Garth Avenue; and on the east by College Avenue.

*Commercial motor vehicle.* A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including van pools or shuttle buses.

*Controlled access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

*Cross walk:*

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Cycle.* As defined in section 14-491 of this chapter.

*Driver.* Every person who drives or is in actual physical control of a vehicle.

*Highway.* The entire width between the boundary lines of every way publicly maintained, or the entire area ordinarily used for vehicular traffic or parking in municipal



parking lots, when any part thereof is open to the uses of the public for purposes of vehicular travel.

*Holiday.* For the purpose of this chapter, holidays shall be New Year's, Martin Luther King, Jr., Memorial, Independence, Labor, Veterans, Thanksgiving and Christmas Days.

*Intersection:*

- (1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as separate intersections. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of the two (2) roadways of such highways shall be regarded as a separate intersection.

*Laned roadway.* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

*Local commercial motor vehicle.* A commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than twenty-five (25) miles therefrom.

*Minor traffic violation.* A traffic ordinance violation that does not involve accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess one (1) to four (4) points to a person's driving record upon conviction. A minor traffic violation shall include amended charges for any minor traffic violation. Violations for exceeding the speed limit by more than nineteen miles per hour (19 mph) or violations occurring within a construction or school zone are excluded from this definition.

*Mobile food vendor.* A self-contained food service operation, located in a wheeled motor vehicle or trailer, used to store, prepare, display or serve food intended for individual portion service.

*Motor vehicle.* Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

*Motorcycle.* A motor vehicle operated on two (2) wheels.

*Motortricycle.* A motor vehicle operated on three (3) wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.

*Motor propelled scooter.* Scooters, e-scooters and other small wheeled vehicles which do not rely solely on human propulsion and are equipped with an electric motor that is capable of propelling the device to a maximum speed of fifteen (15) miles per hour.

*Official time standard.* Whenever certain hours are named herein, they shall mean standard time or daylight savings time, as may be in current use in the city.

*Official traffic control devices.* All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Owner.* Any person who owns or holds legal title to a vehicle, either individually or jointly with others, or in whose name such vehicle is registered or licensed, either individually or jointly with others, according to the records of any city, county or state, but shall not include persons holding only a security interest in such vehicle unless such persons have possession and control of such vehicle.

*Park or parking.* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Parking meter.* A device, or a sign directing payment to a device or software application, for the purpose of measuring time elapsed since payment was made, and equipped with a notification to indicate the legal time a vehicle may remain parked in a designated place.

*Parking meter district.* All streets and portions of streets within an area where parking meters are erected and maintained by authority of the city council.

*Parking meter hood.* Cover placed on parking meters by authority of the police department or city traffic engineer.

*Parking meter space.* That portion of the street bounded by lines or marks on the curb, or on the street, above or alongside each parking meter to designate the parking space for which each meter is to be used.

*Passenger curb loading zone.* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedal trolley.* A wheeled device designed to be propelled by a passenger or passengers via pedaling, with brakes and steering operated by a non-pedaling driver. A pedal trolley may include an assist motor.

*Pedestrian.* The term pedestrian shall include a person on foot, a person walking a bicycle and a person operating a manual or electric wheelchair.

*Police officer.* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residence district.* The territory contiguous to and including a highway not comprising a business district, when the property on such highway, for a distance of three hundred (300) feet or more, is in the main improved with residences or residences and buildings in use for business.

*Right-of-way.* The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Roadway.* That portion of a highway, including the entire area of municipal parking lots, that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

*Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone.

*Sidewalk.* That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

*Stand or standing.* The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

*State highway.* A highway maintained by the State of Missouri as a part of the state highway system.

*Stop.* When required, complete cessation from movement.

*Stop or stopping.* When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signs or signal.

*Street or highway.* The entire width between the boundary lines of every way publicly maintained, or the entire area ordinarily used for vehicular traffic or parking in municipal parking lots, when any part thereof is open to the uses of the public for purposes of vehicular travel.

*Through highway.* Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

*Through truck traffic.* Truck traffic which is not en route to a destination on the street on which it is travelling.

*Tractor or truck tractor.* A self-propelled motor vehicle designed for drawing other vehicles but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.

*Traffic.* Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

*Traffic control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Traffic division.* The traffic division of the police department of the city, or in the event traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department of the city.

*Trailer.* Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, except those running exclusively on trucks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

*Trucks.* All motor vehicles designed, used, or maintained for the transportation of property.

*University of Missouri campus.* All streets and portions of streets within the area described as: being contained within an area enclosed by a boundary beginning at the intersection of Stewart Road and Providence Road; thence east on Stewart Road to Fifth

Street; thence north on Fifth Street to Elm Street; thence east on Elm Street to Hitt Street; thence south on Hitt Street to Paquin Street; thence east on Paquin Street to College Avenue; thence south on College Avenue to Missouri Highway 740; thence west on Missouri Highway 740 to Providence Road; and thence north on Providence Road to the starting point at Stewart Road.

The streets and portions of streets which form the boundaries of the campus area shall be considered as without the University of Missouri campus for the purposes of section 14-223(b)(2)c.

*Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

...

Sec. 14-5. Use of coasters, roller skates, motor propelled scooters, and similar devices.

(a) No person upon roller skates, or riding in or by means of any coaster, skateboard, motor propelled scooter, or similar device shall go upon any sidewalk or public parking lots and garages within the boundaries of the Central Business District.

(b) Wherever the use of roller skates, coasters, skateboards, motor propelled scooters, or similar device upon a street, sidewalk or alley is not prohibited, the person using such device shall be granted all the rights and be subject to all the duties applicable to bicyclists including the duty to obey all traffic control devices and signs.

(c) Every person using roller skates, skateboards, coasters, motor propelled scooters, or similar devices upon any sidewalk or public path shall use the device in a careful and prudent manner and at a rate of speed no greater than is reasonable under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface. Every person using these devices upon a sidewalk or public path shall yield the right-of-way to pedestrians and shall not otherwise endanger or interfere with normal pedestrian traffic.

(d) All persons who use roller skates, skateboards, coasters, motor propelled scooters, or similar devices on any road, street or alley shall:

- (1) Stay as far to the right of the road, street or alley as possible, except when necessary to make a left hand turn;
- (2) Operate the device with the flow of traffic;
- (3) Operate the device in a careful and prudent manner;

- (4) Wear reflective clothing including, at a minimum, the attachment of a rear-facing red reflector on the back of the person, at least two (2) square inches in reflective surface area, which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise;
- (5) Be equipped with a front-facing lamp on the front of the person or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise.

...

Sec. 14-7. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, motor propelled scooter, sled or toy vehicle shall attach the same or any part of such person himself to any vehicle upon a roadway.

...

Sec. 14-172. Vehicles shall not be driven on sidewalk.

The driver of a vehicle, except bicycles and motor propelled scooters, as provided for in section 14-504, shall not drive within any sidewalk area except on a permanent or temporary driveway.

...

Sec. 14-491. Definition.

As used in this article, the word "cycle" shall mean any device upon which a person may ride; propelled by human power, having two (2) or more wheels, and any electrically-assisted pedal powered cycle, excluding wheelchairs and pedal trolleys.

Sec. 14-492. Compliance required; scope of article.

(a) It is an offense for any person to do any act forbidden or to fail to perform any act required in this article.

(b) No parent or guardian of any person under sixteen (16) years of age shall authorize or knowingly permit any such person to violate any of the provisions of this article.

(c) The regulations of this article shall apply to cycles and motor propelled scooters as defined in section 14-1 whenever such cycles and motor propelled scooters are operated on any street or public path set aside for the exclusive use of cycles and motor propelled scooters, subject to the exceptions stated herein.

Sec. 14-493. Minimum size cycle permitted on street; age of operator of cycle and motor propelled scooter.

(a) No person less than nine (9) years of age shall propel a cycle having a wheel diameter of less than twenty (20) inches on any city street or thoroughfare unless supervised by such person's his or her parents or other responsible adult.

(b) No person less than sixteen (16) years of age shall ride a motor propelled scooter on any city street, sidewalk or thoroughfare.

...

Sec. 14-501. Traffic laws apply to cycle riders and motor propelled scooters.

Every person riding a cycle or motor propelled scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a motor vehicle as provided by Chapter 304 RSMo., and all amendments from time to time made thereto, and as provided by this chapter applicable to the driver or operator of a motor vehicle, except as to special regulations in this article and section 14-5 except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 14-502. Obedience to traffic control devices

(a) Any person operating a cycle or motor propelled scooter shall obey instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a cycle or motor propelled scooter shall disobey the direction of any such sign. A person may dismount from the cycle or motor propelled scooter to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Sec. 14-503. Riding conduct, generally.

(a) *Seat.* A person propelling a cycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) *Number of riders.* No cycle or motor propelled scooter shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

(c) *Riding to right; riding abreast.* Every person operating a cycle or motor propelled scooter at less than the posted speed or slower than the flow of traffic upon a roadway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

(d) *Speed.* No person shall operate a cycle or motor propelled scooter at a speed greater than is reasonable and prudent under conditions then existing.

(e) *Age—For major thoroughfares.* No person less than nine (9) years of age shall ride a cycle on any major thoroughfare unless accompanied by such person's his or her parents or other responsible adult.

(f) *Same—Night, any street.* No person less than nine (9) years of age shall ride a cycle at night on any street or thoroughfare unless accompanied by such person's his or her parents or other responsible adult.

#### Sec. 14-504. Emerging from alley or driveway.

The operator of a cycle or motor propelled scooter emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

#### Sec. 14-505. Carrying articles.

No person operating a cycle or motor propelled scooter shall carry any package, bundle or article which prevents the rider from having both hands free and available to control the cycle.

#### Sec. 14-506. Parking.

No person shall park a cycle or motor propelled scooter upon a street or upon the sidewalk in such a manner as to obstruct the flow of vehicles or pedestrian traffic.

#### Sec. 14-507. Riding on sidewalks.

(a) No person shall ride a cycle or motor propelled scooter upon a sidewalk within a business district.

(b) The designee of the city manager is authorized to erect signs on any sidewalk prohibiting the riding of cycles or motor propelled scooters thereon by any person, and when such signs are in place, no person shall disobey the same.



(c) Whenever any person is riding a cycle or motor propelled scooter upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.

Sec. 14-508. Required equipment.

(a) Brakes. Each person operating a cycle or motor propelled scooter shall have that cycle or motor propelled scooter equipped with a brake or brakes which will enable its operator to stop the bicycle or motor propelled scooter within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

(b) Lights. Each person operating a cycle on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall have his cycle equipped with the following:

- (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet.
- (2) A rear-facing red reflector, at least two (2) square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet.
- (3) Essentially colorless or amber reflectors on both front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plan of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths (90/100) square inches in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet.
- (4) A side-facing essentially colorless or amber reflector visible on each side of a wheel mounted on the wheel spokes of the front wheel within three (3) inches of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three (3) inches of the inside of the wheel rim or continuous retro-reflective material on each side of both tires which shall be at least three-sixteenths ( 3/16 ) of an inch wide. All such reflectors or retro-reflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet.

Sec. 14-510. Penalties.

Any person sixteen (16) years of age or older who violates any provision of this act is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) ~~twenty five dollars (\$25.00)~~. Such an infraction does not constitute a crime, and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under sixteen (16) years of age violates any provision of this act in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, such officer may impound the cycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 3. Chapter 17 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 17-96. Games.

It shall be unlawful for any person in a park to take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or to operate unmanned aircraft systems or model airplanes from a location in a park, except in areas set apart for such forms of recreation or in areas designated by special permit issued by the director. The playing of rough or comparatively dangerous games such as football, baseball, softball, lacrosse and rugby is prohibited except in the fields and courts or areas provided therefor. Roller skating shall be confined to those areas specifically designated for such pastime. Riding motor propelled scooters is prohibited in any city park or trail. This section shall not prohibit the operation of unmanned aircraft systems by a remote pilot in command who is physically located outside of a park when the operation is done in compliance with federal laws, rules and regulations, or a certificate of authority issued by the Federal Aviation Administration.

...

Sec. 17-140. Definitions and rules of construction.

The following definitions and rules of construction apply to this division:

*City trail* means any trail maintained by the parks and recreation department for use by pedestrians or cyclists.

*Cycle* means any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

*Pedestrian* includes any person riding in a wheelchair.

Motor propelled scooter means any scooter, e-scooter and other small wheeled vehicle which does not rely solely on human propulsion and is equipped with an electric motor that is capable of propelling the device to a maximum speed of fifteen (15) miles per hour.

*Wheelchair* means a chair mounted on wheels for use by disabled individuals.

Sec. 17-141. Trail use by cyclists; motor propelled scooters prohibited.

(a) Every person operating a cycle upon a city trail shall ride as near to the right side of the trail as practicable, exercising due care when passing a pedestrian or another cyclist.

(b) Persons operating cycles upon a city trail shall ride single file when passing a pedestrian or another cyclist.

(c) No person shall operate a cycle upon a city trail at a speed greater than is reasonable and prudent under conditions then existing.

(d) Every person operating a cycle upon a city trail shall give an audible signal before passing a pedestrian or another cyclist.

(e) Every person operating a cycle upon a city trail shall at all times exercise the highest degree of care to avoid colliding with another trail user.

(f) No person may operate a motor propelled scooter on any city trail or in a city park.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**INDEMNITY AGREEMENT**  
(Neutron Holdings, Inc.)

This Indemnity Agreement ("Indemnity Agreement") is made and entered into as of \_\_\_\_\_, 2019 (the "Effective Date"), by **Neutron Holdings, Inc. (dba "Lime")**, having an address of 1 Sansome Street, #2100, San Francisco, CA 94104, in favor of the **CITY OF OXFORD**, an Ohio municipal corporation, 15 South College Avenue, Oxford, Ohio 45056 (the "**City**").

Recitals:

- A. City has updated the prior Interim Bicycle and Scooter Sharing System Pilot Program to the Micro-Mobility Shared Transportation Permit Program.
- B. Lime wishes to continue its e-scooter operations within the City's Corporate boundaries.
- C. Lime acknowledges Miami University property is exempt from this agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter contained, the City and Bird agrees as follows:

1. **GENERAL INDEMNITY.** Neutron Holdings Inc. (including its officers, managers, employees, contractors, agents, and volunteers and hereinafter referred to as "Lime") agrees to defend, indemnify, and hold harmless the City of Oxford, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all claims, damages, losses, expenses, fines, penalties, judgments, demands, and defense costs (including, without limitation, actual, direct, out-of-pocket costs and expenses, and amounts paid in compromise, settlement, or judgment, and reasonable legal fees arising from litigation of every nature or liability of any kind or nature including civil, criminal, administrative or investigative) arising out of, in connection with, or which are in any way related to, the City's issuance of or decision to approve an Operator Permit, the process used by the City in making decisions, Lime's participation in the Micro-Mobility Shared Transportation Program, Lime's business conduct and operations, any violation of any laws by Lime or its customers and/or users and/or riders, or any bodily injury including death or damage to property arising out of or in connection with any use, misuse, placement or mis-placement of any of the Lime's devices or equipment by any person, except such loss or damage which was caused by the negligence or willful misconduct of the City to the extent permitted by law. Lime will conduct all defenses at its sole cost and expense, and City shall reasonably approve selection of the counsel to represent City.

Lime's contracts with every Lime customer and/or use and/or rider shall require such persons or entities to release the City and any of its agencies, officials, officers and employees to the same extent that Lime is required by this section to defend, indemnify, and hold harmless City and any of its agencies, officials, officers and employees.

This indemnity shall apply to all claims and liability regardless of whether any insurance policies of Lime, its affiliates or any other parties are applicable thereto. The policy limits of any insurance of Lime, its affiliates or other parties are not a limitation upon the obligation of Lime, including without limitation, the amount of indemnification to be provided by Lime.

2. **NOTICES.** All notices or other communications under this Indemnity Agreement shall be deemed given on receipt when personally delivered, or 48 hours after being mailed by U.S. registered or certified mail, postage prepaid, addressed to the City at 15 South College Avenue, Oxford, Ohio 45056, Attention: City Manager. Lime shall be deemed to have received any notice delivered to 41 Sansome Street #2100, San Francisco, CA 94104. The City and Lime may, by notice given under this Indemnity Agreement, designate any further or different addresses to which subsequent notices or other communications shall be sent.

3. **GOVERNING LAW AND CHOICE OF FORUM.** This Agreement shall be governed by the laws of the State of Ohio and shall be interpreted and enforced in accordance with the laws of this State without regard to the principles of conflicts of laws. All unresolved claims and other matters in question between the City and Lime shall be decided in the Butler County Court of Common Pleas.

4. **INSURANCE.** Lime acknowledges and agrees that this Indemnity Agreement constitutes authorization for Lime to operate in the City for the limited purpose of designating the City as an additional insured for the Lime insurance policies and endorsements attached in Exhibit A to this Agreement.

5. **TERM.** This Indemnity Agreement will terminate when the Micro-Mobility Shared Transportation Program Permit terminates at determined by the City Manager.

6. **AMENDMENT AND WAIVER.** No supplement, modification or amendment of this Indemnity Agreement shall be binding unless executed in writing by each party hereto. No waiver of any of the provisions of this Indemnity Agreement shall be deemed or shall constitute a waiver of any other provision hereof nor shall any such waiver constitute a continuing waiver.

7. **COUNTERPARTS.** This Indemnity Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of it shall together constitute one and the same instrument. The facsimile signature of any party to this Indemnity Agreement or PDF copy of the signature of any party to this Indemnity Agreement delivered by electronic mail for purposes of execution or otherwise, is to be considered as an original signature, and the document transmitted is to be considered to the same binding effect as an original signature on an original document.

This Indemnity Agreement is made and executed by Lime in favor of the City as of the Effective Date.

**NUETRON HOLDINGS INC. dba Lime**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Acknowledged and Agreed:

**CITY OF OXFORD**

By: \_\_\_\_\_

Douglas R. Elliott, Jr.

Approved as to Form:

\_\_\_\_\_  
Law Director

# Stillwater, OK

## ORDINANCE NO. 3428

AN ORDINANCE OF THE CITY OF STILLWATER, OKLAHOMA, AMENDING TITLE 37 OF THE STILLWATER CITY CODE "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" BY THE ADDITION OF NEW ARTICLE V ENTITLED "SHARED ACTIVE TRANSPORTATION," SECTION 37-301 "PURPOSE," SECTION 37-302 "DEFINITIONS," SECTION 37-303 "PERMIT REQUIRED; PERMIT TERM AND FEES," SECTION 37-304 "SHARED ACTIVE TRANSPORTATION PROCEDURE," SECTION 37-305 "OPERATIONS AND MAINTENANCE," SECTION 37-306 "FLEET SIZE REQUIREMENTS," SECTION 37-307 "SMALL VEHICLE PARKING," SECTION 37-308 "SAFETY REQUIREMENTS," SECTION 37-309 "DISTRIBUTION," SECTION 37-310 "DATA, STATISTICS, REPORTING," SECTION 37-311 "INSURANCE & INDEMNIFICATION," SECTION 37-312 "TERMINATION," AND SECTION 37-313 "APPEAL"; REPEALING ANY CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER:

*Section 1. That Title 37, Stillwater City Code, be and the same is hereby amended by adding a new Article V, "Shared Active Transportation," to read as follows:*

### ARTICLE V. – SHARED ACTIVE TRANSPORTATION

#### Section 37-301 Purpose.

The availability of small vehicles and new funding models have attracted numerous vendors to the Shared Active Transportation business. While there are a number of benefits for communities, some cities have experienced public safety challenges and concerns over clutter in the public right-of-way when small vehicles are placed on streets and sidewalks without the benefit of permits or agreements, or when small vehicles are abandoned outside of the service area. To mitigate these challenges, minimize risk and liability, and maximize the public benefits of Shared Active Transportation, this ordinance creates a permit process which provides a clear path for Shared Active Transportation companies and takes advantage of their expertise and motivation to implement this emerging mobility option.

#### Section 37-202 Definitions.

- A. *Bicycle* means a human-powered or electric bicycle, as defined in Title 29, Article 1, of the Stillwater City Code.
- B. *City* means the City of Stillwater.
- C. *Docked Small Vehicle Sharing System* means a Shared Active Transportation Program in which companies distribute Small Vehicles via a stationary location and the Small Vehicles must be returned at specific stationary locations. Docked Small Vehicles are tracked via GPS.
- D. *Dockless Small Vehicle Sharing System* means a Small Vehicle Share Program in which companies distribute Small Vehicles throughout a city to be rented per trip. Dockless Small Vehicles can be placed at any lawful location, and not at a set location, subject to this ordinance. Dockless Small Vehicles are tracked via GPS and can be located by users through electronic means.
- E. *Electric Scooter* means a device designed to be stood upon, is powered by an electric motor, and is propelled at no more than 15 miles per hour, as further defined in Title 29, Article 1, of the Stillwater City Code.
- F. *Geo-Fencing* means the use of Global Positioning System ("GPS") or Radio Frequency Identification ("RFID") technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.

- G. *Free Operator* means a company, person, or philanthropic organization that engages in or operates a Shared Active Transportation Program but does not charge for the use of their Small Vehicles.
- H. *Operator* means a company or person that engages in or operates a Shared Active Transportation Program business or enterprise.
- I. *Shared Active Transportation Permit* means a permit issued by the City of Stillwater as described under this ordinance.
- J. *Shared Active Transportation Program* means a transportation program ideal for short distance, point-to-point trips providing users the ability to pick up a Small Vehicle from one location and leave it at another within a system's service area. The system provides users unencumbered access to Small Vehicles within a defined system area. Small Vehicles can be remotely accessed via a smart phone application or other credentials and do not need to be attended by the Operator.
- K. *Small Vehicle* means Bicycles, Electric Bicycles, and Electric Scooters as defined by this Title and Title 29, Article 1, of the Stillwater City Code.

**Section 37-302 Permit Required; Permit Term and Fees.**

- A. All Operators of a Shared Active Transportation Program within the City of Stillwater shall, prior to implementation of such a program, secure a Shared Active Transportation Permit, as issued by the City Clerk.
- B. Each permit shall be active for one (1) year from the date of issuance.
- C. The initial permit fee, and subsequent permit renewal fees, shall be as provided in this Title. The fee shall include the appropriate application fee, an inspection fee, and other fees as applicable.
- D. All Operators shall pay the City a public property repair and maintenance fee of Twenty Dollars (\$20.00) per Small Vehicle, per year, calculated based upon the maximum fleet size requested and approved in the permit application. Should an increase in fleet size be approved in accordance with Section 37-306 of this Code, this fee amount shall also be increased to reflect the new maximum fleet size.
- E. All Operators shall also pay the City a public infrastructure fee of Thirty Dollars (\$30.00) per Small Vehicle, per year, calculated based upon the maximum fleet size requested and approved in the permit application. Should an increase in fleet size be approved in accordance with Section 37-306 of this Code, this fee amount shall also be increased to reflect the new maximum fleet size.
- F. Shared Active Transportation Programs that are managed by Free Operators, or that 1) are incorporated as a nonprofit organization, and 2) receive local public financial assistance shall be exempt from the fees required in Subsections D and E of this Section for each fiscal year in which the Shared Active Transportation Program continues to meet these criteria. Furthermore, Free Operators shall be exempt from Sections 37-305 (A-C), 37-306 (A-B), 37-309, and 37-310 of this Chapter.

**Section 37-304 Shared Active Transportation Procedure.**

- A. Docked Small Vehicle Sharing Systems may be located on stations or racks on private property, or on public right-of-way or other public property pursuant to a License Agreement or Shared Active Transportation Permit issued by the City.
- B. Dockless Small Vehicle Sharing Systems may be located on public right-of-way or other public property pursuant to a License Agreement or Shared Active Transportation Permit issued by the City so long as they do not obstruct or interfere with the public's use of said right-of-way or property. A user, having activated and used the Dockless Small Vehicle in accordance with



the Operator's rules, may leave the Small Vehicle at any designated lawful location, subject to Section 37-307 of this Code, within the system's service area.

**Section 37-305 Operations and Maintenance.**

- A. All Operators shall have staffed operations located within the City of Stillwater for the purpose of Small Vehicle maintenance and rebalancing.
- B. All Operators shall have a twenty-four (24) hour customer service phone number for customers to report safety concerns, maintenance issues, complaints, or ask questions.
- C. Every Small Vehicle shall have the Operator's name, phone number and a unique identifier for each Small Vehicle that is clearly displayed and visible to the user on the Small Vehicle.
- D. Any inoperable or unsafe Small Vehicles shall be removed from the right-of-way within twenty-four (24) hours of notice by any means to the Operator by any individual or entity, and shall be repaired to full working order before being placed back into the City right-of-way.
- E. The City may, in its sole discretion and without prior notice, remove Small Vehicles from the public right-of-way if it is a matter of public safety or some other public purpose, including the obstruction of a public way. In such instances, the City will attempt to notify the permitted Operator as soon as reasonably practicable thereafter. The City will not be liable for any damages that occur as a result of this removal. The Operator shall pay for the cost of such removal.
- F. The City may require an Operator to geo-fence any area where the operation of a Small Vehicle is prohibited by ordinance.

**Section 37-306 Fleet Size Requirements.**

- A. Permitted Bicycle Operators--Bicycles and Electric Bicycles: maximum fleet size three hundred (300) bicycles.
- B. Permitted Electric Scooter Operators: maximum fleet size three hundred (300) Electric Scooters.
- C. All applicants shall indicate the proposed fleet size in the application for a Shared Active Transportation Permit.
- D. The City may increase the number of permitted Small Vehicles in an Operator's fleet at its sole discretion, and will consider doing so on a permit-by-permit basis. No increase in fleet size shall be considered unless the Operator demonstrates that, on average, each Small Vehicle in its fleet is being used more than four (4) times per day and the change requested does not exceed the maximum fleet size authorized under this section. Each request for an increase in fleet size will be subject to an application renewal fee as provided in this Code.

**Section 37-307 Small Vehicle Parking.**

- A. Docked Small Vehicles available for use or rental shall be parked in a rack or other appropriate apparatus located within areas designated for such purpose pursuant to a Shared Active Transportation Permit.
- B. Dockless Small Vehicles available for use or rental shall be parked within the boundaries of areas specifically designated by the City for pick up and drop off of such vehicles.
- C. Dockless Small Vehicles available for use or rental shall not be parked on a sidewalk, on the right-of-way, or on a public easement on or across property occupied by a single or two-family residence unless the Operator has first obtained the written permission of the property owner. The City shall remove such vehicles upon the request of the property owner or occupant and the Operator shall pay a fee of five dollars (\$5.00) per day per vehicle to recover any such vehicle in the custody of the City as the result of such removal.

- D. Small Vehicles shall not be parked in a manner that obstructs or otherwise would impede normal and reasonable pedestrian access or use of a sidewalk.
- E. Small Vehicles shall not be parked in a manner that would impede vehicular traffic on a street or alley.
- E. Incorrectly parked Small Vehicles shall be moved by the Operator within twenty-four (24) hours of notice to the Operator.
- F. The City may remove a Small Vehicle from the City's right-of-way if it constitutes an obstruction or immediate public safety hazard without any advance notice to the Operator. The Operator shall pay a fee of five dollars (\$5.00) per day per Small Vehicle to recover any such vehicle in the custody of the City as the result of such removal.
- G. Any Small Vehicle removed by the City from public right-of-way pursuant to this section which is not claimed by the Operator and remains unclaimed with the City for sixty (60) days, shall be considered abandoned, and the City may assert ownership of same, and keep or dispose of said Small Vehicle as City sees fit, including public sale in accordance with state statutes. The proceeds of any such sale shall belong to City and shall be deposited into City's general fund.

**Section 37-308 Safety Requirements.**

- A. All Bicycles and Electric Scooters used in systems issued a permit under this ordinance shall meet applicable safety standards established by federal and state regulatory authorities.
- B. All Small Vehicles used in systems issued a permit under this ordinance shall meet state law requirements regarding lights and other operating equipment.
- C. All permitted Shared Active Transportation Programs shall notify users in writing that:
  - 1. Helmet use is encouraged while riding a Small Vehicle;
  - 2. Users of Electric Bicycles and Electric Scooters shall yield to Bicycles in bike lanes;
  - 3. Users of Small Vehicles shall follow Chapter 29 Stillwater City Code requirements for operation of bicycles when riding on a sidewalk; and
  - 4. When riding on-street, Small Vehicles shall follow Chapter 29 Stillwater City Code requirements and applicable state law for operation of bicycles.

**Section 37-309 Distribution.**

- A. If an Operator has deployed more than one hundred fifty (150) Small Vehicles, at least twenty percent (20%) of such inventory shall be rebalanced once per day and located in underserved communities of the City, as determined by the City Manager or designee.
- B. All Operators shall provide the City with a plan for equitable Small Vehicle sharing service, including: education of, marketing to, and engagement with low-income, minority, non-English speaking, and zero-car populations. The plan should address such topics as how to use Shared Active Transportation Programs, Small Vehicle safety, and Small Vehicle laws and regulations.
- C. All Operators shall provide information on how users can use the Shared Active Transportation Program without 1) a smartphone, and/or 2) a credit or debit card.

**Section 37-310 Data, Statistics, Reporting.**

- A. All Operators shall include active GPS location tracking capabilities on each Small Vehicle.
- B. All Operators shall provide users with a Privacy Policy that safeguards users' personal, financial and travel information and usage, including but not limited to trip origination and destination data.

- C. All Operators shall maintain a record of maintenance activities, including but not limited to Small Vehicle identification number and maintenance records. These records shall be made available to the City upon request.
- D. All Operators shall provide the City, or a third-party researcher designated by the City, the following data on a monthly basis in a format approved by the City:
  - 1. Aggregated breakdown of users by gender and age;
  - 2. The number of Small Vehicles in circulation;
  - 3. Daily, weekly and monthly active users;
  - 4. Small Vehicle usage, including:
    - a. Total user miles, broken out daily, monthly, quarterly, and annually;
    - b. The number and duration of rides per user per day, as well as the number of rides per small vehicle per day;
  - 5. Anonymized aggregated data taken by the Operator's small vehicles in the form of heat maps showing routes, trends, origins, and destinations;
  - 6. Anonymized trip data taken by the Operator's small vehicles that includes the origin and destination, trip duration, and date and time of trip;
  - 7. Customer comments/complaints and resolution, theft/vandalism, and average repair times; and
  - 8. Reported collisions.
- E. All Operators shall provide the City with anonymous real-time data (information that is delivered immediately after collection) on the availability and location of the entire Stillwater fleet upon request.
- F. All Operators shall conduct annual qualitative surveys, developed collaboratively between the City and Operator.

**Section 37-311 Insurance & Indemnification.**

- A. All Operators shall maintain throughout the entire term of the permit general commercial liability insurance with a minimum liability limit of One Million Dollars (\$1,000,000.00), listing the City as additionally insured, and issued by an insurance company licensed to do business in the State of Oklahoma.
- B. Prior to the permit being issued, all applicants shall sign an agreement indemnifying and holding harmless the City, its officers, employees and agents.
- C. The City is not responsible for educating users regarding safety requirements and other laws, nor is the City responsible for educating users on how to ride or operate a Small Vehicle. Operators shall, as a condition of the Shared Active Transportation Permit, agree to educate users regarding laws applicable to riding and operating a Small Vehicle in the City of Stillwater and to instruct users to comply with applicable laws pertaining to bicycles in Chapter 29 Stillwater City Code and applicable state law.

**Section 37-312 Termination.**

The City reserves the right to terminate a Shared Active Transportation Permit at any time, and require that the entire fleet of Small Vehicles be removed from City right-of-way. Such notice of termination shall be delivered to the Operator as set forth in the permit.

**Section 37-313 Appeal.**

Any applicant who is denied a permit, or an Operator whose permit is terminated as outlined in Section 37-312, may appeal, or request a review or reconsideration of, that permit decision. An appeal of a Shared Active Transportation Permit decision may be made to the City Council by submitting the decision letter, as well as a request for the appeal, in writing, within ten (10) calendar days of the original permit decision.

*Section 2. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.*

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF FEBRUARY 2019.

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_\_ DAY OF FEBRUARY 2019.

\_\_\_\_\_  
JOHN E. DORMAN, CITY ATTORNEY

First Reading: 02-04-19  
Second Reading: 02-11-19