

LEGISTAR #52693 - Body

DRAFTER'S ANALYSIS: Current state law does not authorize the parking and operation of motorized scooters on public streets and sidewalks. Dockless motorized scooter technology is developing rapidly. The City wishes to conduct a pilot study to evaluate the operation and effectiveness of dockless motorized scooter systems but may not do so until the state statutes are amended to allow dockless motorized scooters to operate and park upon the highway including public streets and sidewalks.

This ordinance explicitly prohibits the parking and operation of dockless motorized scooter systems on City streets and sidewalks unless state law changes to permit this use. If and when changes in state law allow dockless motorized scooters to operate and park on public streets and sidewalks, dockless motorized scooter systems will only be permitted if authorized by the City Department of Transportation through a City pilot program.

The ordinance authorizes the City to impose a forfeiture and impound dockless motorized scooters operating in the City contrary to state law and/or absent participation in a City pilot study. Owners of the dockless motorized scooter systems will be responsible for any forfeitures and costs related to impounding and storing the vehicles. On July 31, 2018, the City of Milwaukee passed a similar ordinance that authorizes it to impound dockless motorized scooters.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.796 entitled "Dockless Transportation Systems" of the Madison General Ordinances is created to read as follows:

"12.796 DOCKLESS TRANSPORTATION SYSTEMS.

(1) Definitions. In this section:

"Dockless" means a system of self-service vehicles made available for shared use to individuals on a temporary basis, which are GPS enabled, and may be tracked and remotely disabled, and which may be rented via a smart-phone application, vendor website, vendor customer service number, or a pre-paid personal identification number and which do not require structures at permanent, fixed locations where rides must begin and end.

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

"Owner" means any person who owns, offers to rent or lease, collects, distributes, repairs, services, charges or otherwise asserts control of a dockless motorized scooter system.

"Person" means any individual, sole proprietorship, firm, corporation, limited liability company, partnership, association, or organization of any kind.

(2) Prohibitions. No person may operate, own, offer to rent or lease, collect, distribute, repair, service, charge, or otherwise assert control of a dockless motorized scooter in the City upon the highway including public streets and sidewalks. No person shall park or place a dockless motorized scooter in the City upon the highway including public streets and sidewalks.

(3) Exception. Notwithstanding the foregoing, a dockless motorized scooter system shall be permitted if authorized through a pilot study administered by the City Department of Transportation. Participation in the pilot study may only occur upon application and approval of the Director of the City Department of Transportation or their designee. This pilot study shall become effective only on or after the date amendments to state statutes authorize motorized scooters to be operated and parked upon public highways in the State of Wisconsin.

- (4) Removal and Disposal of Dockless Motorized Scooters.
- (a) Removal and Impoundment. If the Chief of Police, Director of Transportation, or any of their designees finds on any highway, street, sidewalk, or public place within the city, any dockless motorized scooter in violation of this Section 12.796, they may have the dockless motorized scooter immediately removed to a suitable place of impoundment. Upon removal of the vehicle the authorized agent of the City or their designee shall notify the Chief of Police or their designee of the dockless motorized scooter and of the location of the impounded vehicle. Any vehicle in violation of sub. (2) shall be removed and impounded until lawfully claimed or disposed of under the provisions of sub. (c). However, if it is deemed by the Chief of Police or their designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the City prior to expiration of the impoundment period upon determination by the Chief of Police or their designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with sub. (c).
- (b) Storage, Notice, and Reclaimer. Any dockless motorized scooter which is impounded and not disposed of under sub. (a) of this subsection shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner, if known or readily ascertainable, to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the vehicle's identifying information, the place where the vehicle is being held, and shall inform the owner of their right to reclaim the vehicle. The notice shall state that the failure of the owner to exercise their rights to reclaim the vehicle under this ordinance shall be considered a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Any dockless motorized scooter which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges, including but not limited to any towing forfeiture imposed under Sec. 12.1331 of these ordinances, and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or their designee to prove an ownership or lienholder interest in said vehicle.
- (c) Disposal. Any dockless motorized scooter not reclaimed by its owner may be sold. The City may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for any such vehicle shall be accepted unless the same is considered inadequate by the Chief of Police or designee, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the City may either readvertise the sale, adjourn the sale to a definite date, sell the vehicle at a private sale, or junk the vehicle. Any interested person may offer bids on each vehicle to be sold. Public notice of said sales shall be posted at the City of Madison Police Department headquarters. The posting shall be in the same form as the certified mail notice sent to the owner. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the City for each day that the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be considered to be abandoned and may be sold again. Any listing of vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.
- (5) Owner Responsible For Costs. The owner of any dockless motorized scooter removed under this provision shall be responsible for all costs of impounding, storing, and disposing of the dockless motorized scooter which shall be in addition to any forfeiture imposed for a violation of this ordinance and any towing forfeiture imposed under Sec. 12.1331 of these ordinances. Costs not recovered from the sale of the dockless

motorized scooter may be recovered in a civil action by the City against the owner. The City assumes no responsibility for damage to dockless motorized scooters impounded under the provisions of Sec. 12.796.

- (6) Penalty. Any person violating the provisions of Sec. 12.796 shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$500 per day, per vehicle. For each second or subsequent violation, the forfeiture shall be not less than \$500 nor more than \$1,000, per day, per vehicle.
- (7) This ordinance shall not be construed to deter or limit the applicability and enforcement of any other ordinance of this City or statute of this state.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Operating or parking dockless motorized scooters without permit. subs.”	12.796(6)	\$60 \$500, 2 nd &

EDITOR’S NOTE:

New bail deposits must be approved by the Municipal Judge prior to adoption. These deposits have been so approved.