

LEGISTAR 57598 - SECOND SUBSTITUTE BODY

DRAFTER'S ANALYSIS: Personal delivery devices (PDDs), sometimes referred to as "delivery robots," are electronic devices that operate on sidewalks and crosswalks to transport or deliver property or food. State law generally prohibits PDDs from operating on roadways and bike paths, but allows PDDs on sidewalks and crosswalks unless a municipality has an ordinance prohibiting them under Wis. Stat. § 349.236 (1) (b). This ordinance prohibits the operation of PDDs from all sidewalks and crosswalks within the City's jurisdiction unless approved by the City. This second substitute provides that the City Traffic Engineer make recommendations regarding approved PDD routes to the Transportation Commission for its approval while still allowing the City Traffic Engineer the discretion to temporarily permit or restrict PDDs on specific sidewalks and crosswalks for periods of less than 30 days.

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

1. Section 12.753 entitled "Regulating Personal Delivery Devices" of the Madison General Ordinances is created to read as follows:

"12.753 REGULATING PERSONAL DELIVERY DEVICES.

(1) Definitions.

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

"Personal delivery device" means a device as defined in Wis. Stat. § 340.01 (43fg).

"Approved PDD route" means the sidewalks and crosswalks that have been approved for personal delivery device operation by the Transportation Commission after considering recommendations from the City Traffic Engineer. The City Traffic Engineer retains the ability to temporarily permit or restrict approved PDD routes for periods of less than thirty (30) days.

(2) Operation of Personal Delivery Devices.

No person shall operate a personal delivery device on any sidewalk or crosswalk except on an approved PDD route.

(3) Any person violating the provisions of Sec. 12.753 shall, upon conviction thereof, be subject to a forfeiture of not less than twenty dollars (\$20) nor more than forty dollars (\$40)."

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> |
|---------------------------|-------------------------------------|----------------|
| Personal delivery device. | 12.753 | \$30" |

EDITOR'S NOTE:

1. New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

2. Wis. Stat. § 346.807 reads as follows:

"346.807 Operating personal delivery device on sidewalk.

(1) Except as provided in s. [346.94 \(18m\) \(a\) 2.](#) and [349.236 \(1\) \(b\),](#) a personal delivery device may be operated upon any sidewalk or crosswalk.

(2) Every personal delivery device operator shall ensure that the operation of the personal delivery device upon a sidewalk or crosswalk satisfies all of the following:

- (a) The personal delivery device operator shall control or monitor the navigation and operation of the device.
- (b) The device may not go upon any roadway except while crossing a roadway at a crosswalk.
- (c) The device shall be operated with due care.
- (d) The device shall comply with each traffic signal and sign.
- (e) The speed of the device may not exceed 10 miles per hour.
- (f) The device shall yield the right-of-way to a pedestrian."

3. Wis. Stat. § 349.236 (1) (b) reads as follows:

“(b) Prohibit the operation of electric personal assistive mobility devices or personal delivery devices on all sidewalks under its jurisdiction or only on certain sidewalks, or portions of such sidewalks, under its jurisdiction that are designated in the ordinance. This paragraph does not apply to the operation of such devices on any sidewalk at a permanent or temporarily established driveway.”

4. Wis. Stat. § 340.01 (43fg) reads as follows:

“(43fg) “Personal delivery device” means an electronically powered device that satisfies all of the following:

- (a) The device is intended primarily to transport property on sidewalks and crosswalks.
- (b) The device has an empty weight of less than 80 pounds, excluding cargo.
- (c) The device is capable of a maximum speed of 10 miles per hour or less.
- (d) The device is capable of operating with and without the active control or monitoring by an individual.”