



Legislation Details (With Text)

File #: 21491 **Version:** 2 **Name:** Bicycling
Type: Ordinance **Status:** Passed
File created: 2/21/2011 **In control:** BOARD OF PUBLIC WORKS
On agenda: 3/15/2011 **Final action:** 3/15/2011
Enactment date: 3/23/2011 **Enactment #:** ORD-11-00044

Title: AMENDED CHARTER ORDINANCE Creating Sec. 10.33 including Charter Ordinance Sec. 10.33 (10)(c) and creating new Sec. 8.15(3), renumbering current Secs. 8.15(3) through (5) to (4) through (6), creating Charter Ordinance Sec. 31.045(3)(c), amending Sec. 31.03(2), creating Sec. 31.041(3)(a)6., renumbering current Sec. 31.041(3)(a)6. to 7., amending Sec. 31.044(1)(c) and creating Sec. 31.046(4) of the Madison General Ordinances to allow for the operation of a City-sponsored bicycle-sharing program in Madison and the placement of signs on bicycle sharing facilities.

Sponsors: David J. Cieslewicz, Bryon A. Eagon

Indexes:

Code sections:

Attachments: 1. Version 1, 2. Master File ID 21491.pdf, 3. Master File ID 21106.pdf, 4. B-cycle LLC Version 1.pdf, 5. Madison B-cycle FAQ.pdf, 6. Madison B-cycle PowerPoint Presentation.pdf, 7. PBMVC Recommendation 21106.pdf, 8. Registration Forms -1-2011.pdf, 9. BCycleOrdinanceReport030211.pdf, 10. ADOPTED BODY.AMD.pdf, 11. 3.15.2011 registrations

Date	Ver.	Action By	Action	Result
3/15/2011	2	COMMON COUNCIL	Adopt With Friendly Amendment	Pass
3/9/2011	2	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	
3/9/2011	1		Return to Lead with the Recommendation for Approval	
3/2/2011	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/2/2011	1	URBAN DESIGN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/24/2011	1	PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)	Return to Lead with the Following Recommendation(s)	
2/23/2011	1	BOARD OF PUBLIC WORKS	Refer	
2/23/2011	1	BOARD OF PUBLIC WORKS	Refer	
2/23/2011	1	BOARD OF PUBLIC WORKS	Refer	
2/22/2011	1	COMMON COUNCIL	Referred	
2/21/2011	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The operator (Trek/B-Cycle) estimates that it will install 30 kiosks in the initial roll out in May. Of that total, only a couple may be on private property, if any at all. There will be a \$500 application fee, and ultimately a \$50 annual permit fee per location on right-of-way or other City land. This would amount to a total of approximately \$2,000 in fees to the general fund. In addition, if Trek/B-Cycle locates any kiosks on private property, there will be a \$100 sign permit fee, and a \$25 change-of-copy fee that would apply. In addition, if this ordinance passes, building permit and other related fees may apply to the installation of the kiosks. Certain other fees

that will be required, such as the bicycle registration fee and building permits, do not fall within this ordinance. As for the program itself, the City has already committed \$100,000 per year for the next three years to support the program (RES-11-00106, file 21106).

Title

AMENDED CHARTER ORDINANCE Creating Sec. 10.33 including Charter Ordinance Sec. 10.33(10)(c) and creating new Sec. 8.15(3), renumbering current Secs. 8.15(3) through (5) to (4) through (6), creating Charter Ordinance Sec. 31.045(3)(c), amending Sec. 31.03(2), creating Sec. 31.041(3)(a)6., renumbering current Sec. 31.041(3)(a)6. to 7., amending Sec. 31.044(1)(c) and creating Sec. 31.046(4) of the Madison General Ordinances to allow for the operation of a City-sponsored bicycle-sharing program in Madison and the placement of signs on bicycle sharing facilities.

Body

DRAFTER'S ANALYSES: This ordinance creates a new permit procedure in Chapter 10 that will allow for the placement of City-sponsored bicycle-sharing facilities in the right-of-way and on other City land through the granting of a bicycle-sharing facility privilege. Under newly created Sec. 10.33, the owner or managing agent of the City-sponsored bicycle-sharing program must apply to the Director of the Department of Planning and Community and Economic Development for the bicycle-sharing facility privilege. Once the application is approved, the City and the owner of the program must enter into a bicycle-sharing facility privilege agreement that covers all of the facility locations on right-of-way or other City land, which agreement shall include terms covering liability insurance requirements, indemnification of the City, removal of the facilities, restoration of the facility locations, sign contents, and annual permit fees. This procedure will not apply to facility locations on private property. In addition, newly created Sec. 8.15(3) will create an exemption to the nuisance provisions of Sec. 8.15 so that placement of City-sponsored bicycle-sharing facilities on park lands, greenways, and the Southwest Bike Path is not a violation of Sec. 8.15 which currently prohibits encroachments in those areas. The non-charter provisions of this ordinance also amend Chapter 31, the Sign Control Ordinance, as follows: item 6. clarifies that the definition of Advertising Signs does not include signs on City-sponsored bicycle-sharing facilities or bikes; items 7. and 8. create a permit fee for business signs on bicycle-sharing facilities on private property; item 9. exempts signs on bicycle-sharing facilities on other city owned lands from requiring sign permits; and item 10. creates a subsection of the sign code to allow business signs on bicycle-sharing facilities on a non-City owned zoning lot for a business located on the same zoning lot where the bicycle-sharing facility is located, as well as signs identifying the operator of the bicycle facility, a map, instructions and City information.

Charter Ordinance Provisions: State law and regulations and Sec. 31.046, MGO, currently prohibit signs or advertisements in the highway right-of-way with limited exceptions. The City Attorney has interpreted this law as restricting the City's ability to allow signs or advertisements on City-sponsored bicycle-sharing facilities located in the right-of-way (including the sidewalk) as proposed by B-cycle, LLC in RES-11-00106. By exercising the City's constitutional home rule rights to adopt a Charter ordinance, this ordinance would create a limited exception for advertisements on City-sponsored bicycle-sharing facilities located in the highway right-of-way, by amending Sec. 31.046(3)(c) to create an exception to the current prohibition, and by creating criteria for such signs in new Sec. 10.33(10). New Sec. 10.33(10) would allow signs on bicycle-sharing equipment as follows: a two-sided sign with a system map and city information, directions for using the program, several small signs with the name or logo of the operator of the bicycle-sharing program, a sign with the station location name, four small signs recognizing a sponsor of the bicycle facility, one sign with credit card information, and sponsorship signs on the bicycles. If adopted, the Charter provisions of this ordinance shall take effect 60 days from the date of passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

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

PLEASE SEE "ADOPTED BODY.AMEND" IN ATTACHMENTS.