



Legislation Text

File #: 00989, Version: 2

Fiscal Note

No expenditure required.

Title

SUBSTITUTE - Creating Section 12.762 of the Madison General Ordinances to establish procedures by which the City of Madison may be authorized to remove bicycle racks and impound bicycles parked in the bicycle racks.

Body

DRAFTER'S ANALYSIS: This ordinance authorizes the City of Madison to remove any bicycle rack located on City-owned property and impound any bicycle parked in the rack. The City must provide proper notice before removing a bicycle rack and impounding any bicycle parked in the rack.

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

1. Section 12.762 entitled "Removal of Bicycle Racks for Street Use Permits or Emergency Removal" of the Madison General Ordinances is hereby created to read as follows:

"12.762 REMOVAL OF BICYCLE RACKS FOR STREET USE PERMITS OR EMERGENCY REMOVAL.

Upon compliance with this section, the City of Madison may remove any bicycle rack located on City-owned property within the City of Madison and may impound any bicycle parked in the rack. Only a police officer; the Parking Manager, or his/her designee; and the Superintendent of Parks, or his/her designee, shall have authority to remove any bicycle rack and impound any bicycle parked in the bicycle rack.

- (1) Definitions. For purposes of this section, the following words or terms have the meaning set forth below:
 - (a) "City-owned Property" means real property owned by the City of Madison, including but not limited to, streets, sidewalks, alleys, parks, parking lots, buildings and rights-of-way.
 - (b) "Bicycle" has the meaning found in Sec. 340.01(5), Wis. Stat.
 - (c) "Bicycle Rack" means a frame, stand or other permanent or semi-permanent fixture designed and intended to provide parking space for bicycles.
 - (d) "Removal period" means the portion of time during which a Street Use Permit granted under Section 10.056, MGO is in effect or an emergency declared by the Madison Police Department is in effect.
- (2) A bicycle rack may not be removed more than twenty-four (24) hours prior to the removal period.
- (3) Notice Procedures. Before removing any bicycle rack and impounding any bicycle parked in the bicycle rack, the City of Madison, or its designee, shall provide notice of the removal as follows:
 - (a) At least forty-eight (48) hours before the scheduled removal of the bicycle rack, notice shall be affixed to each designated bicycle rack and other permanent fixtures in the area. Notice shall also be affixed to the handlebars or seat of any bicycle parked in the bicycle rack. The notice shall include:
 - 1. The date and time of the scheduled removal of the bicycle rack;
 - 2. A statement that any bicycle parked in the bicycle rack on the removal date will be impounded;
 - 3. Information about retrieving an impounded bicycle, including but not limited to, a phone number, address and the hours during which the owner may retrieve the bicycle;
 - 4. A phone number for the owner to call for information about alternate available parking for bicycles during the removal period.
 - (b) Twenty-four (24) hours before the scheduled removal of the bicycle rack, notice shall be affixed to the handlebars or seat of any bicycle parked in the rack. Said notice shall contain the identical information set forth in subsection (a).
 - (c) Upon removal of the bicycle rack, all bicycles parked in the bicycle rack shall be removed and securely stored in the Police Property Room.
 - (d) Once the bicycle rack has been removed, notice shall be affixed to the nearest permanent fixture providing information about retrieving an impounded bicycle. The notice shall include a phone number, address and the hours during which the owner may retrieve the bicycle.
- (4) The City of Madison shall return the bicycle rack to its original location within twenty-four (24) hours after the removal period ends."

