



Legislation Details (With Text)

File #: 19-013-O **Name:**

Type: Ordinance **Status:** Passed

File created: 3/18/2019 **In control:** Committee of the Whole

On agenda: 3/25/2019 **Final action:** 4/8/2019

Title: ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

Sponsors: Noah Hobbs

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/8/2019	1	City Council	adopted	Pass
3/25/2019	1	City Council	read for the first time	

ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

BY PRESIDENT HOBBS:

The city of Duluth does ordain:

Section 1. That Chapter 9A be added to the Duluth City Code and read as follows:

CHAPTER 9A

Shared Active Mobility Systems.

Sec. 9A-1. Definitions.

Device operating area. Device operating area means the right of way for all shared devices and trails where operation of a shared device is authorized by a license.

Customer. Customer means a person that rents or operates a shared device from a shared active mobility system licensee.

Impound. Impound means removal of a shared device to a storage facility or designated impoundment location by the city or a licensed city contractor in response to authorization from a police officer, parking monitor, or other city employee designated by the city clerk to act under this Chapter.

Rebalance. Rebalance means to move shared devices from one location to another, generally for the purpose of avoiding having too many devices in one location.

Shared active mobility system (SAMS). Shared active mobility system (SAMS) means a business that provides one or more shared devices for rental where, by design of the licensee, the shared devices are intended to be parked in a device operating area.

Shared device. Shared device means bicycle or motorized foot scooter rented by a licensee to customers through a SAMS.

Sec. 9A-2. License Required.

(a) No one shall conduct a SAMS in the city without a valid license. A license will be issued by the city clerk, or the city clerk's designee, if the application meets the requirements of this Chapter. Licenses will be effective for a period of one year and are renewable subject to the same standards of review as for the initial license.

(b) All SAMS licenses shall expire on December 31 of each year.

(c) A license does not grant exclusive rights to operate a SAMS in device operating areas.

(d) The license application shall:

1. Be submitted on forms furnished by the city clerk and include all fees prescribed by this Chapter;

2. Include proof of insurance as prescribed in this Chapter;

3. Include a signed agreement with the city outlining in detail the following:

A. A description of how complaints of improperly parked or abandoned shared devices will be handled;

B. A description of how the licensee will respond to notification of safety or operational concerns of shared devices;

C. A maintenance plan for shared devices; and

E. A description of the customer education and outreach plan for proper use of shared devices.

Sec. 9A-3. License fees.

(a) Annual fees for each SAMS license shall be set in accordance with Section 31-6(a) of this Code. Annual fees shall not be prorated.

(b) In addition to the fees established in subsection (a) of this Section, Licensees shall pay an annual fee set in accordance with Section 31-6(a) of this Code per shared device placed in the device operating areas. The per shared device fee must be paid before shared device is put into service.

(c) The fees herein prescribed shall not be refundable

Sec. 9A-4. Equipment and shared devices requirements.

(a) All shared devices must comply with safety standards established by the consumer product safety commission and all other federal, state, and local safety standards;

(b) For motorized foot scooters the maximum motor-assist speed shall be 15 mph.

(c) All shared devices must have continuously lit front and rear lights. Front and rear lights must stay illuminated for at least 60 seconds after the device has stopped.

(d) All shared devices must have, and clearly display, a unique, permanent identification number that is provided to the city.

(e) SAMS must ensure that all shared devices are inspected, maintained, and, if needed, replaced, at least once a month.

(f) All shared devices shall have prominently displayed contact information of the licensee including licensee's website and phone number.

(g) All shared devices must be equipped with technology, such as GPS, that allows the shared device to be located and tracked by the licensee at all times.

(h) No shared device will be available for use between the hours of 10:00 p.m. and 5:30 a.m.

Sec. 9A-5. Operation of SAMS.

(a) A license is valid for conducting a SAMS within device operating areas only, and with the consent of the owner or lawful occupant on other real property. It is unlawful to operate a shared device on any real property outside device operating areas without consent of the property's owner or lawful occupant. Each licensee shall have at all times the ability to discover when its shared devices are operated outside device.

(b) Licensees shall not restrict the operation of shared devices to only certain geographical areas of the city unless approved by the city.

(c) Licensees shall not discriminate against low and moderate income persons in connection with permitted activities and conducting its SAMS in the city. Licensees must deploy and maintain a sufficient number of shared devices to satisfy customer demand within census tracts of low and moderate income areas of the city.

(d) The city clerk is authorized to limit the total number of shared devices, including the mix of shared devices, within device operating areas in order to maintain the integrity of the city's entire transportation system; keep rights-of-way free and clear of unnecessary obstructions; and protect the health, safety, and welfare of the citizens of the city.

Sec. 9A-6. Communications.

(a) Licensee shall include substantially the following information for prospective customers on the licensee's mobile app and web site, and also displayed on the shared device for which the information is applicable:

1. Persons operating a motorized foot scooter who are under the age of 18 must wear a helmet.
 2. Persons operating motorized foot scooters must be at least 12 years old.
 3. Persons operating a shared device must follow applicable traffic laws.
 4. Motorized foot scooters are prohibited on city sidewalks.
- (b) Licensees shall adopt and implement programs to educate customers on how to safely operate shared devices, including knowledge of laws applicable to operating shared device in the city.
- (c) Licensees shall communicate to prospective customers sufficient information on charges that may be made, including rates and dollar amounts of fees, including rental charges, minimum charges, maximum charges, charges for additional time, and charges for overage periods. If charges may be based on time or distance, information on the rate per minute, hour, mile, or other applicable time period or distance shall also be provided.
- (d) Licensee shall have a 24-hour phone number for customers to report safety concerns and complaints, and to ask questions.
- (e) Licensee will identify a local responsible contact person who resides in the city of Duluth.
- (f) Licensee shall provide to the city data regarding shared device trips, in the format and timeline specified by the city clerk, or the city clerk's designee. The data shall include real-time availability data for all shared devices, archival trip data for all shared devices including the frequency and location of shared device trips during the license period. This data will be used to support safe and effective management of the SAMS throughout the city. The licensee shall communicate to prospective customers that this data will be collected and shared with the city.
- (g) Licensee shall compile, for all of its shared devices deployed in the city, records of collisions or accidents reported to the licensee or the police, and records of maintenance and repair and share this information upon request.

Sec. 9A-7. Insurance, indemnification, security and liability.

- (a) Licensee shall maintain insurance and provide proof of such insurance as required by the city clerk.
- (b) Licensee shall defend and indemnify the city from and against all claims and liabilities that arise from the acts and omissions of the licensee and its customers to the extent the acts and omissions relate to the operation of shared devices.
- (c) Licensee shall be responsible for the cost of repairs to public property damaged by its customers' use of its shared devices.
- (d) Licensee shall be responsible for public property repair and maintenance costs caused by the licensee's equipment.
- (e) Licensee shall be responsible for any cost for removing or storing shared devices improperly parked.
- (f) Licensee shall be responsible for any cost to the city to remove shared devices if licensee's license expires or is otherwise terminated.

Sec. 9A-8. Parking, placement, rebalancing and removing shared devices.

- (a) Shared devices shall not be parked in a way that may impede the regular flow vehicular and pedestrian travel in device operating areas. Licensees shall inform customers how and where to park a shared device. Shared devices shall be upright when parked. Licensee shall remove or re-park every shared device that is parked in violation of the license or city code in accordance with the following:
1. From 6:00 a.m. to 6 p.m. on weekdays, not including legal holidays, licensees shall remove or re-park within two hours of receiving notice that a shared device is parked in violation of the license or city code.
 2. During all other times, licensees shall remove or re-park within 12 hours of receiving notice that a shared device is parked in violation of the license or city code.

Sec. 9A-9. Impounding Authorized.

- (a) Shared devices may be impounded by any police officer, parking monitor, or duly authorized city employee for the following reasons:
1. The shared device was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.

2. The shared device is part of an unlicensed SAMS or is found to be in violation of this Chapter.

(b) Prior to impoundment, and where no emergency conditions exist or where traffic is not unduly impeded, a warning may be issued and placed upon the shared device found in violation of this Chapter. The warning shall state that should the shared device not be removed within 24 hours, the device will be impounded. All other shared devices found in violation of this Chapter are subject to impoundment without warning.

(c) Not more than 72 hours (excluding Saturdays, Sundays and city holidays) after impoundment of a shared device, the city shall provide written notice to the owner of the shared device either electronically or by U.S. mail. If the shared device has been redeemed prior to the submission of notice or if the city is unable to readily identify the owner, then notice need not be sent.

(d) All shared devices impounded under this Chapter shall be subject to an impoundment fee that is sufficient to offset the city's costs of enforcement and storage for the impounded shared devices.

(e) All shared devices lawfully in possession of the city and remaining unclaimed by the owner for a period of at least 40 days may be sold to the highest bidder at public auction or sale.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish regulations for shared active mobility systems.