

## **ORDINANCE NO. 3751**

### **AN ORDINANCE CREATING CHAPTER 242, ELECTRIC SCOOTERS REGARDING USE, PARKING, AND RENTAL OF ELECTRIC SCOOTERS IN THE CITY OF FOND DU LAC**

The City Council of the City of Fond du Lac do ordain as follows:

**Section 1.** That Chapter 242, Electric Scooters, is hereby created to read as follows:

#### **Chapter 242, Electric Scooters**

##### **Section 242-1. Intent.**

The intent of this division is to protect the public health, safety, and welfare by preventing or mitigating against any adverse impact that electric scooter rental and operation may have, by restricting the locations in which electric scooters may be operated and parked, and by licensing the short-term commercial rental of electric scooters in the City.

##### **Section 242-2. Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Electric scooter** means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

**Licensee** means the holder of a commercial electric scooter rental license issued under this division.

**Operate an electric scooter** means to ride on an electric scooter powered at least in part by the electric motor.

**Rebalancing** means redistributing electric scooters throughout the City.

**User** means an individual who uses an electric scooter for the purpose of transportation or recreation.

### **Section 242-3. Usage of electric scooters.**

- (a) No person shall operate an electric scooter on any roadway under the City's jurisdiction having a speed limit of more than 25 miles per hour.
- (b) No person shall operate an electric scooter on any sidewalk under the City's jurisdiction.
- (c) Electric scooters may be operated on any roadway under the City's jurisdiction having a speed limit of 25 miles per hour or less, and on recreational trails under the City's jurisdiction.

### **Section 242-4. Parking of electric scooters.**

- (a) Electric scooters shall be parked in an upright position, with two wheels making a point of contact with the ground.
- (b) Electric scooters shall not be parked in a way that provides less than a five-foot wide path on the sidewalk for pedestrian access.
- (c) Electric scooters shall not be parked in a way that obstructs access to parking meters.
- (d) Electric scooters shall not be parked between the sidewalk and the curb where such area is less than three feet wide.

- (e) Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked on a sidewalk, or in a bicycle rack or other similar area designated for bicycle parking.
- (f) On blocks without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed by so parking the electric scooter.
- (g) Except at existing permitted bicycle facilities, electric scooters shall not be parked between the sidewalk and the curb where adjacent to or within the following locations:
  - (1) Parklets;
  - (2) Loading zones;
  - (3) Accessible parking spaces;
  - (4) Curb ramps;
  - (5) Entryways;
  - (6) Driveways;
  - (7) Street furniture requiring pedestrian access; and
  - (8) Transit stops (including bus stops, shelters, and passenger waiting areas).

**Section 242-5. Rental of electric scooters.**

- (a) License required. No person or business shall offer short-term commercial rental of electric scooters to the public unless the person or business has obtained a license in accordance with this section.
- (b) License application requirements.
  - (1) Application for a commercial electric scooter rental license shall be made in writing to the City Clerk, upon forms furnished by the City Clerk.
    - a. In the case of a sole proprietorship, the owner shall sign the application.

- b. In the case of a partnership, the name of the business and the names and addresses of all partners shall be provided on the application. One of the partners shall sign the application.
  - c. In the case of an LLC or a corporation, the name of the business and the names and addresses of the principal officers shall be provided on the application. In the case of an LLC, one of the members shall sign the application. In the case of a corporation, the president and secretary shall sign the application.
- (2) The application shall identify contact information (including a phone number and email address) for an operations manager based within 50 miles of the City.
- (3) The applicant shall include a copy of their user agreement and privacy policy with the application.
- (4) Insurance. The applicant shall submit a certificate of insurance with the application meets the requirements set forth by the City's Risk Manager.
- (5) Indemnification. The applicant shall agree to indemnify, defend, and hold the City of Fond du Lac (and the City's officers, employees, and agents) harmless from and against all actions, damages, or claims brought against the City of Fond du Lac arising out of the applicant's operations. The City Attorney shall have the authority to negotiate the terms of the indemnification provision with the applicant.
- (c) Application fee. The fee for a commercial electric scooter rental license required by this article shall be \$250.00 per year or any fractional part thereof.
- (d) Granting licenses. The City Clerk will issue a license under this subsection if all requirements have been met and if issuance is in the best interest of the City. The City Clerk may deny any license under this section in his or her full discretion in the

interest of public safety or if the application is not in the interest of the City. If the City Clerk denies a license, the applicant may appeal said denial to the Advisory Parking and Traffic Board.

- (e) Term of license. Any license issued pursuant to this section shall be effective upon issuance. It shall expire on the 31st day of December following its issuance.
- (f) Rental operation requirements. In conducting their electric scooter rental business, each holder of a commercial electric scooter rental license shall comply with the following:
  - (1) Maximum number of scooters. No licensee shall have more than 300 scooters available for rent within the City at any one time without the approval of the Advisory Parking and Traffic Board.
  - (2) Hours of operation. Licensees may make electric scooters available for rent at all hours.
  - (3) User fees. Any user fee for the rental of an electric scooter shall be clearly and understandably communicated to the user prior to the usage of the electric scooter.
  - (4) Parking. The licensee shall:
    - a. Provide instructions for properly parking electric scooters to users.
    - b. Keep the sidewalk free from obstructions to pedestrians by requiring users to park electric scooters such that a walk space not less than five feet wide shall at all times be kept open for pedestrians.
    - c. Upon notification that an electric scooter of licensee is improperly parked, the licensee shall relocate the electric scooter in accordance with the following requirements:
      - 1. Within three hours of notice received between 7:00 a.m. and 7:00 p.m.

2. By 10:00 a.m. for notice received between 7:00 p.m. and 7:00 a.m.

- (5) The City of Fond du Lac may relocate improperly parked electric scooters which are not relocated in accordance with this requirement, and shall bill the licensee \$50.00 for each electric scooter it relocates, which is reasonably calculated to recapture the City's costs in relocating an improperly parked electric scooter.
- (6) Licensees may appeal fees imposed by Section 242-5(b)(5), to the Advisory Parking and Traffic Board by providing written notice to the City Clerk within ten business days of receiving notice of a fee.
- (7) Safety education. Licensee shall provide materials to its users to promote safe riding and educate users on rider responsibilities and encourage safe and courteous riding and parking.
- (8) Snow events.
  - a. The licensee shall ensure that their electric scooters do not impede City of Fond du Lac or resident snow removal and ice control operations.
  - b. In the event that the City of Fond du Lac declares a snow emergency under Section 630-12(B), the licensee shall ensure that its electric scooters are removed from the right-of-way for the duration of the snow emergency.

(g) Notice of changes. In the event that licensee changes its operations manager identified in its application (including contact information for the operations manager), user agreement, privacy policy, or insurance, licensee shall provide notice to the City Clerk within three business days of the change.

(h) Website or mobile application. If the licensee operates a website or smartphone application, the website and smartphone application shall:

- (1) Notify users that:
  - a. Helmet use is encouraged while riding an electric scooter;
  - b. Sidewalk riding is prohibited;
  - c. Users are required to follow all rules of the road; and
  - d. Scooters must be parked responsibly.

(2) Provide a means for users to notify the licensee if there is a safety or maintenance issue with the electric scooter. Licensee shall immediately take the scooter out of service upon receipt of notice that there is a safety or maintenance issue, and shall not return the scooter to service until licensee has resolved the safety or maintenance issue.

- (i) Electric scooter standards. Any electric scooter made available for rent by licensee must meet the following requirements:

- (1) Each electric scooter shall meet the requirements described in Wis. Stats. §§ 340.01(15ps), 347.489(1), 347.489(2), and 347.489(3).
- (2) Each electric scooter shall include easily visible contact information, including a toll-free phone number and email address for members of the public to make relocation requests or to report other issues with the electric scooters.
- (3) Each electric scooter shall be inspected by licensee at least once per month. The inspection shall include, at a minimum, a check of the brake function and brake-level wear. Any electric scooter deemed unsafe or inoperable shall be placed out of service immediately. Licensee shall maintain records of its inspections, which shall be open to the City for inspection upon reasonable request.
- (4) Each scooter shall be equipped with wheel-lock technology to prevent unauthorized use.

- (5) Each scooter shall be assigned a unique identifying number (which is clearly labeled on the electric scooter), which shall be provided to the City Clerk prior to making the electric scooter available for rental in the City.
- (j) Data and reporting. Licensee shall provide data reasonably requested by the City of Fond du Lac to assist with monitoring program usage.
- (k) Assist with user compliance. In addition to the requirements set forth above, licensee shall take any additional steps reasonably requested by the City to ensure appropriate usage of electric scooters by its users.

**Section 242-6. Suspension or revocation of license.**

- (a) A license may be suspended or revoked by the City Clerk or their designee for any of the following reasons:
  - (1) Failure to comply with any of the provisions of this article;
  - (2) If a licensee owes \$500.00 or more to the City of Fond du Lac related to the relocation of licensee's electric scooters;
  - (3) Violating any state statutes or City Code provisions;
  - (4) By request of the City Manager, City Attorney, Police Chief, Director of Community Development, Director of Public Works, or their designees, when said request provides evidence of the reasons in the subsections above.
- (b) The City will provide the licensee with written notice of suspension or revocation of a license under the provisions of this chapter. Within five business days of receipt of the written notice, licensee shall remove their electric scooters from the City. If licensee does not remove their electric scooters from the City during this time period, the City may remove the electric scooters in accordance with Section 242-5.



- (c) Any licensee whose license has been suspended or revoked under the provisions of this subsection may appeal said suspension or revocation to the Advisory Parking and Traffic Board by providing written notice to the City Clerk. The Advisory Parking and Traffic Board will conduct a hearing within 30 days of receipt of a written appeal.

**Section 242-7. Unlicensed electric scooter rentals.** In the event that a person or business commences short-term commercial rental of electric scooters to the public in the City without having first obtained a license in accordance with this section, the City may, without advance notice, take possession of any unauthorized electric scooters in the right-of-way. The City shall provide notice to the unauthorized person or business that it has taken possession of the electric scooters and invoice the unlicensed person or business the rate for relocating an electric scooter set in Section 242-5(b)(5). The unlicensed person or business may appeal fees imposed by this subsection to the Advisory Parking and Traffic Board by providing written notice to the City Clerk within 10 business days of receiving notice of a fee. If the unlicensed person or business does not appeal the fees imposed, or make payment within 45 days of receipt of invoice, the City may dispose of any electric scooters belonging to the unlicensed person or business in its possession. Any proceeds from the disposition shall be used to offset the unlicensed person or business's unpaid fees. Any costs from the disposition shall be billed to the unlicensed person or business.

**Section 242-8. Violations and penalties.** Any person who violates any provision of this chapter will, upon conviction, pay a forfeiture as described in § 1-4 of this Code. Each day during which a violation of this chapter is permitted to exist will be deemed to be a separate violation.

**Section 2.** The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 3.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

**ADOPTED:**

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Kay Miller, President  
Fond du Lac City Council

Attest:

City Attorney:

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Margaret Hefter, City Clerk

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