



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Michael Rouker, City Attorney
RE: Motorized Scooter Ordinance
DATE: March 25, 2019

INTRODUCTION

During September 2019, with little or no notice, Bird and Lime shared-use motorized scooters were dropped off in Bloomington and became a brand new mobility option for the City. Spin scooters has now entered the mix, and more companies are likely to follow. Ordinance 19-09 establishes a regulatory framework for these shared-use mobility options. Bloomington is far from the only City working to develop regulations that govern motorized scooters. In Indiana alone, Indianapolis, Lafayette, and South Bend are developing their own regulatory structures, as are other, similar prominent cities throughout the country. In November, the City negotiated interim operating agreements with Lime and Bird as a stop-gap measure while Ordinance 19-09 was prepared. If the Common Council opts to pass Ordinance 19-09, the interim operating agreements will, by their terms, be obsolete. As shared-use motorized scooters remain a very new mobility option, the City anticipates that it will continue to learn more about the challenges they pose and intends to be nimble when developing appropriate scooter policies.

SCOPE

Ordinance 19-09 regulates “motorized scooters,” “shared-use motorized scooters,” and “shared-use motorized scooter operators.” The term “motorized scooter” covers all e-scooters, whether privately owned or owned by an entity that rents e-scooters to the public. “Shared-use motorized scooters” are those scooters owned by entities in the business of leasing them to the public for profit. “Shared-use motorized scooter operator” is the term used for those businesses that hold out shared-use motorized scooters for rent.

SUBSTANTIVE TERMS

Ordinance 19-09 adds and amends multiple sections of Title 15 and creates a regulatory structure governing motorized scooters and shared-use motorized scooter companies.

Licensing

By law, shared-use motorized scooter operators cannot conduct their business within the public right-of-way without obtaining permission from the City. Ordinance 19-09

requires scooter companies to obtain a license from the Board of Public Works in order to operate their business in the public right-of-way. Licenses must be renewed annually and may be revoked by the Board if an operator violates the terms of the ordinance or any other federal, state, or local law. In order to obtain a license, scooter companies must submit an application that contains the information detailed in proposed Section 15.58.040(d). Every license application will be discussed and then approved or denied during a public meeting.

Ordinance 19-09 commands the Board of Public Works to establish the cost of a license and to determine how many scooters a shared-use motorized scooter operator may deploy upon obtaining a license. One of the advantages of allowing the Board to establish licensing fees is that the Board is well-situated to adjust fees if the City's expenses associated with regulating scooters are out of line with the fees being paid by scooter companies. Similarly, the Board is able to regulate the quantity of scooters in the right-of-way and should be well situated to adjust the number of scooters based on the City's experience.

Motorized Scooter Parking

Ordinance 19-09 sets clear rules governing shared-use motorized scooter parking. There are two sets of rules—the rules that apply in the dismount zone and the rules that apply in all other parts of the City. As a reminder the dismount zone (which was established as part of the Council's bike legislation) is as follows:

- Fourth Street - from Indiana to Grant
- Kirkwood – from Indiana to Morton
- Sixth Street – from Walnut to Morton
- Walnut Street – from Fourth to Seventh
- College Avenue – from Fourth to Seventh

Within dismount zones, scooter parking is restricted to (1) painted boxes or (2) bike racks. Staff has been working to identify parking spaces within the dismount zone that may be optimal to convert to painted boxes. Because scooters (as well as bicycles and coasters) are prohibited to be ridden on sidewalks within the dismount zones, painted boxes send an appropriate message that scooters should remain parked and be operated exclusively on the streets in these areas. They also present a unique opportunity for public art.

In all areas other than the dismount zone, shared-use motorized scooters may be parked on sidewalks or at bike racks as long as they comply with the following rules:

- Scooters must be parked upright
- Scooters may not be parked to restrict the minimum clear straight pathway to less than 54 inches
- Scooters may not be parked so as to impede ADA access

- Scooters may not be parked so as to obstruct any of the items identified within 15.58.050(d)(3)

It is also important to note that staff is monitoring legislation that may pre-empt some of these parking restrictions, and particularly those restrictions applicable within the dismount zone.

Motorized Scooter Use

Ordinance 19-09 also regulates motorized scooter use, and particularly their use upon sidewalks. These regulations should be familiar, as they track the regulations the Council carefully enacted for bicyclists. These are:

- Yield the right-of-way to pedestrians
- Pass a pedestrian traveling on the same sidewalk or path at a distance of at least three feet
- Dismount when passing a person with a visual impairment
- Give an audible signal before passing a pedestrian traveling in the same direction as the scooter
- Scooters may not be operated within dismount zones
- Scooters are prohibited from being used or parked on streets where a special event is being held

Staff felt that a couple of provisions were important enough that they are given their own sections. First, shared-use motorized scooters may only be operated by persons who are at least 18 years old. Second, double riding is prohibited.

Scooters are permitted upon all sidewalks and trails outside of the dismount zone and are permitted upon roadways under state law.

Equipment and Safety

Ordinance 19-09 requires shared-use motorized scooters to be governed so that they operate at a speed no greater than 15 miles per hour. Shared-use scooters are required to have certain information displayed on the scooters themselves, which information is detailed in Section 15.58.090(d). In addition, all shared-use scooters must be equipped with an audible signaling device, appropriate lights, and proper breaks.

Ordinance 19-09 further requires that shared-use scooters be capable of being immediately and remotely locked down by a scooter company upon any report that the scooter is defective. Upon any report of a physical defect in a scooter, a scooter company must collect the scooter within two hours and then may only re-deploy the scooter after a proper evaluation. Finally, Ordinance 19-09 restricts the hours that scooters may be operated so that they may not be held out for rent between the hours of 10:01 PM and 5:59 AM.

Data

Ordinance 19-09 requires that scooter companies share real-time data with the City and also that they provide monthly reports to the City. Real-time data is required to be reported in Mobility Data Specification (MDS) format, which is a nationally utilized open-source format for reporting real-time information on scooters, including location, condition, and use.

Ordinance 19-09 also requires that scooter companies send monthly reports to the City that include data on each scooter trip taken, scooter collisions and accidents, and unauthorized parking.

All information shared with the City by scooter companies must be anonymized, and under no circumstance may a scooter company share any personally identifiable information with the City. However, with regard to the data required by this ordinance, the City has the sole discretion to determine whether or not to share that data with the public at large.

Public Outreach

Ordinance 19-09 also obligates scooter companies to engage in certain public outreach programs. In its current form, the ordinance imposes four requirements: (1) that the company provide a Bloomington-specific notice to users through its mobile application regarding local regulations and best practices; (2) that scooter companies develop a Bloomington specific webpage detailing local scooter regulations and best practices; (3) that scooter companies engage in on-the-ground safety campaigns at least twice per year; and (4) that scooter companies make available, at no expense and at a local location, helmets that may be procured by their users.

Scooter companies must submit the details of these public outreach programs as part of their license application, and the program may be approved or rejected by the Board of Public Works.

Affordability and Accessibility

Section 15.58.130 of Ordinance 19-09 requires shared-use motorized scooter companies to provide a 50% price discount to any members of the public who can demonstrate participation in any federal, state, or local assistance program. The 50% discount must be applied to any and all charges associated with renting a shared-use motorized scooter. In addition, Ordinance 19-09 authorizes the Board of Public Works to impose additional affordability or accessibility requirements at its discretion.

Enforcement

There are three general enforcement mechanisms present in Ordinance 19-09: fines directed at users, fines directed at scooter companies, and impoundment. The fines

directed at scooter users are identical to the fines in place for bicyclists who violate any of the provisions of Title 15, whether the violation is related to use or to parking. For illegal scooter use, the fine is \$20. For illegal scooter parking, the fine is either \$30 or \$60, depending upon when it is paid.

With the exception of illegal parking, other fines directed at scooter companies are more substantial and instead reference the general penalty provision of the City Code, which authorizes fines up to \$2,500 per violation (the statutory maximum). Impoundment fees are set at \$100 for impoundment, \$10 per day of storage, and \$150 if disposal is necessary. The City is permitted to immediately move or impound any scooter that is improperly parked or poses any public hazard. In addition, the City reserves the right to revoke a shared-use motorized scooter company's license if it violates the terms of the ordinance.

ORDINANCE 19-09

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC”**

- **Re Amending Chapter 15.04 (Definitions), 15.56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators**

WHEREAS, during September 2019, with little or no notice, shared-use motorized scooters (or e-scooters) arrived in Bloomington; and

WHEREAS, during the weeks following their arrival, the City of Bloomington (hereafter “the City”) negotiated interim operating agreements governing shared-use motorized scooters until such time as the Common Council passed an ordinance regulating shared-use motorized scooters; and

WHEREAS, Ordinance 19-09 is now ready for the Council’s consideration and will supersede the interim operating agreements as a more permanent measure governing shared-use motorized scooters; and

WHEREAS, the City has a fundamental responsibility to ensure safe passage in the public right-of-way in order to protect and promote health, safety, and welfare; and

WHEREAS, the City is charged with managing commerce that takes place in the public right-of-way; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are operated in a manner that is safe for all riders, pedestrians, and drivers; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are parked in a manner that does not clutter the public right-of-way or obstruct access for pedestrians, cars, bicycles, or buses; and

WHEREAS, the City wants to encourage, foster, and provide for new and innovative transportation options for Bloomington residents and visitors; and

WHEREAS, shared-use motorized scooters provide a transportation alternative to private, single-occupant vehicles and therefore have the potential to relieve traffic congestion, reduce carbon emission, and improve air quality; and

WHEREAS, effective and responsible regulation of shared-use motorized scooters helps to ensure that these new transportation options improve mobility for the Bloomington community while also incentivizing responsible behavior, creating local jobs, and compelling accountability;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1: Chapter 15.04 of the Bloomington Municipal Code shall be amended by adding new Sections 15.04.055, 15.04.056, and 15.04.145, whose titles shall be incorporated into the table of contents for the Chapter and whose content shall read as follows:

15.04.055 Dismount zone.

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

15.04.056 Motorized scooter.

“Motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, and with a floorboard for the user to stand upon. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

15.04.145 Shared-use motorized scooter.

“Shared-use motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, with a floorboard for the user to stand upon, and that is held out for rent, lease, or otherwise made available for use by members of the public. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

SECTION 2. Chapter 15.04 of the Bloomington Municipal Code shall be amended such that existing Sections 15.04.055 (“Multiuse path”) and 15.04.056 (“Multiuse trail”) are renumbered to Section 15.04.057 (“Multiuse path”) and Section 15.04.058 (“Multiuse trail”). The table of contents for this Chapter shall reflect the same.

SECTION 3. A new chapter, Chapter 15.58 “Motorized Scooters and Shared-Use Motorized Scooters,” shall be added to Bloomington Municipal Code and shall be added to the table of contents for Title 15. The new chapter shall read as follows:

Chapter 15.58
MOTORIZED SCOOTERS AND SHARED-USE MOTORIZED SCOOTERS

Sections:

15.58.010 – Definitions.

15.58.020 – Scope.

15.58.030 – Applicability of state laws.

15.58.040 – License

15.58.050 – Parking.

15.58.060 – Motorized scooter use.

15.58.070 – Age.

15.58.080 – Single rider permitted.

15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.

15.58.100 – Lock down and removal from the public right-of-way.

15.58.110 – Data sharing.

15.58.120 – Public outreach.

15.58.130 – Affordability and accessibility.

15.58.140 – Removal, impoundment, storage, and disposal.

15.58.150 – License revocation.

15.58.160 - Violations and penalty.

15.58.010 – Definitions.

The following definitions shall apply throughout this Chapter.

“Shared-Use Motorized Scooter Operator” means an individual or entity that leases, rents, or otherwise makes available shared-use motorized scooters, whether or not for profit. The term does not include individual, private owners of motorized scooters who are not engaged in the business or renting, leasing, or otherwise making motorized scooters available to members of the public at large.

15.58.020 – Scope.

Shared-use motorized scooter operators shall comply with this Chapter. Except where indicated herein, this Chapter does not govern the private use of motorized scooters by individual motorized scooter owners who do not qualify as shared-use motorized scooter operators.

15.58.030 – Applicability of state laws.

Every person who operates a motorized scooter, whether said motorized scooter is a shared-use motorized scooter or not, upon any street, road, trail, path, or sidewalk shall be subject to state law concerning motorized scooters. Every person who operates a motorized scooter shall also be subject to all City ordinances except where the nature of motorized scooters renders said ordinances inapplicable to motorized scooter users.

15.58.040 – License.

- (a) It shall be unlawful to operate as a shared-use motorized scooter operator without first obtaining a license from the Board of Public Works.
- (b) Each shared-use motorized scooter operator shall pay license fees as established by the Board of Public Works. License fees may be updated from time-to-time by the Board of Public Works in order to properly reflect the City's expenses associated with allowing shared-use motorized scooters in the public right-of-way.
- (c) Licenses shall expire one year after issuance. In order to continue operating, a shared-use motorized scooter operator shall apply for a new license at least thirty (30) days prior to the expiration of its existing license. The Board of Public Works shall establish fees for renewal licenses, which may or may not be the same as the fees set forth for first-time licensees.
- (d) An application for a shared-use motorized scooter license shall be made on a form provided by the Board of Public Works, shall be signed by an authorized representative of the shared-use motorized scooter operator, and shall include, at a minimum, the following information:
 - (1) The maximum number of shared-use motorized scooters the shared-use motorized scooter operator may deploy within the corporate boundaries of the City during the applicable license term;
 - (2) A description of all shared-use motorized scooters that will be deployed, including the model, manufacturer, and color of each shared-use motorized scooter;
 - (3) Color photographs depicting the shared-use motorized scooter(s);
 - (4) A schedule of rates and charges that the applicant will charge to users;
 - (5) Detailed staffing and operational plans, including information regarding (i) local staffing and (ii) contractors the shared-use motorized scooter operator will utilize to perform services related to its shared-use motorized scooters;
 - (6) A GPS or GIS-based map depicting the proposed service area of the shared-use motorized scooters;
 - (7) A 24-hour customer service telephone number through which users and members of the public may contact the shared-use motorized scooter operator and that will be displayed on each shared-use motorized scooter;
 - (8) The shared-use motorized scooter operator's public outreach content, as required by Subsection 15.58.120(f);
 - (9) A signed agreement indemnifying the City on a form provided by the Board of Public Works;
 - (10) Proof of all insurance required by the Board of Public Works, including, if required, a bond;
 - (11) A signed agreement stating that during a special event the City may prohibit scooters from being located in or operated in those areas designated for the special event; and

(12) Any other information deemed necessary by the Board of Public Works.

- (e) Upon receipt of a completed license application and any required supporting documentation, the Board of Public Works shall either issue or deny the application for a license during a public meeting. In making this determination, the Board of Public Works shall, among other factors, consider the extent to which the applicant's prior or ongoing operations have complied with the law.
- (f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at a maximum, the number of shared-use motorized scooters authorized by the Board of Public Works. During license renewal, the Board of Public Works may increase or decrease the number of scooters a shared-use motorized scooter operator is permitted to deploy.
- (g) Any shared-use motorized scooter operator that operates without first having obtained a license or violates any provision of this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates any provision in this Chapter or any other condition imposed by the Board of Public Works may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.
- (h) If the Board of Public Works denies an application submitted by a shared-use motorized scooter operator, the Board shall issue written findings indicating the reasons for said denial. Any shared-use motorized scooter operator that has had its application denied may appeal said denial to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings.

15.58.050 – Parking.

- (a) Except as indicated herein, this Section applies to any motorized scooter, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Motorized scooters may be parked at any bike rack located in the public right-of-way.
- (c) Motorized scooters may be parked on the street within painted boxes that are specifically designated for scooters.
- (d) Motorized scooter parking is permitted on sidewalks with the following limitations.
 - (1) Motorized scooters shall be parked in an upright position.
 - (2) Motorized scooters shall be parked so as to leave a clear straight pathway at least fifty-four (54) inches wide.
 - (3) Motorized scooters shall not be parked so as to obstruct:
 - (A) Any parking space, including any parking access aisle;
 - (B) Any loading zone;
 - (C) Any curb ramp;
 - (D) Any public transportation infrastructure including, but not limited to, bus shelters, bus stop signs, or passenger waiting areas;
 - (E) Any driveway;
 - (F) Any entrance or exit from any building;
 - (G) Any fire hydrant, emergency call box, or other emergency facility;
 - (H) Any parking meter;

- (I) Any utility pole or utility box;
- (J) Any street furniture or newsrack; or
- (K) Any commercial window display.

(4) Motorized scooters shall not be parked so as to impede accessibility under the Americans with Disabilities Act (ADA), so as to impede access to accessible parking zones, or so as to impede access to parking spaces designated for persons with disabilities.

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone. However, motorized scooters may be parked at bike racks within the dismount zone, regardless of whether or not the bike rack is on the sidewalk.

(e) Motorized scooters shall not be parked on unimproved surfaces.

(f) No person shall park a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.

(g) Except within painted boxes that are specifically designated for scooter parking, motorized scooters shall not be parked upon any street or alley.

(h) Except as permitted by subsections 15.58.050 (b), (c), and (d), motorized scooters shall not be parked upon any public property. At its sole discretion, the Board of Public Works may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Public Works exercises jurisdiction. At its sole discretion, the Board of Park Commissioners may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Park Commissioners exercises jurisdiction. At its sole discretion, the Redevelopment Commission may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated property over which the Redevelopment Commission exercises jurisdiction.

(i) In order to verify compliance with the requirements of this Section, shared-use motorized scooter operators shall require shared-use motorized scooter users to take a photograph demonstrating the location of their parked scooter at the conclusion of their rental.

(j) The City may move any shared-use motorized scooter that is parked in violation of this Section to a location where the scooter may be lawfully parked. If the City opts to move an illegally parked shared-use motorized scooter to a legal parking position, the City may nonetheless assess any applicable fines in accordance with this Chapter.

(k) A violation of this Section shall be a Class D Traffic Violation which bears a penalty listed in Section 15.64.010(d). In addition, any shared-use motorized scooter parked in violation of this section and located so as to pose a hazard to public health and safety may be immediately removed and impounded by the City in accordance with Section 15.58.140. In accordance with Section 15.58.140, removal, impoundment, storage and/or disposal of a shared-use motorized scooter shall be a Class E Traffic Violation and shall subject the responsible shared-use motorized scooter operator to the penalty listed in Section 15.64.010(e).

15.58.060 – Motorized scooter use.

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:
 - (1) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall yield the right-of-way to any pedestrian.
 - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
 - (3) A person operating a motorized scooter upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
 - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
 - (5) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
 - (6) No person shall operate a motorized scooter on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
 - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.
 - (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
 - (9) Operating a motorized scooter on the sidewalks and within the crosswalks in any dismount zone is prohibited. Persons operating motorized scooters in these areas shall dismount.
- (c) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h).

15.58.070 – Age.

- (a) No person under the age of 18 shall be permitted to rent or operate a shared-use motorized scooter.
- (b) A violation of this Section shall be a Class G Traffic Violation and shall subject the individual or entity that permitted a person under the age of 18 to rent or operate a shared-use motorized scooter to the penalty listed in Section 15.64.010(h).

15.58.080 – Single rider permitted.

- (a) It is a violation of this Chapter for more than one person to be upon a shared-use motorized scooter at any time.
- (b) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h). This penalty shall be assessed against each individual who is violating this section.

15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.

- (a) All shared-use motorized scooters shall be compliant with all applicable American National Standards Institute (ANSI), ASTM International, and Consumer Product Safety Commission standards. If additional organizations similar to those listed in this subsection establish standards applicable to shared-use motorized scooters, the Board of Public Works may require that all shared-use motorized scooters comply with said additional standards.
- (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than fifteen (15) miles per hour.
- (c) All shared-use motorized scooters shall be assigned a unique identification number. The unique identification number must be visible to the user and to nearby pedestrians and must also identify the shared-use motorized scooter operator.
- (d) All shared-use motorized scooter operators shall display the following items conspicuously on each shared-use motorized scooter:
 - (1) The required 24-hour telephone number at which members of the public may contact the shared-use motorized scooter operator;
 - (2) The shared-use motorized scooter operator's website;
 - (3) Mobile application information of the shared-use motorized scooter operator;
 - (4) That users are encouraged to wear helmets;
 - (5) That users are required to obey all traffic laws;
 - (6) That users shall yield to pedestrians in the right-of-way; and
 - (7) That users must follow proper parking procedures.
- (e) All shared-use motorized scooters shall be equipped with a bell, horn, or other lawful signaling device.

- (f) All shared-use motorized scooters shall be equipped with the following:
- (1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front;
 - (2) A lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear or a red reflector visible from a distance of at least five hundred (500) feet to the rear; and
 - (3) A brake enabling a person who operates a shared-use motorized scooter to make the braked wheels skid on dry, level, clean pavement.
- (g) All shared-use motorized scooters shall be capable of being remotely locked down by the shared-use motorized scooter operator upon any report that the shared-use motorized scooter is not operating properly, pending a proper evaluation of the scooter.
- (h) All shared-use motorized scooters shall be maintained in a reasonably clean condition and proper working condition.
- (i) Shared-use motorized scooters shall not be made available for use by the public between the hours of 10:01 P.M. and 5:59 A.M. However, a shared-use motorized scooter ride that is initiated prior to 10:01 P.M. may be continued until it is completed, even if said ride is not completed until after 10:01 P.M. At the conclusion of any such ride, the shared-use motorized scooter that was utilized shall not again be made available for use by the public before 6:00 A.M.
- (j) All shared-use motorized scooters must meet any and all additional standards required by the Board of Public Works.
- (k) Any shared-use motorized scooter operator that deploys a scooter in violation of this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

15.58.100 – Lock down and removal from the public right-of-way.

- (a) Any shared-use motorized scooter that is reported to a shared-use motorized scooter operator as unsafe to operate or as inoperable shall be immediately and remotely locked down by the shared-use motorized scooter operator, pending a proper evaluation of the scooter.
- (b) Any shared-use motorized scooter that is reported as unsafe to operate or inoperable shall be removed from the public right-of-way by the shared-use motorized scooter operator within two (2) hours of the shared-use motorized scooter operator's receiving notice of the defect or inoperability.
- (c) Any shared-use motorized scooter that is not removed from the public right-of-way by the shared-use motorized scooter operator as required by this Chapter may be removed and impounded in accordance with Section 15.58.140 and penalties may be assessed to the shared-use motorized scooter operator in accordance therewith.
- (d) In addition, any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code and may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

15.58.110 – Data sharing.

(a) Shared-use motorized scooter operators shall provide the City with anonymized real-time data in accordance with this subsection.

(1) Shared-use motorized scooter operators shall provide the City with Application Programming Interface (API) access to real-time information on their entire Bloomington fleet that comports with the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) standards, or any broadly adopted similar standards that are developed subsequent to the adoption of this subsection.

(2) Shared-use motorized scooter operators shall further provide the City with any additional real-time information that may be required by the Board of Public Works.

(3) All information provided by shared-use motorized scooter operators pursuant to this subsection may be displayed by the City and may be published by the City so that it is available to the public.

(b) Shared-use motorized scooter operators shall also provide the City with anonymized monthly reports in compliance with this subsection.

(1) Each monthly report shall contain anonymized data for each recorded shared-use motorized scooter trip, including, at a minimum:

- (A) An identification number identifying which shared-use motorized scooter was utilized for each trip;
- (B) Trip duration;
- (C) Trip distance;
- (D) Trip start date and start time;
- (E) Trip end date and end time;
- (F) Trip start location;
- (G) Trip end location; and
- (H) The actual cost of the trip charged to the user in cents.

(2) Each monthly report shall contain an anonymized record of shared-use motorized scooter collisions and accidents. Said report shall:

- (A) Identify the shared-use motorized scooter involved by identification number;
- (B) State the date and time of the collision or accident; and
- (C) State the location of the collision or accident;

(3) Each monthly report shall contain a record of any shared-use motorized scooter moved or removed by the shared-use motorized scooter operator due to unauthorized parking.

(4) Each monthly report shall contain any such other information as may be required by the Board of Public Works.

(5) The monthly reports submitted pursuant to this section may be published by the City so that they are available for the public to review.

- (c) Shared-use motorized scooters operators shall distribute to their users customer surveys regarding customer service and program evaluation, as may be required from time to time by the Board of Public Works.
- (d) Any and all information provided by a shared-use motorized scooter operator pursuant to this Section shall be anonymized so that individual shared-use motorized scooter users cannot be identified. Shared-use motorized scooter operators shall not share any personally identifiable information with the City or with an entity that is associated with the City.
- (e) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

15.58.120 – Public outreach.

- (a) Each shared-use motorized scooter operator shall comply with the public outreach requirements of this Section.
- (b) Prior to any person's first use of a shared-use motorized scooter, a shared-use motorized scooter operator shall provide notice to each user through a Bloomington-specific mobile application regarding:
 - (1) The City's local regulations governing legal shared-use motorized scooter use;
 - (2) The City's local regulations governing legal shared-use motorized scooter parking; and
 - (3) Best practices concerning safe and courteous shared-use motorized scooter use.
- (c) Each shared-use motorized scooter operator shall develop a Bloomington-specific page on its website. Said page shall include, at a minimum, the following:
 - (1) The City's local regulations governing legal shared-use motorized scooter use;
 - (2) The City's local regulations governing legal shared-use motorized scooter parking;
 - (3) The City's affordability and accessibility requirements; and
 - (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (d) Two times per year, each shared-use motorized scooter operator shall engage in a week-long on-the-ground safety campaign designed to target areas of peak shared-use motorized scooter usage. The safety campaign described herein shall include, at a minimum, education on the following:
 - (1) The City's local regulations governing legal shared-use motorized scooter use;
 - (2) The City's local regulations governing legal shared-use motorized scooter parking;
 - (3) The City's affordability and accessibility requirements; and

- (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (e) Year-round, shared-use motorized scooter operators shall make available, at no charge and at a local location, helmets that may be procured by shared-use motorized scooter users.
- (f) Each shared-use motorized scooter operator shall submit the content in its mobile application, the details of its on-the-ground safety campaign, the content of its Bloomington-specific webpage, and the details of its helmet distribution plan as part of the license application that is submitted to the Board of Public Works. The Board of Public Works shall review and then either approve or require revision of said submission.
- (g) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

15.58.130 – Affordability and accessibility.

- (a) Shared-use motorized scooter operators shall provide a fifty percent (50%) price discount to members of the public who can demonstrate participation in any local, state, or federally-administered assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or the Supplemental Nutrition Assistance Program (SNAP). The fifty percent (50%) discount required by this Section shall be applied to any and all fees and rates imposed by a shared-use motorized scooter operator including, but not limited to, any unlocking charge or per-minute usage fee.
- (b) As a condition of obtaining the license required in Section 15.58.040 and with the goal of making shared-use motorized scooters a mobility option for all Bloomington residents, the Board of Public Works may impose additional affordability and/or accessibility requirements on shared-use motorized scooter operators.
- (c) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

15.58.140 – Removal, impoundment, storage, and disposal.

- (a) Any shared-use motorized scooter that poses a hazard to public health and safety may be immediately removed and impounded by the City. The City may dispose of any shared-use motorized scooter that has been impounded and stored by the City for a period of one-hundred eighty (180) or more days. Removal, impoundment, storage and disposal of a shared-use motorized scooter shall be a Class E Traffic Violation and shall subject the responsible shared-use motorized scooter operator to the penalty listed in Section 15.64.010(e).
- (b) A shared-use motorized scooter operator may seek to recover any costs for removal, impoundment, storage, and/or disposal assessed by the City from the private individual or entity responsible for causing the hazard to public health and safety.

15.58.150 – License revocation.

The Board of Public Works may revoke a shared-use motorized scooter operator’s license at any time if it finds that one of the following conditions exists:

- (a) The shared-use motorized scooter operator has failed to comply with the requirements of this Chapter, including, but not limited to, requirements regarding parking, age of users, scooter condition, scooter equipment, scooter appearance, maintenance, lock-down, removal, data reporting, public outreach, or affordability and accessibility.
- (b) The shared-use motorized scooter operator has failed to comply with other reasonable requirements imposed by the Board of Public Works.
- (c) The shared-use motorized scooter operator has violated any federal, state, or local law or regulation.
- (d) Before the Board of Public Works revokes a shared-use motorized scooter operator's license under this Section, it shall conduct a hearing to consider the evidence supporting said revocation. Following the hearing, the Board shall issue written findings of fact. The Board's decision may be appealed to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings of fact.

15.58.160 - Violations and penalty.

- (a) Unless a provision refers to another penalty, a violation of any provision of this chapter by an individual using a motorized scooter, whether such scooter is a shared-use motorized scooter or not, shall be a Class G Traffic Violation and is subject to the penalty listed in 15.64.010(h). Except for those violations which, by their very nature, can occur more than once in one day, each day that a violation continues shall constitute a separate violation.
- (b) Unless a provision refers to another penalty, a violation of any provision of this chapter by a shared-use motorized scooter operator shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator who violates this chapter may be penalized with the revocation of the shared-use motorized scooter operator’s license in accordance with Section 15.58.150.

SECTION 4. Subsection 15.56.080(a) of the Bloomington Municipal Code is amended to add the words “or motorized scooters” at the end of the subsection, such that the subsection shall read as follows:

“Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the preferential use of persons riding bicycles or motorized scooters.”

SECTION 5. Subsection 15.60.090(a)(4) of the Bloomington Municipal Code is amended by replacing the words “or motor-assisted scooter” with “, motorized scooter or shared-use motorized scooter” such that the entire provision shall read as follows:

“(4) A person operating a motorcycle, moped, motor-driven cycle, motorized scooter or shared-use motorized scooter.”

SECTION 6. Subsection 15.64.010(d) of the Bloomington Municipal Code is amended to add the following:

Fine:	<p>Until December 31, 2018: \$20.00, \$40.00 (depending upon when paid)</p> <p>On and After January 1, 2019: \$30.00, \$60.00, depending on when paid</p>	
Covers:	15.58.050	Motorized scooter parking

SECTION 7. Subsection 15.64.010(e) entitled “Class E Traffic Violations” (Shared-use motorized scooter, impoundment and storage) is added to the Bloomington Municipal Code, and shall read as follows:

(e) Class E Traffic Violations (Shared-use motorized scooter, impoundment and storage)

Fine:	\$100.00, plus \$10.00 per day storage, plus \$150.00 for disposal	
Covers:	15.58.140	Shared-use motorized scooter, impoundment and storage

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the city clerk's office within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The city clerk, or his or her designee(s), shall hear all appeals of Class E traffic violation citations.

(B) The following persons shall have the authority to declare any traffic violation citation valid, null and void, or to reduce the fine imposed upon the showing of extenuating circumstances: the City Clerk, or his or her designee; the Parking Enforcement Manager, or his or her designee; or, the Parking Services Director, or his or her designee. The City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees may reduce a fine to a warning or void a citation in circumstances in which the recipient of the citation does not appeal the citation within the requisite fourteen-day period and where the recipient of such citation can demonstrate extenuating circumstances.

(C) If the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, declare a traffic violation citation to be null and void, then the traffic violation citation shall be dismissed from further prosecution.

(D) If the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, declare a traffic violation citation to be valid, then the traffic violation citation shall be due and payable as

determined by the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees.

(E) The decision of the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 8. Subsection 15.64.010(h) of the Bloomington Municipal Code shall be amended by deleting the title “(Bicycle safety violations)” and replacing it with “(Bicycle and motorized scooter safety violations)” to add the following:

Fine:	\$20.00	
Covers:	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider

SECTION 9. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. This ordinance shall be in full force and effect beginning July 1, 2019.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 19-09 establishes regulations governing motorized scooters and entities that rent motorized scooters to the public. The ordinance requires safe scooter use by setting a top permitted scooter speed of fifteen miles per hour, prohibiting double-riding, establishing eighteen as the minimum age to rent a scooter, and mandating that scooters be maintained in a safe condition. Ordinance 19-09 clarifies that motorized scooters, like bicycles, may be used on sidewalks except in dismount zones. In most places, motorized scooter parking is permitted on sidewalks, provided that the scooter does not restrict minimum straight clear passage to less than 54 inches and does not otherwise block a facility. However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes and bike racks. The ordinance establishes penalties for violations by motorized scooter users and entities that rent scooters to the public, up to and including impoundment and disposal of scooters.