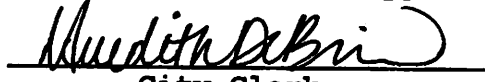


OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
City Hall

I hereby certify that this is a true copy
of a document from the Common Council
proceedings of the City of Sheboygan.


City Clerk

DIRECT REFERRAL TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

Gen. Ord. No. 43 - 20 - 21. By Alderpersons Sorenson and Dekker.
April 14, 2021.

AN ORDINANCE regulating the rental and operation of electric scooters
in the City of Sheboygan.

WHEREAS, Bird Rides, Inc. ("Bird") has expressed interest in operating
an electric scooter rental business in the City of Sheboygan (the "City");
and

WHEREAS, throughout the United States, when one electric scooter rental
business begins operations in a city, it is not unusual for other electric
scooter rental businesses to follow; and

WHEREAS, unregulated electric scooter rentals can have adverse impacts
on public health, safety, and welfare; and

WHEREAS, Wis. Stat. § 349.237 permits the Common Council of the City to
regulate the rental and operation of electric scooters in the city; and

WHEREAS, the Common Council finds that this Ordinance, which regulates
the rental and operation of electric scooters in the city, is appropriate to
protect the public health, safety, and welfare by preventing or mitigating
against any adverse impact that electric scooter rental and operation may
have.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The title of Chapter 118, Article VIII of the Municipal
Code is hereby amended to "Bicycles, Tricycles, Motorized Vehicles,
Skateboards, Roller Skates, Roller Blades, In-Line Skates, and Electric
Scooters."

Section 2. Chapter 118, Article VIII, Division 3 of the Municipal Code
is hereby created to read as follows:

"DIVISION 3. ELECTRIC SCOOTERS

Sec. 118-481. *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.

Sec. 118-482. *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:

Boardwalk means the public walkways and pier extensions along the north bank of the Sheboygan River northerly and easterly of the Eighth Street Bridge.

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.

Sec. 118-483. *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 twenty-five (25) miles per hour.
- (b) No person shall operate an electric scooter on any sidewalk under the City's jurisdiction.
- (c) No person shall operate an electric scooter on the boardwalk.
- (d) No person shall operate an electric scooter on the North Pier or the South Pier.

- (e) Electric scooters may be operated on any roadway under the City's jurisdiction having a speed limit of twenty-five (25) miles per hour or less, and on recreational trails under the City's jurisdiction.

Sec. 118-484. *Parking of Electric Scooters.*

- (a) Electric scooters shall be parked in an upright position, with 2 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 (5) 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 (3) 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).

Sec. 118-485. *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 blanks furnished by the 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 fifty (50) miles of the city.
- (3) The applicant shall include a copy of their user agreement and privacy policy with the application.
- (4) Insurance.
 - a. The applicant shall include a certificate of insurance with the application that meets the requirements of this provision.
 - b. The applicant's insurance shall provide that the City of Sheboygan will receive a thirty (30) day written notice of cancellation, non-renewal, or material change by any insurer providing coverage required by this provision.
 - c. Insurance companies must have a current A.M. Best rating of A-VII or better.
 - d. Applicant's insurance policy limits shall meet at least the following requirements:
 1. Workers' Compensation (only required if the applicant employs persons within the State of Wisconsin) - Statutory Limits

2. Commercial General Liability Insurance - \$1,000,000 per occurrence and \$2,000,000 in the aggregate
 3. Auto Liability - \$1,000,000 per occurrence
- e. The City of Sheboygan shall be listed as an additional insured on the applicant's Commercial General Liability Insurance policy.
 - f. If applicant uses subcontractors for maintenance, rebalancing, or any other aspects of the applicant's commercial electric scooter rental business, the subcontractor must be covered by applicant's insurance or applicant must demonstrate the subcontractor independently meets the insurance provisions of this requirement.
- (5) Indemnification. The applicant shall agree to indemnify, defend, and hold the City of Sheboygan (and the City's officers, employees, and agents) harmless from and against all actions, damages, or claims brought against the City of Sheboygan 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.
 - (6) 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.
 - (7) Granting Licenses. The city clerk shall issue a license under this section 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. In reviewing the application, the city clerk shall consider any input from the city administrator, the city attorney, the police chief, the director of planning and development, or their designees. If the clerk denies a license, the applicant may appeal said denial to the licensing, hearing, and public safety committee of the common council.
 - (8) 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.

(c) *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 three hundred scooters available for rent within the city at any one time without the approval of the licensing, hearing, and public safety committee of the common council.
- (2) *Hours of Operation.* No licensee shall make electric scooters available for rent before 4:00 a.m. or after midnight.
- (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 (5) feet wide shall at all times be kept open for pedestrians.
 - c. Use geofencing to prohibit parking in areas in which parking is prohibited by this division.
 - d. Upon notification by the city administrator or a designee to the operations manager 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 (3) 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.

The City of Sheboygan 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.

- e. Licensees may appeal fees imposed by subdivision d., above, to the licensing, hearings, and public safety committee by providing written notice to the city clerk within ten (10) business days of receiving notice of a fee.
 - f. Licensees that owe \$500.00 or more to the City of Sheboygan related to the relocation of licensee's electric scooters shall, upon five (5) business days written notice, have their license suspended until the total amount owed has been paid. Prior to the expiration of the five (5) business days' notice, licensee shall remove their electric scooters from the city or shall make payment to the City. If licensee does not remove their electric scooters from the city or make payment to the City during this time period, the City may remove the electric scooters pursuant to subsection (e).
- (5) 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.
- (6) Snow Events.
- a. The licensee shall ensure that their electric scooters do not impede City of Sheboygan or resident snow removal and ice control operations.
 - b. In the event that the City of Sheboygan declares a snow emergency under section 42-104, the licensee shall ensure that its electric scooters are removed from the right of way for the duration of the snow emergency.
- (7) 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 (3) business days of the change.
- (8) Website or Mobile Application. If the licensee operates a website or smartphone application, the website and smartphone application shall:

- a. Notify users that: (i) helmet use is encouraged while riding an electric scooter, (ii) sidewalk riding is prohibited, (iii) users are required to follow all rules of the road, and (iv) scooters must be parked responsibly.
 - b. 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.
- (9) Electric Scooter Standards. Any electric scooter made available for rent by licensee must meet the following requirements:
- a. Each electric scooter shall meet the requirements described in Wis. Stat. §§ 340.01(15ps), 347.489(1), 347.489(2), and 347.489(3).
 - b. 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.
 - c. 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.
 - d. Each scooter shall be equipped with wheel-lock technology to prevent unauthorized use.
 - e. Geofencing shall be used to prohibit usage in areas prohibited by this division.
 - f. 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.

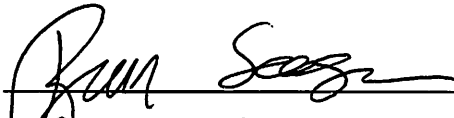
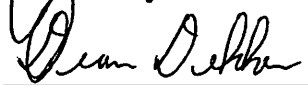
- (10) Data and Reporting. Licensee shall provide data reasonably requested by the City of Sheboygan to assist with monitoring program usage.
 - (11) Assist with User Compliance. In addition to the requirements set forth above, licensee shall take any additional steps reasonably requested by the City to ensure appropriate usage of electric scooters by its users.
- (d) *Suspension or Revocation of License.*
- (1) A license may be suspended or revoked by the city clerk or their designee for any of the following reasons:
 - a. Failure to comply with any of the provisions of this article;
 - b. Violating any state statutes or City Code provisions;
 - c. By request of the city administrator, city attorney, police chief, director of planning and development, or their designees, when said request provides evidence of the reasons in subdivisions a. or b. above.
 - (2) Any licensee whose license has been suspended or revoked under the provisions of this subsection may appeal said suspension or revocation to the licensing, hearings, and public safety committee of the common council by providing written notice to the city clerk. The licensing, hearings, and public safety committee shall conduct a hearing within thirty (30) days of receipt of a written appeal.
- (e) *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 subdivision (c)(4)d., above. The unlicensed person or business may appeal fees imposed by this subsection to the licensing, hearing, and public safety committee by providing written notice to the city clerk

within twenty (20) business days of receiving notice of a fee. If the unlicensed person or business does not appeal the fees imposed, or make payment within forty-five (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.

Sec. 118-486. *Penalties.*

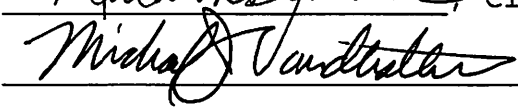
- (a) The forfeitures for violations of sections 118-483 and 118-484 shall be not less than \$0 and not more than \$25. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.
- (b) The forfeiture for violations of section 118-485 shall be not less than \$50 and not more than \$500 per occurrence.
- (c) For the avoidance of doubt, citations for violations of Wis. Stat. § 346 which arise out of the operation of an electric scooter may be issued pursuant to section 118-1."

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 19th day of April, 2021.

Dated April 20, 2021.  City Clerk

Approved April 20, 2021.  Mayor

Published April 24, 2021.

Certified April 20, 2021 to - Atty.; CA.; Police Dept.