

PERMANENT RECORD

ORDINANCE G-2019-19

Amended

PASSED

INTRODUCING: Michelle Mercer

AN ORDINANCE CREATING CHAPTER 10.60 (REGULATION OF E-SCOOTERS) OF THE EVANSVILLE MUNICIPAL CODE

WHEREAS, the City of Evansville currently regulates vehicles and traffic, bicycles, and other various modes of transportation within City limits;

WHEREAS, the Common Council of the City of Evansville deems it necessary and proper to regulate electric scooters within the City; and

WHEREAS, the regulation of electric scooters is necessary and proper in order to preserve the health, safety, welfare, and quality of life of the City's citizens.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Evansville, Indiana as follows:

Section 1. Addition of Chapter 10.60 of the Code. Chapter 10.60 of the Evansville Municipal Code shall be added and included as a new chapter in the Code as follows:

Chapter 10.60 – Regulation of E-Scooters

10.60.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

“BPW” means the City’s Board of Public Works.

“City” means the City of Evansville, Indiana.

“City parking official” means any person granted the authority to issue parking citations on behalf of the City.

“Company” means a person or entity that provides, or otherwise makes available to the public, E-Scooters to be used by the public on a temporary basis for payment.

“Deploy” means all E-Scooters, including those impounded or towed, that are made available by a licensed Company for public use.

“E-Scooter” means a wheeled device with a floorboard and handlebars, designed to be stood upon when riding, that is powered by electricity. E-Scooter does not include a device used to aid a person with a disability recognized by the Americans with Disabilities Act.

FILED

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Anna W. Wickham
CITY CLERK

“EPD” means the Evansville Police Department.

“Parks Board” means the City’s Board of Park Commissioners.

10.60.020 Applicability.

The regulations under this chapter apply to the use and operation of E-Scooters within the City, including use by an individual of a privately-owned E-Scooter or an E-Scooter deployed by a Company under this chapter.

10.60.030 Obedience to traffic-control signals.

Any person operating an E-Scooter on a roadway shall obey the instructions of official traffic control signals, signs, and other control devices, as well as traffic laws, applicable to vehicles, unless otherwise directed by a law enforcement officer. Any person operating an E-Scooter shall yield to other traffic and pedestrians.

10.60.040 Riding on roadways, bicycle paths, and sidewalks.

(A) No person shall operate an E-Scooter on any of the following:

- (1) interstate highways,
- (2) highways,
- (3) expressways,
- (4) sidewalks,
- (5) alleys,
- (6) within the designated boundaries of a special event,
- (7) greenways and non-street trails.

(B) A person shall only operate an E-Scooter on a public roadway subject to the restrictions in section (A).

10.60.050 Rules and Regulations.

(A) Administrative Rules and Regulations.

- (1) BPW may adopt administrative rules and regulations to implement the provisions of this chapter.
- (2) No person or Company shall violate BPW’s administrative rules and regulations. Any violation of the same shall constitute a violation of this chapter and shall subject the person or Company to penalties established in this chapter.

(B) License.

- (1) In order for a Company to deploy an E-Scooter in the City, the Company must obtain a license from the City Controller. Licenses expire annually and must be renewed prior to expiration.
- (2) The Company shall pay License fees not to exceed \$1,000.00 plus \$10.00 per scooter per year. License fees may be updated from time-to-time by BPW to reflect the City's expense in permitting, regulating, and policing E-Scooters within City limits.
- (3) Each Company is required to maintain liability insurance in amounts not less than \$1,000,000 per incident and \$5,000,000 aggregate. A copy of the Company's certificate of insurance must be provided to the City Controller as a prerequisite to obtaining a license. The certificate of insurance shall name the City as an additional insured party and shall not be cancellable without thirty (30) days' prior written notice to the City.
- (4) As a condition of its license, Company shall indemnify, defend, and hold harmless the City against any and all liability, actions, or claims resulting from the deployment, use, and operation of any of its E-Scooters.
- (5) As a condition of its license, each Company shall require users to sign or check a box within its mobile application, prior to use of the E-Scooter, which indicates that the user releases the City and its officials, officers, employees, representatives, and agents from any and all claims related to the deployment, use, or operation of an E-Scooter.
- (6) The issuance of a license to a Company does not create, and shall not be construed to create, a joint venture, employment relationship, or independent contractor relationship between a Company and the City.
- (7) Any Company that intends to cease operations within the City prior to the expiration of its license must provide the City with at least thirty (30) days' written notice.
- (8) The City Controller may revoke a Company's license for good cause, which includes, but is not limited to the following:
 - a. Failure to pay fines imposed within thirty (30) days of notice,
 - b. Violation of a condition of the license,
 - c. Violation of any statute or ordinance governing E-Scooters.

(C) E-Scooter Restrictions.

- (1) Each Company shall only deploy E-Scooters that comply with the restrictions established in this Section (C).
- (2) BPW may establish the number of E-Scooters permitted for deployment from time-to-time.
- (3) E-Scooters may only be deployed in areas approved by the City.
- (4) All E-Scooters deployed by a Company shall comply with the American National Standards Institute (ANSI), ASTM International, and Consumer Product Safety Commission standards, if applicable, as well as any additional standards required by BPW.
- (5) A Company shall retrieve and remove all E-Scooters that are inoperable or unsafe and shall immediately remotely lock down the device upon notice of such condition from any person, business, or the City.
- (6) No person shall operate an E-Scooter in excess of fifteen (15) miles per hour within the City. Each Company shall ensure that its E-Scooters are not capable of exceeding a speed of fifteen (15) miles per hour.
- (7) All E-Scooters, both owned privately or by a Company, shall be equipped with a lamp on the front and rear exhibiting light visible from at least five hundred (500) feet.
- (8) Each Company shall maintain a 24-hour hotline, open seven (7) days per week, for assistance to users and the public with personnel who can respond to complaints and dispatch other personnel for retrieval and removal of E-Scooters, as required by this chapter.
- (9) Each Company shall provide on its mobile application notice of the City's local regulations governing E-Scooters and the full text of said regulations. Such content shall be submitted to BPW for prior approval.
- (10) A Company shall remove its E-Scooters from all or any part of the public right-of-way when instructed by the City due to public safety concerns, including, but not limited to inclement weather, special events, or emergencies.

(D) Rider Restrictions.

- (1) No person shall operate an E-Scooter unless that person is at least sixteen (16) years of age and has a valid form of identification showing their age.
- (2) No more than one individual may operate or ride on an E-Scooter at a time.

- (3) No person shall operate an E-Scooter while intoxicated, by alcohol or a controlled substance, in violation of Indiana Code § 9-30-5.
- (4) No person shall operate an E-Scooter while controlling an animal, whether by hand, leash, or alternate medium.

10.60.060 Parking.

(A) This section applies to all E-Scooters, whether or not owned by a Company or a private individual.

(B) E-Scooter parking is permitted on sidewalks subject to the following limitations:

- (1) E-Scooters shall be parked in an upright position by use of a kickstand and shall not be placed to lean on any structure or building.
- (2) E-Scooters shall be parked abutting the street curbside and parallel to the street
- (3) E-Scooters shall be parked to leave a clear, straight path at least forty-eight (48) inches wide measured from the widest part of the scooter and not including the width of any curb.
- (4) Under no circumstance shall an E-Scooter be parked in a way that obstructs any of the following:
 - a. A 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 to or exit from a 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 news rack,
 - k. Any commercial window display, or
 - l. A crosswalk entry or exit, or access to a crosswalk button.
- (5) Under no circumstance shall any E-Scooter be parked in violation of the Americans with Disabilities Act (ADA), nor shall any E-Scooter be parked in a way which impedes accessibility to any parking zones or parking spaces designated for persons with disabilities.
- (6) No person shall park an E-Scooter in any street or alleyway.

- (7) Except for property controlled exclusively by the Parks Board, BPW may grant a Company permission to park its E-Scooters in a designated area upon property controlled exclusively by BPW. The Parks Board may grant a Company permission to park its E-Scooters in a designated area upon property controlled exclusively by the Parks Board.
 - (8) Each Company shall require operators of its E-Scooters to take and submit to the Company a photograph evidencing the location of the parked E-Scooter at the conclusion of the rental to evidence the operator's compliance with the requirements of this section.
 - (9) Each Company shall remove or re-park every E-Scooter that is parked in violation of this section within two (2) hours of receiving notice of a violation from any person, business, or the City.
- (C) Subject to this section, E-Scooters shall not be parked in the public right-of-way without the City's consent.
- (D) Impoundment and Towing.
- (1) EPD officers and City parking officials may remove and impound E-Scooters parked in violation of this section. A Company shall pay all fees and penalties of impoundment, towing, and storage as established by BPW.
 - (2) The City will provide notice to a Company of an impounded scooter, and the Company shall pay the fine and collect the impounded scooter within seven (7) days of receipt of notice; provided that a Company's failure to do so within the required time shall entitle the City to charge additional fines as established by BPW. Failure by a Company to collect an impounded E-Scooter within sixty (60) days of receipt of notice allows the City to dispose of the impounded E-Scooter in any way and to collect the costs of disposal from the Company.

10.60.070 Reporting Requirements and Data Sharing.

- (A) Each month, a licensed Company shall make available to the Evansville Metropolitan Planning Organization ("MPO") the following anonymized data:
- (1) E-Scooter use rates;
 - (2) Trip volumes;
 - (3) Trip distances and routes;
 - (4) Start and stop points per trip;
 - (5) Number of E-Scooters deployed each day;
 - (6) Number of E-Scooters removed each day;
 - (7) Parking compliance rates;

- (8) Information regarding theft and vandalism of E-Scooters;
- (9) Maintenance records for E-Scooters deployed in the City;
- (10) Records of accidents or crashes involving E-Scooters; and
- (11) Any other information that may be required by BPW.

(B) A Company shall communicate clearly to users whether the Company will share, collect, or sell any of the user's data with a party other than MPO, and the Company shall provide users with an "opt in" option to share, collect, or sell user data to a party other than MPO.

10.60.080 Equity.

Each licensed Company shall offer payment options which do not require users to have access to a credit card to use an E-Scooter. Each Company shall submit an Equity Plan to the City Controller as part of its license application, the provisions of which may include discounted price options, cash-based payment options, and non-smartphone reservation options. Each Company shall comply with all equitable distribution requirements as may be implemented by the City.

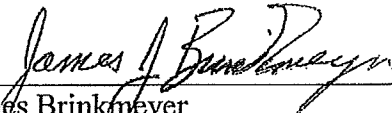
10.60.090 Enforcement.

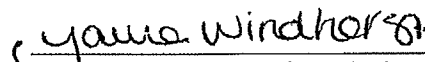
Unless another provision of this ordinance provides otherwise, any Company in violation of any provision of this ordinance or any individual who operates an E-Scooter in violation of this ordinance shall be subject to the penalties set forth in EMC 1.05.180. Rules and regulations concerning the operation of E-Scooters by individuals shall be enforced by the EPD. The City Clerk is authorized to issue citations for violations of this chapter.

Section 2. Effective Date. This ordinance shall be in full force and effect sixty (60) days after the day of its final passage and adoption.

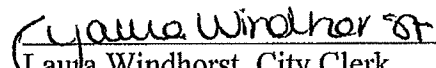
PASSED BY the Common Council of the City of Evansville, Indiana, on the 16th day of December, 2019, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

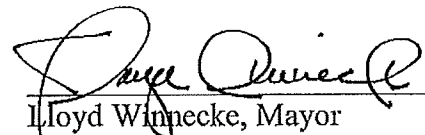

James Brinkmeyer
President of the Common Council


Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 17 day of December, 2019, at 5 o'clock p.m. for his consideration and action thereon.


Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 18th day of December, 2019, at 8:30 o'clock a.m.


Lloyd Winnecke, Mayor
City of Evansville, Indiana