

## ORDINANCE

By Reich

### Amending Title 18 of the Minneapolis Code of Ordinances relating to Traffic Code.

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 492 to read as follows:

#### CHAPTER 492. – LOW POWER VEHICLES

##### ARTICLE I. – GENERALLY

#### 492.10. – Definitions.

*Motorized foot scooter* has the meaning specified in Minnesota Statute Section 169.011.

*Low power vehicle* as used in this chapter shall include motorized foot scooters, and any other powered transportation device expressly identified as such pursuant to city council action. A current list of any devices added to and included in this definition shall be kept on file by the Director of Public Works, and will be made readily available for public inspection.

**492.20. - Impounding authorized.** (a) Low power vehicles may be impounded by any traffic officer or duly authorized city employee because:

- (1) The low power vehicle was found improperly attached in violation of section 492.110 of this chapter.
- (2) The low power vehicle was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.
- (3) The low power vehicle is part of an unpermitted low power vehicle sharing operation or is found in violation of one or more provisions of Article III of this chapter.
- (4) The low power vehicle is found in violation of one or more of the terms of a contract or license issued under Article III of this chapter.

(b) Prior to impoundment, and where no emergency conditions exist or where traffic is not unduly impeded, a warning shall be issued and placed upon any low power vehicle found in violation of section 492.110 herein. The warning shall state that should the low power vehicle not be removed within twenty-four (24) hours, then impoundment shall occur. All other low power vehicles found in violation of this section 492.30 are subject to impoundment without warning.

(c) "Impoundment" or "Impound" as used in this chapter means removal of a low power vehicle to a storage facility or designated impound location by the city or a licensed city contractor in response to authorization from a police officer, traffic control agent, or other city employee who is designated by the director of public works to act under this section.

(d) Not more than seventy-two (72) hours after impoundment of any low power vehicle, the city shall provide written notice to the owner of the low power vehicle, as disclosed by readily identifiable owner contact information attached to the low power vehicle. The notice shall be sent by either electronic or US mail. The notice shall contain the full particulars of the impoundment and redemption process. If a low power vehicle is redeemed prior to the submission of notice, or if the city is unable to readily identify the owner, then notice need not be sent. Saturdays, Sundays and city holidays are to be excluded from the calculation of the seventy-two-hour period.

(e) All low power vehicles impounded under this section shall be subject to an impounded fee that is sufficient to offset the city's costs of enforcement and storage for each such low power vehicle.

**492.30. – Sale of impounded low power vehicles.** Any low power vehicle lawfully coming into the possession of the city and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold to the highest bidder at public auction or sale following reasonable published notice.

## **ARTICLE II. – OPERATION**

**492.100. - State operation laws apply.** The operation of each form of low power vehicle upon a public street, alley, highway, sidewalk, or other public property in the city shall be governed by the corresponding provisions of Minnesota Statutes, Chapter 169.

**492.110. - Attachment of objects prohibited; exception for low power vehicles.** No person shall secure, attach or connect in any manner any low power vehicle to any tree, parking meter post, street light post, traffic signal post or post sign; except as follows: low power vehicles that are not part of a low power vehicle sharing operation shall be permitted to be parked upon a sidewalk and to be temporarily attached to sign posts and bicycle racks. When parked or attached as permitted, low power vehicles shall not impede the normal and reasonable movement of pedestrian or other traffic.

## **ARTICLE III. – LOW POWER VEHICLE SHARING OPERATIONS**

**492.200. – Defined.** The words *low power vehicle sharing* as used in this chapter shall mean any rental or lending services that:

- (1) Allows low power vehicle riders to temporarily use low power vehicles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and
- (2) Encourages, allows, or is susceptible to low power vehicle vending, renting, or lending from city maintained right-of-way or other city property.

**492.210. – Contract or license required.** (a) Notwithstanding any other provision to the contrary, no person shall engage in the business of low power vehicle sharing from city maintained right of way or other city property without a valid contract or license agreement with the city. As used in this chapter, the words "contract" or "license" shall mean a written contract or agreement issued by the city's director of public works, with formal approval by the city council.

(b) Any low power vehicle that is part of a low power vehicle sharing operation not authorized by contract or license under this section shall be deemed an unpermitted low power vehicle. Any person in possession of an unpermitted low power vehicle may ride such low power vehicle into and through the city, subject

to all applicable state and local laws and rules, including but not limited to any ordinances promulgated by the Minneapolis Park and Recreation Board. All unpermitted low power vehicles must be attended by the same user at all times while on city maintained right of way or other city property. As used in this article, “attended” means a readily identifiable user is located within five feet of the low power vehicle while it remains continuously unlocked or locked.

**492.220. - Control of right-of-way.** Contracts or licenses issued pursuant to this chapter shall not operate so as to transfer ownership or control of the public right-of-way to low power vehicle sharing operators, or to any other party.

**492.230. - Compliance with laws.** Low power vehicle sharing operators and consumers shall comply with all applicable federal, state, and local laws, as they may be amended from time to time.

**492.240. – Attachment of low power vehicles prohibited.** Low power vehicles that are part of any low power vehicle sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, or any other immovable object, with a lock unless expressly permitted under city contract or license.

**492.250. - Exclusive use of low power vehicle sharing stations.** Low power vehicles that are part of any low power vehicle sharing operation shall not be parked, for any length of time, in a designated, city-permitted low power vehicle sharing station unless such low power vehicle is permitted by a valid contract or license under Section 492.210. All city-permitted low power vehicle sharing stations will be clearly identified.

**492.260. - Enforcement.** (a) Low power vehicles may be deemed to be part of a low power vehicle sharing operation based on any of the following: marketing or advertising associated with a business logo attached to the low power vehicle; marketing or advertising associated with the overall appearance of the low power vehicle; the existence of a self-locking mechanism that can be unlocked for a fee or other form of compensation; or any other indicator that would lead a reasonable person to believe that the low power vehicle is used for low power vehicle sharing as defined in this chapter.

(b) Any low power vehicle deemed to be part of a low power vehicle sharing operation that is found illegally parked, left unattended on city maintained right of way or other city property for a period of more than fifteen minutes, or otherwise in violation of the terms of a valid city contract or license, shall be subject to impoundment under Article I of this chapter.

(c) Any low power vehicle deemed to be part of a low power vehicle sharing operation that is left unattended on private property shall be subject to impoundment under Article I of this chapter. Impoundment shall not occur unless and until a qualifying request to remove the low power vehicle is made by the owner or authorized representative of such property.

(d) In addition to any other remedy available at equity or law, failure to comply with the provisions of this Chapter 492, or with the terms of any contract or license issued pursuant to the provisions of Section 492.210, may result in impoundment as provided in this chapter, license revocation, suspension or cancellation, administrative fines, restrictions, or penalties as provided in Chapter 2 of this Code.