

**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 2018, 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 the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh 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 bicycle parking facility located in the public right-of-way.
- (c) Motorized scooters may be parked on the street within corrals that are specifically designated for scooters and bicycles. Corrals shall be designed to prevent scooters and bicycles from falling outside of the boundaries of the corral.
- (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, and such clear pathway shall be measured from the

widest part of the scooter. The fifty-four inches shall not include the width of the curb.

(3) Under no circumstance shall motorized scooters 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;
- (K) Any commercial window display; or
- (L) A crosswalk button.

(4) Under no circumstance shall motorized scooters 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.

- (e) Motorized scooters may be parked by riders on unimproved surfaces when no more than two are placed parallel to the street and touching a city traffic or parking sign located in a tree plot or grassy zone, without plantings such as flowers or ornamental grass, between a sidewalk and the street.
- (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 corrals 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), (d), and (e), 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) Operators will be responsible for identifying the riders consistently violating rules in regard to parking and following up with appropriate disciplinary action of increasing severity, including additional education, warnings, fines, and eventual removal of users from operator apps. If the City identifies areas of concern where consistent violations of parking disproportionate to ridership levels are impeding ADA access, the City will work with vendors to geofence these locations to restrict scooter access.

(l) The City of Bloomington Parking Commission, established by Bloomington Municipal Code § 2.12.110, and the City of Bloomington Bicycle and Pedestrian Safety Commission, established by Bloomington Municipal Code § 2.12.080, are jointly directed to take up the study of parking associated with shared-use motorized scooters within downtown Bloomington and within neighborhoods where there have been documented substantial complaints regarding shared-use motorized scooters.

The Commissions are directed to produce a report which documents their findings. Said report shall be forwarded to the Common Council no later than March 31, 2020 for review. The Common Council shall take the report and its findings into consideration when deciding what additional parking restrictions may be appropriate for shared-use motorized scooters.

(m) 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 is operating the motorized scooter on a sidewalk or is unable to pass the pedestrian at a distance of at least three feet on any other facility, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a 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) All shared-use motorized scooters must meet any and all additional standards required by the Board of Public Works.
- (j) 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. However, the City shall not publish or make available to the public at large any information that qualifies as a trade secret under Indiana Code § 24-2-3, et. seq. (the Uniform Trade Secrets Act) or any information that qualifies as personally identifiable information as that term is defined at 2 CFR § 200.79.
- (b) 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.
  - (c) 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.
  - (d) 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. However, a shared-use motorized scooter operator may utilize a different method for computing a price discount provided that, in every instance, the overall cost of the ride to the eligible user is fifty percent (50%) or less than the cost of the ride that would have been charged to a user who was not eligible for the discount.
- (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 law including, but not limited to, the Americans with Disabilities Act (ADA) or federal regulation; any state law or regulation; or any 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. Subsection 15.56.020(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a bicycle on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. Bicyclists in these areas shall dismount their bicycles. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

SECTION 10. Subsection 15.56.025(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a coaster on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. A person operating a coaster in these areas shall dismount their coaster. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

PARKS:

Waldron, Hill and Buskirk Park Fountain Circle



SECTION 11. 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.

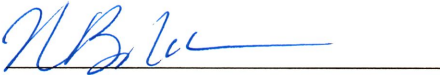
SECTION 12. This ordinance shall be in full force and effect beginning September 1, 2019.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 31<sup>st</sup> day of July, 2019.



DAVE ROLLO, President  
Bloomington Common Council

ATTEST:



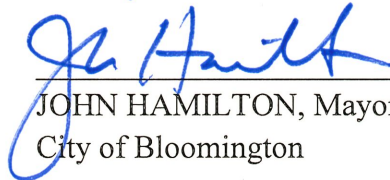
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8<sup>th</sup> day of August, 2019.



NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 8<sup>th</sup> day of August, 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. 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.

*See Description of Adopted Amendments on Next Page*

*Note: Over the course of deliberations, this ordinance was amended by Am 06a, Am 08a, Am 09, Am 10, Am 11, Am 12, Am 13a, Am 15a, Am 16, Am 17, Am 18a, and Am 19, which are briefly described below:*

- *Am06a extended the boundaries of the dismount zone for scooters, bicycles, and coasters.*
  - *Affecting BMC 15.04.055, BMC 15.56.020(a)(7), and BMC 15.56.025(a)(7)*
- *Am 08a replaced the words “painted boxes” with the term “corral.”*
  - *Affecting BMC 15.58.050 (c) and (g) and the synopsis of the ordinance.*
- *Am 09 removed a requirement for shared-use motorized scooter operators to provide periodic monthly reports and clarified that the City may not publish or make available to the public at large any information that qualifies as a trade secret or as personally identifiable information.*
  - *Affecting BMC 15.58.110 (a)(3) and (b)*
- *Am 10 allowed shared-use motorized scooter operators to provide discounts other than a straight 50% price discount as long as the consequence of the discount is at least equivalent to a 50% straight price discount.*
  - *Affecting BMC 15.58.130(a)*
- *Am 11 corrected the date in the first “Whereas” clause.*
- *Am 12 removed the restriction on use on shared-use motorized scooters that ran between 10:01 pm to 5:59 am.*
  - *Affecting BMC 15.58.090*
- *Am 13a added requirements for dismounting a shared-use motorized scooter when passing a pedestrians on a sidewalk and when overtaking a visually-impaired pedestrian on other specified facilities.*
  - *Affecting BMC 15.58.060 (b)(2) and (3)*
- *Am 15a made various changes in regard to parking, parking facilities, and the enforcement of parking requirements by operators of shared-use motorized scooters.*
  - *Affecting BMC 15.58.050(b0, (d), and (k)*
- *Am 16 made clear that the Americans with Disabilities Act (ADA) was one of the federal laws the violations of which will be cause for revocation of the shared-use motorized scooter operator’s license.*
  - *Affecting BMC 15.58.150(c)*
- *Am 17 changed the effective date of the ordinance from July 1, 2019 to September 1, 2019.*
  - *Affecting Section 12*
- *Am 18a allowed parking in the tree plot area of unimproved surfaces in certain circumstances.*
  - *Affecting BMC 15.58.050 (e) and (h)*
- *Am 19 deleted prohibition against parking of shared-use motorized scooters on sidewalks (as proposed by Am 7a) and called for two commissions to take up parking associated with shared-use motorized scooters and report back to the Council by March 31, 2020.*
  - *Affecting BMC 15.58.050 (d) (5) and adding BMC 15.58.050(l)*
  - *Note: Am 7a was adopted on May 1<sup>st</sup> and then reconsidered and defeated on July 31<sup>st</sup>.*