

Ordinance 19-09: To Amend Title 15 of the Bloomington Municipal Code
 Entitled "Vehicles and Traffic:" 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

Amendments
 17 April 2019

Proposed Amendments

- 01 – Prohibiting scooters on sidewalks, crosswalks, or sidepaths (Rollo and Sturbaum)
- 02 – *Not assigned.*
- 03 – Reducing maximum speed from 15 to 10 MPH (Granger and Rollo)
- 04 – Scooter cap (per company [200] and in the aggregate for the City [600]) (Granger)
- 05 – Requesting an additional BPD officer to enforce scooter operations
 (Granger, Rollo, and Sturbaum)
- 06 – Expanding the Dismount Zone (Piedmont-Smith)
- 07 – Prohibiting Parking on Sidewalks in the Dismount Zone (Piedmont-Smith)
- 08 – Shifting "Painted Boxes" to "Scooter Corrals" and providing that such corrals must be
 designed to prevent scooters from falling outside the boundaries of the corral
 (Piedmont-Smith)
- 09 – Admin. Eliminating the monthly data reporting requirements (Sandberg)
- 10 – Admin. Revising the affordability test. (Piedmont-Smith)
- 11 – Scrivener's – correcting date in "Whereas" clause (Piedmont-Smith)

Proposed Order of Amendment Deliberations

Proposal: For vote tonight.

- #1. Am11 -- Scrivener's Amendment – corrects date in the first "Whereas" clause.
- #2. Am10 -- Administration-driven. Allows 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.
- #3. Am09 – Administration-driven. Removes a requirement periodic monthly reports and
 clarifies that while the City may publish real-time information received from scooter
 companies, it may not publish or make public any personally identifiable information or
 trade secrets.

Proposal: For discussion and public comment, but no vote tonight.

- #4 Am01 – Prohibiting scooters on sidewalks, crosswalks, and sidepaths
- #5 Am06 -- Expanding the Dismount Zone
- #6 Am07 – Prohibiting Parking on Sidewalks in Dismount Zone
- #7 Am08 – Shifting the words "Painted Boxes" to "Scooter Corrals" and providing that such
 corrals shall be designed to prevent scooters from falling outside the boundaries
 of the corral.
- #8 Am03 – Reducing the Maximum Speed of Scooter Operation from 15 to 10 MPH
- #9 Am 04 – Capping the number of scooters/company at 200 and 600 in the aggregate.
- #10 Am05 – Adding a "whereas" clause requesting at least one additional BPD officer to assist
 the Police Department with the enforcement of motorized scooter use moving violations.

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 11
Submitted By: Councilmember Piedmont-Smith
Date: 17 April 2019
Proposed Amendment:

1. Ordinance 19-09, first "Whereas" clause shall be amended to correct the date of the arrival of e- scooters in Bloomington such that the first "Whereas" clause shall read as follows:

WHEREAS, during September 2018, with little or no notice, shared-use motorized scooters (or e-scooters) arrived in Bloomington; and

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and corrects the date of the arrival of scooters in Bloomington in the first "Whereas" clause of the ordinance.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09

Amendment #: 10

Submitted By: Councilmember Piedmont-Smith on behalf of the City Administration

Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to add the following sentence to the end of subsection (a) of 15.58.130 "Affordability and accessibility":

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.

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and allows 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.

04/10/19 Committee Action: None

04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 09
Submitted By: Councilmember Sandberg on behalf of the City Administration
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to delete subsection (b) of 15.58.110 "Data sharing" in its entirety and to re-letter the remaining subsections of 15.58.110 accordingly.
2. Ordinance 19-09 shall be amended by modifying SECTION 3 to add the following sentence to the end of subsection (a)(3) of 15.58.110 "Data sharing":

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.

Synopsis

This amendment is sponsored by Councilmember Sandberg and removes a requirement for shared-use motorized scooter operators to provide periodic monthly reports in addition to real-time reporting in MDS format. In addition, this amendment clarifies that while the City may publish real-time information received from shared-use motorized scooter operators, it may not publish or make available to the public at large any information that qualifies as a trade secret or as personally identifiable information.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 01
Submitted By: Councilmembers Rollo and Sturbaum
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09, SECTION 1 shall be amended by striking the words “motorized scooters” and “shared use motorized scooters” from Section 15.04.055 such that the section shall read as follows:

15.04.055 Dismount zone.

“Dismount zone” means those sidewalks and crosswalks where 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

2. Ordinance 19-09, SECTION 3 shall be amended by striking the words “sidewalk,” “multiuse path,” and “crosswalk” from Section 15.58.060 entitled “Motorized scooter use,” by deleting subsection 15.58.060(b)(9) regarding scooters in crosswalks in dismount zones, by adding a new subsection (c) prohibiting the operation of motorized scooters on sidewalks; and by re-lettering the current 15.58.060(c) to 15.58.060(d). The amended section shall read as follows:

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 multiuse trail 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 multiuse trail 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 multiuse trail 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 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.
- (c) The operation of motorized scooters on public sidewalks, multi-use paths, and crosswalks shall be prohibited.
- (d) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h).

Synopsis

This amendment is sponsored by Councilmembers Rollo and Sturbaum. It removes the allowance for the operation of motorized scooters and shared-use motorized scooters on sidewalks. Such prohibition is warranted by the volume and speed of shared use motorized scooters.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

*** Amendment Form ***

Ordinance #: 19-09
Amendment #: 06
Submitted By: Councilmember Piedmont-Smith
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09, shall be amended by revising SECTION 1, §15.04.055 "Dismount Zone" to expand the boundaries of the zone such that the entire provision shall now 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.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

2. Ordinance 19-09 shall be amended by adding a new SECTION 9 and by re-numbering subsequent sections. The new section shall read as follows:

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.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street.

3. Ordinance 19-09 shall be amended by adding a new SECTION 10 and by re-numbering subsequent sections. The new section shall read as follows:

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.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street.

PARKS:

Waldron, Hill and Buskirk Park Fountain Circle

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and extends the boundaries of the dismount zone for scooters, bicycles, and coasters. *See attached map.*

04/10/19 Committee Action: None

04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

Proposed extension

*** Amendment Form ***

Ordinance #: 19-09
Amendment #: 07
Submitted By: Councilmember Piedmont-Smith
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to delete the last sentence of §15.58.050(d)(5), such that the entire provision shall read as follows:

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone.

2. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to eliminate the reference to permissible parking at bike racks within dismount zones, such that the sentence shall read as follows:

However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes.

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and deletes a provision that allows motorized scooter parking at bike racks on sidewalks in the dismount zone. However, scooter parking in dismount zones is still permitted in designated painted boxes on the street.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

*** Amendment Form ***

Ordinance #: 19-09
Amendment #: 08
Submitted By: Councilmember Piedmont-Smith
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (c) to replace the words “painted boxes” with “scooter corrals” and to make clear that such scooter corrals shall be designed to prevent scooters from falling outside of the corral borders. The entire subsection shall read as follows:

(c) Motorized scooters may be parked on the street within scooter corrals that are specifically designated for scooters. Scooter corrals shall be designed to prevent scooters from falling outside of the boundaries of the corral.

2. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (g) to replace the words “painted boxes” with “scooter corrals.”

3. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to delete the words “painted boxes” and replace those words with “scooter corrals.”

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and replaces the words “painted boxes” with “scooter corrals” to describe the on-street parking areas designated for scooter parking. The amendment also provides that scooter corrals shall be designed to prevent scooters from falling outside of the boundaries of the corral.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 03
Submitted By: Councilmembers Granger and Rollo
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09, SECTION 3, §15.058.090(b) shall be amended by striking “fifteen (15)” and replacing it with “ten (10)” such that the entire subsection shall read as follows:
 - (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than ten (10) miles per hour.

Synopsis

This amendment is sponsored by Councilmembers Granger and Rollo and changes the equipment requirement of shared-use motorized scooters by reducing the maximum speed at which such scooters are equipped to operate from 15 MPH to 10 MPH.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 04
Submitted By: Councilmember Granger
Date: 17 April 2019
Proposed Amendment:

1. Ordinance 19-09, SECTION 3 shall be amended by adding a new section 15.58.040 entitled "Maximum number of shared-use motorized scooters to be deployed." The section shall be inserted into both the table of contents of the chapter and the text in numerical order and the subsequent sections shall be re-numbered accordingly. The new section 15.58.040 shall read as follows:

15.58.040 Maximum number of shared-use motorized scooters to be deployed.

Each shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at maximum, 200 shared-use motorized vehicles; however, the total number of shared-use motorized vehicles deployed within the corporate boundaries of the City shall not exceed 600.

2. Ordinance 19-09, SECTION 3 shall be amended by deleting 15.58.050(f) (as re-numbered pursuant to the above) and replacing it with the following:

(f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at maximum, 200 shared-use motorized scooters. During license renewal, the Board of Public Works may increase or decrease the number of shared-use motorized scooters a shared-use motorized scooter operator may deploy; provided, however, any change in the number of shared-use motorized scooters that a shared use-motorized scooter is allowed to deploy must comport with the requirements of 15.58.040.

3. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, Ordinance 19-09 shall be revised to change the citations to Section 15.58.150 regarding license revocation to 15.58.160 in the following re-numbered portions of the ordinance:

- SECTION 3, 15.58.050(g)
- SECTION 3, 15.58.100(k)
- SECTION 3, 15.58.110(d)
- SECTION 3, 15.58.120(e)
- SECTION 3, 15.58.130(g)
- SECTION 3, 15.58.140 (c)
- SECTION 3, 15.58.170 (b)

4. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, Ordinance 19-09 shall be revised to change the citations to Section 15.58.140 regarding removal, impoundment, storage, and disposal to 15.58.150 in the following re-numbered portions of the ordinance:
 - SECTION 3, 15.58.060(k)
 - SECTION 3, 15.58.110 (c)
 - SECTION 7, 15.64.010(e)
5. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in the re-numbered 15.58.050(d)(8) from 15.58.120(f) to 15.58.130(f).
6. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in re-numbered 15.58.060(h) from 15.58.050 (b), (c), and (d) to 15.58.060 (b), (c), and (d).
7. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in re-numbered 15.58.140(b) from 15.58.040 to 15.58.050.
8. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 6 of Ordinance 19-09, 15.64.010(d) shall be amended by changing the citation from 15.58.050 to 15.58.060.
9. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 8 of Ordinance 19-09, 15.64.010(h) shall be amended by deleting the existing table and replacing it with the following:

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

Synopsis

This amendment is sponsored by Councilmember Granger and caps the number of scooters permitted to be operated by shared-use motorized scooters operators at a maximum of 200 per company and provides that no more than 600 shared-use motorized scooters may be deployed in the City in aggregate. Because this amendment adds a new section to the ordinance and re-numbers subsequent sections, this amendment revises in-text citations.

04/10/19 Committee Action: None

04/17/19 Regular Session Action: *Pending*

(April 17, 2019)

***** Amendment Form *****

Ordinance #: 19-09
Amendment #: 05
Submitted By: Councilmembers Granger, Rollo, and Sturbaum
Date: 17 April 2019

Proposed Amendment:

1. Ordinance 19-09, shall be amended by adding a new "Whereas" clause, to appear last in the series of clauses and to add the word "and" at the end of the previous clause. The new clause shall read as follows:

WHEREAS, the regulation of scooters is effective and responsible insofar as such regulation is enforced. Moving scooter violations can only be enforced by the Bloomington Police Department. Therefore, in passing this ordinance, the Council respectfully requests that the Administration propose adding at least one more Bloomington Police Department officer in its 2020 Civil City Budget proposal. An additional officer will help the Department address the need for increased enforcement of motorized scooter moving violations and will benefit the needs of the Department overall. The license fees paid by shared-use motorized scooter companies should help defray the cost of this enforcement, proportionate to the enforcement effort specific to motorized scooter moving violations.

Synopsis

This amendment is sponsored by Councilmembers Granger, Rollo, and Sturbaum and requests that the Administration propose a new Bloomington Police Department officer as part of its 2020 Civil City budget to help with the enforcement of motorized scooter moving violations.

04/10/19 Committee Action: None
04/17/19 Regular Session Action: Pending

(April 17, 2019)