

BILL NO. G-19-04-02

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE AMENDING CHAPTER 74:
BICYCLES; TOY VEHICLES OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That CHAPTER 74: BICYCLES; TOY VEHICLES of
the City of Fort Wayne, Indiana, Code of Ordinances of be amended as follows:

**■ CHAPTER 74: BICYCLES; TOY VEHICLES
ADD NEW SECTIONS:**

Section

Dockless Vehicles

74.40 Definitions

74.41 Prohibited

74.42 Exception

74.43 Removal of Dockless Vehicles

74.44 Period of Impoundment

74.45 Disposition of Unredeemed Dockless Vehicles

74.46 Operator Responsible for Costs

Toy Vehicles

AMEND SECTION 74.99

74.99 Penalty

ADD NEW SECTIONS

DOCKLESS VEHICLES

■ § 74.40 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply
unless the context clearly indicates or requires a different meaning.

DOCKLESS VEHICLE shall mean:

- A. Any wheeled device, other than an automobile or motorcycle, that is
powered by a motor;

1 B. Accessed via an on-demand portal, whether a smartphone application,
2 membership card, or similar method;

3
4 C. Owned by a person that owns, manages, and maintains devices for
5 shared use by members of the public without a physical dispatching
6 location within the City; and

7 D. Available at unstaffed, self-service locations, to members of the public
8 for their personal operation.

9
10 *PERSON* shall mean any individual, firm, corporation, limited liability
11 company, partnership or association acting in a fiduciary capacity.

12 *OPERATOR* means any person who owns, operates, leases, offers to
13 rent, collects, distributes, repairs, services, charges or otherwise asserts control
14 of a Dockless Vehicle share system.

15 **§ 74.41 PROHIBITED.**

16 No Person may operate a Dockless Vehicle share system in the City, including
17 the right-of-way, such as a sidewalk, alley, street, highway or any other public
18 place within the City.

19 **§ 74.42 EXCEPTION.**

20
21 Notwithstanding the foregoing, the operation of a Dockless Vehicle share system
22 shall be permitted if the Operator participates in a Dockless Vehicle share pilot
23 study administered by the Department of Community Development. Participation
24 in the pilot study may only occur upon application and approval of the
25 Department of Right-of-Way.

26 **§ 74.43 REMOVAL OF DOCKLESS VEHICLES.**

27
28 If the City finds on any right-of-way, such as a sidewalk, alley, street, highway or
29 other public place within the City, any Dockless Vehicle belonging to an Operator
30

1 who is in violation of this Section, the City may have the Dockless Vehicle
2 immediately removed to a suitable place of impoundment. If the Operator can be
3 identified, a notice informing the Operator of the location of the Dockless Vehicle
4 and the procedure for reclaiming the Dockless Vehicle shall be sent to the
5 Operator's corporate headquarters within 24 hours after removal.

6 **§ 74.44 PERIOD OF IMPOUNDMENT.**

7
8 Upon impoundment, a Dockless Vehicle shall be held a minimum of 30 days
9 unless earlier redeemed by the Operator or Operator's representative upon
10 payment of the redemption fee provided in **§ 74.99.**

11 **§ 74.45 DISPOSITION OF UNREDEEMED DOCKLESS VEHICLES.**

12 The City may dispose of impounded Dockless Vehicles that are not redeemed
13 within 30 days in any of the following ways:

14 (A) Public auction or sale.

15 (B) Donation to a suitable nonprofit organization for charitable, educational or
16 other charitable purposes.

17 (C) Scrapping a Dockless Vehicle that cannot be disposed of through any
18 other reasonable means.
19

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21 **§ 74.46 OPERATOR RESPONSIBLE FOR COSTS.**

22 The Operator of any Dockless Vehicle removed under this provision shall be
23 responsible for all costs of impounding and disposing of the Dockless Vehicle.
24 Costs not recovered from the sale of the Dockless Vehicle may be recovered in a
25 civil action by the City against the Operator. The City assumes no responsibility
26 for damage to Dockless Vehicle(s) impounded under this Chapter.
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

CHAPTER 74: BICYCLES; TOY VEHICLES

Section

General Provisions

74.01 (Reserved)

74.02 Alteration of manufacturer's serial numbers

Bicycles

74.34 Operation of bicycles

74.35 Speed to be reasonable and prudent to surrounding conditions

74.36 Emerging from alleys or driveways

74.37 Parking of bicycles

74.38 Riding on sidewalk area

Dockless Vehicles

74.40 Definitions

74.41 Prohibited

74.42 Exception

74.43 Removal of Dockless Vehicles

74.44 Period of Impoundment

74.45 Disposition of Unredeemed Dockless Vehicles

74.46 Operator Responsible for Costs

Toy Vehicles

74.50 Use of coasters, roller skates and similar devices restricted

74.99 Penalty

Cross-reference:

Skateboarding prohibited, see § 97.49

GENERAL PROVISIONS

§ 74.01 (RESERVED).

§ 74.02 ALTERATION OF MANUFACTURER'S SERIAL NUMBERS.

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(A) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(B) No person shall operate a moped or motorized bicycle on any sidewalk.

('74 Code, § 17-111) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed 9-11-12) Penalty, see § 74.99

DOCKLESS VEHICLES

§ 74.40 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOCKLESS VEHICLE shall mean:

- A. Any wheeled device, other than an automobile or motorcycle, that is powered by a motor;
- B. Accessed via an on-demand portal, whether a smartphone application, membership card, or similar method;
- C. Owned by a person that owns, manages, and maintains devices for shared use by members of the public without a physical dispatching location within the City; and
- D. Available at unstaffed, self-service locations, to members of the public for their personal operation.

PERSON shall mean any individual, firm, corporation, limited liability company, partnership or association acting in a fiduciary capacity.

OPERATOR means any person who owns, operates, leases, offers to rent, collects, distributes, repairs, services, charges or otherwise asserts control of a Dockless Vehicle share system.

§ 74.41 PROHIBITED.

No Person may operate a Dockless Vehicle share system in the City, including the right-of-way, such as a sidewalk, alley, street, highway or any other public place within the City.

§ 74.42 EXCEPTION.

Notwithstanding the foregoing, the operation of a Dockless Vehicle share system shall be permitted if the Operator participates in a Dockless Vehicle share pilot study administered by the Department of Community Development. Participation in the pilot study may only occur upon application and approval of the Department of Right-of-Way.

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§ 74.43 REMOVAL OF DOCKLESS VEHICLES.

If the City finds on any right-of-way, such as a sidewalk, alley, street, highway or other public place within the City, any Dockless Vehicle belonging to an Operator who is in violation of this Section, the City may have the Dockless Vehicle immediately removed to a suitable place of impoundment. If the Operator can be identified, a notice informing the Operator of the location of the Dockless Vehicle and the procedure for reclaiming the Dockless Vehicle shall be sent to the Operator's corporate headquarters within 24 hours after removal.

§ 74.44 PERIOD OF IMPOUNDMENT.

Upon impoundment, a Dockless Vehicle shall be held a minimum of 30 days unless earlier redeemed by the Operator or Operator's representative upon payment of the redemption fee provided in § 74.99.

§ 74.45 DISPOSITION OF UNREDEEMED DOCKLESS VEHICLES.

The City may dispose of impounded Dockless Vehicles that are not redeemed within 30 days in any of the following ways:

- (A) Public auction or sale.
- (B) Donation to a suitable nonprofit organization for charitable, educational or other charitable purposes.
- (C) Scrapping a Dockless Vehicle that cannot be disposed of through any other reasonable means.

§ 74.46 OPERATOR RESPONSIBLE FOR COSTS.

The Operator of any Dockless Vehicle removed under this provision shall be responsible for all costs of impounding and disposing of the Dockless Vehicle. Costs not recovered from the sale of the Dockless Vehicle may be recovered in a civil action by the City against the Operator. The City assumes no responsibility for damage to Dockless Vehicle(s) impounded under this Chapter.

TOY VEHICLES

§ 74.50 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates or other footwear with wheels, riding in or by means of any coaster, skateboard or toy vehicle or similar devices, shall go upon any roadway or designated on-street bicycle facility except while crossing a street or a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this chapter.

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('74 Code, § 17-17) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed 9-11-12) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) Every person convicted of a violation of any provision of this Chapter, where another penalty is not expressly provided, shall be punished by a fine of not less than \$50 and not more than \$100. ('74 Code, § 17-116) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed 9-11-12)

(B) Every person convicted of a violation of § 74.50 shall be guilty of a class C infraction.

(C) Any person violating the provisions of this Chapter shall be subject to a fine of \$100 per day for each Dockless Vehicle operated or parked upon the right-of-way or any public place. For each subsequent violation, the fine shall be not less than \$200.