

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

WHEREAS, The City of Fort Wayne has an extensive system of sidewalks and trails; and

WHEREAS, The City of Fort Wayne is a fun, family-friendly, and safe community with a commitment to providing an enhanced quality of life for all; and

WHEREAS, Chapter 74 needs to be amended to reflect the evolution of bicycles, e-bicycles, other vehicles, and other power-driven mobility devices (OPDMD) and usage of sidewalks, the Fort Wayne Area Trails Network, and recreational trails.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA.**

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

**CHAPTER 74: BICYCLES, E-BICYCLES, OTHER VEHICLES, or OTHER
POWER-DRIVEN MOBILITY DEVICES (OPDMD); TOY VEHICLES**

Section

General Provisions

74.01 (Reserved)

74.02 Alteration of manufacturer's serial numbers

Bicycles and other vehicles

74.33 Definitions

74.34 General Regulations

**74.35 Sidewalk or Fort Wayne Area Trails or Recreational Trail Network
Prohibitions**

74.36 Parking of Bicycles, E-bicycles, and Other Vehicles

74.38 Riding on sidewalk area

Dockless Vehicles

1 74.40 Definitions

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3 74.42 Exception

4 74.43 Removal of dockless vehicles

5 74.44 Period of impoundment

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7 74.46 Operator responsible for costs

8 Toy Vehicles

9 74.47 Use of coasters, roller skates and similar devices restricted

10 74.48 Enforcing Authority

11 74.99 Penalty

12 Cross-reference:

13 Skateboarding prohibited, see § 97.49

14 GENERAL PROVISIONS

15
16 § 74.01 (RESERVED).

17
18 § 74.02 ALTERATION OF MANUFACTURER'S SERIAL NUMBERS.

19 It shall be unlawful to destroy, remove, alter, cover or deface the
20 manufacturer's serial number of any bicycle or other vehicle as defined in this
21 chapter. It shall be unlawful for any person to own or have custody of a bicycle,
the original manufacturer's serial number of which has been destroyed, removed,
altered, covered or defaced.

22 ('74 Code, § 17-109) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99

23
24 BICYCLES, E-BICYCLES, OTHER VEHICLES, or OTHER POWER-DRIVEN
25 MOBILITY DEVICES (OPDMD)

26
27 § 74.33 DEFINITIONS.

28 BICYCLE as defined in IC 9-13-2-14 - "Bicycle" means any foot-propelled
29 vehicle, irrespective of the number of wheels in contact with the ground.
30

1 E-BICYCLE as defined in:

2 (A) IC 9-13-2-26.6 - "Class 1 electric bicycle" means an electric bicycle equipped
3 with an electric motor that:

4 (1) provides assistance only when the operator is pedaling; and

5 (2) ceases to provide assistance to the operator when the electric bicycle
6 reaches a speed of twenty (20) miles per hour.

7 (B) IC 9-13-2-26.7 - "Class 2 electric bicycle" means an electric bicycle equipped
8 with an electric motor that:

9 (1) may be used to exclusively propel the electric bicycle; and

10 (2) ceases or is unable to provide assistance when the bicycle reaches a
11 speed of twenty (20) miles per hour.

12 (C) IC 9-13-2-26.8 - "Class 3 electric bicycle" means an electric bicycle equipped
13 with an electric motor that:

14 (1) provides assistance only when the operator is pedaling; and

15 (2) ceases to provide assistance when the bicycle reaches a speed of
16 twenty-eight (28) miles per hour.

17 FORT WAYNE AREA TRAILS NETWORK. The designated, active,
18 transportation system in Fort Wayne, Indiana, consisting of trails, paths, multi-
19 use trails, side paths, shared-use paths, greenways and rails-to-trails maintained
20 by the Board of Park Commissioners and the Board of Public Works including
21 such parts of the Network that are located within the limits of the City of Fort
22 Wayne but maintained by other entities.

23 OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) as defined 28 CFR
24 35.104 and permitted by 28 CFR 35.137 are any mobility device powered by
25 batteries, fuel, or other engines—whether or not designed primarily for use by
26 individuals with mobility disabilities—that is used by individuals with mobility
27 disabilities for the purpose of locomotion, including electronic personal
28 assistance mobility devices (EPAMDs), or any mobility device designed to
29 operate in areas without defined pedestrian routes.

30 OTHER VEHICLE includes self-propelled vehicles not defined in Title VII of the
Fort Wayne Code of Ordinances and vehicles propelled partially or in full by a
motor or engine that are:

(A) no wider than 32-inches;

(B) 150 pounds or less without operator and passenger(s).

(C) powered by an electric motor with a maximum output of 750 watts or less.

(D) not designed for the use of fossil fuels or hydrogen as a method of
propulsion.

RECREATIONAL TRAILS include trails, paths, multi-use trails, side paths,
shared-use paths, greenways and rails-to-trails maintained by the Board of Park
Commissioners and the Board of Public Works that are not included in the Fort
Wayne Area Trails Network.

SIDEWALK as defined in IC 9-13-2-167 - "Sidewalk" means the part of a street
between the curb lines, or the lateral lines of a roadway, and the adjacent
property lines intended for the use of pedestrians.

1 § 74.34 GENERAL REGULATIONS.

2 (A) Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a
3 street shall be granted all of the rights and shall be subject to all of the
4 duties applicable to the driver of a vehicle.

5 (B) Every person riding a Bicycle, E-Bicycle, Other Vehicle, or OPDMD upon a
6 Sidewalk or the Fort Wayne Area Trails Network or a Recreational Trail
7 shall be granted all of the rights and shall be subject to all of the duties
8 applicable to a pedestrian.

9 (C) Whenever any person is riding a Bicycle, E-bicycle, Other Vehicle, or
10 OPDMD upon a Sidewalk or the Fort Wayne Area Trails Network or Recreational
11 Trail, such person shall yield the right-of-way to any slower user and shall give
12 an audible signal before overtaking and passing such slower user.

13 (D) Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon
14 a street, alley, Sidewalk, the Fort Wayne Area Trails Network, or Recreational
15 Trail:

- 16 (1) Shall avoid sudden or erratic movements that could endanger others;
- 17 (2) Shall provide an audible warning (e.g., bell, horn, voice) when
18 approaching slower users from behind;
- 19 (3) Shall pass slower users at a safe distance, providing a minimum of
20 three (3) feet of clearance, and must wait until it is safe to pass even if
21 the 3-foot clearance can't be achieved;
- 22 (4) Shall give due regard to the safety of all vehicle and pedestrian traffic
23 users, including those with visual, auditory, or mobility impairments;
- 24 (5) Shall keep the Bicycle, E-bicycle, Other Vehicle or OPDMD under
25 directional, speed, and stopping control at all times;
- 26 (6) Shall not operate in an irregular or reckless manner so as to disregard
27 their own safety, others, or property;
- 28 (7) Shall not proceed at a speed greater than that which is reasonable and
29 prudent considering wildlife, traffic, weather, road and light conditions
30 and road character;
- (8) Shall maintain a degree of control that is necessary to avoid danger to
persons, property, or wildlife; and
- (9) Shall not overtake standing vehicles in a travel lane.

(Ord. G-30-12, passed 9-11-12)

§ 74.35 SIDEWALK OR FORT WAYNE AREA TRAILS OR RECREATIONAL
TRAIL NETWORK PROHIBITIONS

(A) All E-Bicycles operated on the Sidewalk, the Fort Wayne Area Trails
Network, or a Recreational Trail must meet the requirements of Chapter 74.33.

(B) Vehicles are prohibited from using a trailer or other mode of conveyance
towed behind the vehicle unless specifically designed for carrying passengers
and/or cargo.

1 (C) Horses, donkey, and mules are not permitted.

2 (D) Operating any powered vehicle not authorized by this Chapter on any
3 Sidewalk, the Fort Wayne Area Trails Network, or Recreational Trail.

4 (E) Users shall follow all applicable state and federal laws and regulation
5 regarding vehicle operation.

6 (F) Exceptions to this Chapter are as follows:

7 (1) This ordinance shall not apply to persons with disabilities using
8 wheelchairs or OPDMD, provided that such devices are operated in compliance
9 with 74.34.

10 (2) Vehicles used by local, state, and/or federal government agencies
11 used for maintenance, repair, construction, and safety.

12 (3) Vehicles used by utility companies and/or companies contracted by
13 local, state, and/or federal government agencies for maintenance,
14 repair, construction, and safety.

15 ('74 Code, § 17-112) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99

16 § 74.36 PARKING OF BICYCLES, E-BICYCLES, AND OTHER VEHICLES.

17 No person shall park a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon the
18 traveled portion of the street. Bicycles, E-bicycle, Other Vehicles, or OPDMD
19 may be parked only upon the Sidewalk area or the Fort Wayne Area Trails
20 Network or Recreation Trail in a rack provided to support the Bicycle, E-bicycle,
21 Other Vehicle, or OPDMD or against a building or in such manner as to afford
22 the least obstruction to traffic and other users.

23 ('74 Code, § 17-114) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99

24 ('74 Code, § 17-111) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed
25 9-11-12) Penalty, see § 74.99

26 DOCKLESS VEHICLES

27 § 74.40 DEFINITIONS.

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

30 DOCKLESS VEHICLE.

1 (1) Any wheeled device, other than an automobile or motorcycle, that is
2 powered by a motor;

3 (2) Accessed via an on-demand portal, whether a smartphone application,
4 membership card, or similar method;

5 (3) Owned by a person that owns, manages, and maintains devices for
6 shared use by members of the public without a physical dispatching location
7 within the city; and

8 (4) Available at unstaffed, self-service locations, to members of the public
9 for their personal operation.

10 OPERATOR. Any person who owns, operates, leases, offers to rent, collects,
11 distributes, repairs, services, charges or otherwise asserts control of a dockless
12 vehicle share system.

13 PERSON. Any individual, firm, corporation, limited liability company,
14 partnership or association acting in a fiduciary capacity.

15 (Ord. G-9-19, passed 4-23-19)

16 § 74.41 PROHIBITED.

17 No person may operate a dockless vehicle share system in the city, including
18 the right-of-way, such as a sidewalk, alley, street, highway or any other public
19 place within the city.

20 (Ord. G-9-19, passed 4-23-19) Penalty, see § 74.99

21 § 74.42 EXCEPTION.

22 Notwithstanding the foregoing, the operation of a dockless vehicle share
23 system shall be permitted if the operator participates in a dockless vehicle share
24 pilot study administered by the Department of Community Development and City
25 Council. Participation in the pilot study may only occur upon application and
26 approval of the Department of Right-of-Way and City Council.

27 (Ord. G-9-19, passed 4-23-19)

28 § 74.43 REMOVAL OF DOCKLESS VEHICLES.

29 If the city finds on any right-of-way, such as a sidewalk, alley, street, highway
30 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.

1 (Ord. G-9-19, passed 4-23-19)

2
3 § 74.44 PERIOD OF IMPOUNDMENT.

4 Upon impoundment, a dockless vehicle shall be held a minimum of 30 days
5 unless earlier redeemed by the operator or operator's representative upon
6 payment of the redemption fee provided in § 74.99.

7 (Ord. G-9-19, passed 4-23-19)

8 § 74.45 DISPOSITION OF UNREDEEMED DOCKLESS VEHICLES.

9 The city may dispose of impounded dockless vehicles that are not redeemed
10 within 30 days in any of the following ways:

11 (A) Public auction or sale.

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

14 (C) Scrapping a dockless vehicle that cannot be disposed of through any
15 other reasonable means.

16 (Ord. G-9-19, passed 4-23-19)

17 § 74.46 OPERATOR RESPONSIBLE FOR COSTS.

18 The operator of any dockless vehicle removed under this provision shall be
19 responsible for all costs of impounding and disposing of the dockless vehicle.
20 Costs not recovered from the sale of the dockless vehicle may be recovered in a
21 civil action by the city against the operator. The city assumes no responsibility for
22 damage to dockless vehicle(s) impounded under this chapter.

23 (Ord. G-9-19, passed 4-23-19)

24 TOY VEHICLES

25 § 74.47 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES
26 RESTRICTED.

27 No person upon roller skates or other footwear with wheels, riding in or by
28 means of any coaster, skateboard or toy vehicle or similar devices, shall go upon
29 any roadway or designated on-street bicycle facility except while crossing a
30 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

1 section shall not apply upon any street while set aside as a play street as
2 authorized by this chapter.

3 ('74 Code, § 17-17) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-30-12, passed
4 9-11-12) Penalty, see § 74.99

5 § 74.48 ENFORCING AUTHORITY.

6 The authority for enforcing this subchapter will be the Fort Wayne Police
7 Department and the Ordinance Violations Bureau.
8 (Ord. G-1-11, passed 1/11/11)

9 § 74.99 PENALTY.

10 (A) Whoever violates any of the provisions of this chapter, for which no specific
11 penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not
12 more than \$2,500 and/or impoundment of vehicle. Each day any violation of this
13 code or of any ordinance shall continue shall constitute a separate offense. In all
14 cases where the same offense may be made punishable, or may be created by
15 different clauses or sections of the ordinances of the city, the City Attorney may
16 elect under which to proceed.

17 (B) Violations shall be subject to a fine of \$25 to \$200. First-time offenders shall
18 be fined not more than \$15.

19 ('74 Code, § 17-116) (Ord. S-185- 85, passed 10-8-85; Am. Ord. G- 30-12,
20 passed 9-11-12; Am. Ord. G-9-19, passed 4-23-19)

21 **SECTION 2.** That this Ordinance shall be in full force and effect from
22 and after its passage and any and all necessary approval by the Mayor.

23 _____
24 Council Member

25 APPROVED AS TO FORM AND LEGALITY

26 _____
27 Malak Heiny, City Attorney
28
29
30

CHAPTER 74: BICYCLES, ~~E-BICYCLES, OTHER VEHICLES, or OTHER POWER-DRIVEN~~
~~MOBILITY DEVICES (OPDMD)~~; TOY VEHICLES

Section

General Provisions

74.01 (Reserved)

74.02 Alteration of manufacturer's serial numbers

Bicycles ~~and other vehicles~~

~~74.33 Definitions~~

74.34 ~~General Regulations Operation of bicycles~~

74.35 ~~Speed to be reasonable and prudent to surrounding conditions Sidewalk or Fort~~
~~Wayne Area Trails or Recreational Trail Network Prohibitions~~

~~74.36 Emerging from alleys or driveways~~

74.36~~7~~ Parking of ~~B~~bicycles, ~~E-bicycles, and Other Vehicles~~

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

74.47~~50~~ Use of coasters, roller skates and similar devices restricted

~~74.48 Enforcing Authority~~

74.99 Penalty

Cross-reference:

Skateboarding prohibited, see § 97.49

GENERAL PROVISIONS

§ 74.01 (RESERVED).

§ 74.02 ALTERATION OF MANUFACTURER'S SERIAL NUMBERS.

It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle or other vehicle as defined in this chapter. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced.

('74 Code, § 17-109) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99

BICYCLES, E-BICYCLES, OTHER VEHICLES, or OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD)

§ 74.33 DEFINITIONS.

BICYCLE as defined in IC 9-13-2-14 - "Bicycle" means any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

E-BICYCLE as defined in:

(A) IC 9-13-2-26.6 - "Class 1 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance to the operator when the electric bicycle reaches a speed of twenty (20) miles per hour.

(B) IC 9-13-2-26.7 - "Class 2 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) may be used to exclusively propel the electric bicycle; and
- (2) ceases or is unable to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

(C) IC 9-13-2-26.8 - "Class 3 electric bicycle" means an electric bicycle equipped with an electric motor that:

- (1) provides assistance only when the operator is pedaling; and
- (2) ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

FORT WAYNE AREA TRAILS NETWORK. The designated, active, transportation system in Fort Wayne, Indiana, consisting of trails, paths, multi-use trails, side paths, shared-use

paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works including such parts of the Network that are located within the limits of the City of Fort Wayne but maintained by other entities.

OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) as defined 28 CFR 35.104 and permitted by 28 CFR 35.137 are any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including electronic personal assistance mobility devices (EPAMDs), or any mobility device designed to operate in areas without defined pedestrian routes.

OTHER VEHICLE includes self-propelled vehicles not defined in Title VII of the Fort Wayne Code of Ordinances and vehicles propelled partially or in full by a motor or engine that are:
(A) no wider than 32-inches;
(B) 150 pounds or less without operator and passenger(s).
(C) powered by an electric motor with a maximum output of 750 watts or less.
(D) not designed for the use of fossil fuels or hydrogen as a method of propulsion.

RECREATIONAL TRAILS include trails, paths, multi-use trails, side paths, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works that are not included in the Fort Wayne Area Trails Network.

SIDEWALK as defined in IC 9-13-2-167 - "Sidewalk" means the part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

§ 74.34 GENERAL REGULATIONS OPERATION OF BICYCLES.

~~(A)~~ ~~(A)~~ Every person riding a Bbicycle, E-bicycle, Other Vehicle, or OPDMD upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.

~~(B)~~ Every person riding a Bbicycle, E-Bicycle, Other Vehicle, or OPDMD upon a Ssidewalk or the Fort Wayen Area Trails Network or a Recreational Trail shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

~~(CB)~~ The regulations in the traffic code applicable to bicycles shall apply whenever a bicycle is operated upon any roadway or public sidewalk or upon any shared-use path, subject to those exceptions stated herein. Whenever any person is riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a Sidewalk or the Fort Wayne Area Trails Network or Recreational Trail, such person shall yield the right-of-way to any slower user and shall give an audible signal before overtaking and passing such slower user.

~~(DC)~~ The operator of a bicycle shall not overtake standing vehicles in a travel lane. Every person riding a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon a street, alley, Sidewalk, the Fort Wayne Area Trails Network, or Recreational Trail:

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- (1) Shall avoid sudden or erratic movements that could endanger others;
- (2) Shall provide an audible warning (e.g., bell, horn, voice) when approaching slower users from behind;
- (3) Shall pass slower users at a safe distance, providing a minimum of three (3) feet of clearance, and must wait until it is safe to pass even if the 3-foot clearance can't be achieved;
- (4) Shall give due regard to the safety of all vehicle and pedestrian traffic users, including those with visual, auditory, or mobility impairments;
- (5) Shall keep the Bicycle, E-bicycle, Other Vehicle or OPDMD under directional, speed, and stopping control at all times;
- (6) Shall not operate in an irregular or reckless manner so as to disregard their own safety, others, or property;
- (7) Shall not proceed at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character;
- (8) Shall maintain a degree of control that is necessary to avoid danger to persons, property, or wildlife; and
- (9) Shall not overtake standing vehicles in a travel lane.

(Ord. G-30-12, passed 9-11-12)

§ 74.35 SPEED TO BE REASONABLE AND PRUDENT TO SURROUNDING CONDITIONS. SIDEWALK OR FORT WAYNE AREA TRAILS OR RECREATIONAL TRAIL NETWORK PROHIBITIONS

—No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (A) All E-Bicycles operated on the Sidewalk, the Fort Wayne Area Trails Network, or a Recreational Trail must meet the requirements of Chapter 74.33.

(B) Vehicles are prohibited from using a trailer or other mode of conveyance towed behind the vehicle unless specifically designed for carrying passengers and/or cargo.

(C) Horses, donkey, and mules are not permitted.

(D) Operating any powered vehicle not authorized by this Chapter on any Sidewalk, the Fort Wayne Area Trails Network, or Recreational Trail.

(E) Users shall follow all applicable state and federal laws and regulation regarding vehicle operation.

(F) Exceptions to this Chapter are as follows:

(1) This ordinance shall not apply to persons with disabilities using wheelchairs or OPDMD, provided that such devices are operated in compliance with 74.34.

(2) Vehicles used by local, state, and/or federal government agencies used for maintenance, repair, construction, and safety.

(3) Vehicles used by utility companies and/or companies contracted by local, state, and/or federal government agencies for maintenance, repair, construction, and safety.

('74 Code, § 17-112) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99

§ 74.36 EMERGING FROM ALLEYS OR DRIVEWAYS.

~~—The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.~~

~~('74 Code, § 17-113) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99~~

§ 74.367 PARKING OF BICYCLES, E-BICYCLES, AND OTHER VEHICLES~~PARKING OF BICYCLES.~~

~~—No person shall park a bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle, against a building or in such manner as to afford the least obstruction to pedestrian traffic. No person shall park a Bicycle, E-bicycle, Other Vehicle, or OPDMD upon the traveled portion of the street. Bicycles, E-bicycle, Other Vehicles, or OPDMD may be parked only upon the Sidewalk area or the Fort Wayne Area Trails Network or Recreation Trail in a rack provided to support the Bicycle, E-bicycle, Other Vehicle, or OPDMD or against a building or in such manner as to afford the least obstruction to traffic and other users.~~

~~('74 Code, § 17-114) (Ord. S-185-85, passed 10-8-85) Penalty, see § 74.99~~

§ 74.38 RIDING ON SIDEWALK AREA.

~~—(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.

- (1) Any wheeled device, other than an automobile or motorcycle, that is powered by a motor;
- (2) Accessed via an on-demand portal, whether a smartphone application, membership card, or similar method;
- (3) 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
- (4) Available at unstaffed, self-service locations, to members of the public for their personal operation.

OPERATOR. Any person who owns, operates, leases, offers to rent, collects, distributes, repairs, services, charges or otherwise asserts control of a dockless vehicle share system.

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

(Ord. G-9-19, passed 4-23-19)

§ 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.

(Ord. G-9-19, passed 4-23-19) Penalty, see § 74.99

§ 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 and City Council. Participation in the pilot study may only occur upon application and approval of the Department of Right-of-Way and City Council.

(Ord. G-9-19, passed 4-23-19)

§ 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.

(Ord. G-9-19, passed 4-23-19)

§ 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.

(Ord. G-9-19, passed 4-23-19)

§ 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.

(Ord. G-9-19, passed 4-23-19)

§ 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.

(Ord. G-9-19, passed 4-23-19)

TOY VEHICLES

§ 74.4750 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.

('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

§ 74.48 ENFORCING AUTHORITY.

The authority for enforcing this subchapter will be the Fort Wayne Police Department and the Ordinance Violations Bureau.
(Ord. G-1-11, passed 1/11/11)

§ 74.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500 and/or impoundment of vehicle. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed.

(B) Violations shall be subject to a fine of \$25 to \$200. First-time offenders shall be fined not more than \$15. (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.

—(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.

('74 Code, § 17-116) (Ord. S-185- 85, passed 10-8-85; Am. Ord. G- 30-12, passed 9-11-12; Am. Ord. G-9-19, passed 4-23-19)