

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:

- 1 A. Any wheeled device, other than an automobile or motorcycle, that is powered  
2 by a motor;
- 3 B. Accessed via an on-demand portal, whether a smartphone application,  
4 membership card, or similar method;
- 5 C. Owned by a person that owns, manages, and maintains devices for shared  
6 use by members of the public without a physical dispatching location within  
7 the City; and
- 8 D. Available at unstaffed, self-service locations, to members of the public for  
9 their personal operation.
- 10

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

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

16 **§ 74.41 PROHIBITED.**

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

20 **§ 74.42 EXCEPTION.**

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

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

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

8 **§ 74.44 PERIOD OF IMPOUNDMENT.**

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

12 **§ 74.45 DISPOSITION OF UNREDEEMED DOCKLESS VEHICLES.**

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

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

20 **§ 74.46 OPERATOR RESPONSIBLE FOR COSTS.**

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



## 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

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#### *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.

(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

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- 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.

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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.**

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**§ 74.44 PERIOD OF IMPOUNDMENT.**

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

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(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.

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**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.

BILL NO. G-19-04-02 AA

**REPORT OF COMMITTEE ON REGULATIONS**

**April 23, 2019**

**Michael Barranda Chair**

**Tom Freistroffer Co-Chair**

**All Council Members**

An Ordinance amending Chapter 74: Bicycles; Toy Vehicles of the City of Fort Wayne Code of Ordinances

**(AS AMENDED)**








COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

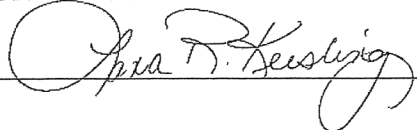
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ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Barranda.

Read the second time by title and referred to the Regulations Committee.

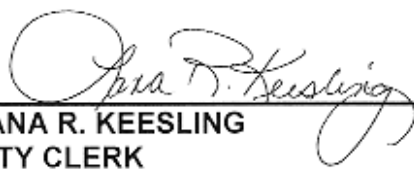
Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:


<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: April 23, 2019

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-19-04-02AA on the 23rd day of April, 2019

  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

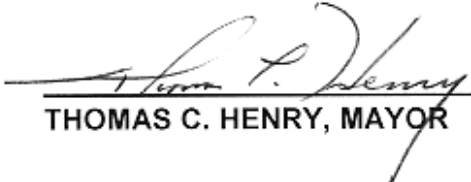
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th of April 2019, at the hour of 11:00 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 25<sup>TH</sup> day of APRIL

2019, at the hour of 8:00 o'clock AM E.S.T.

FORT WAYNE, INDIANA  
**RECEIVED**  
APR 25 2019  
LANA R. KEESLING  
CITY CLERK

  
THOMAS C. HENRY, MAYOR