

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

6
7 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
8 CITY OF FORT WAYNE, INDIANA:

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

11 **ADD NEW SECTIONS**

12 ***Dockless Vehicles***

13 74.47 Age Requirement

14 74.48 Special Event

15 ***Electric Foot Scooters***

16 74.60 Definition

17 74.61 Operation of electric foot scooter

18 74.62 Riding near pedestrians

19 74.63 No animals permitted

20 74.64 Single rider permitted

21 **AMEND SECTION 74.99 PENALTY**

22 **AMEND SECTION 74.40**

23 **§ 74.40 DEFINITIONS.**

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

26 ***DOCKLESS MOBILITY SYSTEM.*** A shared mobility system or service that provides
27 dockless vehicles for short-term rentals for point-to-point trips that is permitted to
28 operate in the City, comprised of devices for the purpose of transportation or
29 conveyance.
30

1 **AMEND SECTION 74.40 (1), (3)**

2 (1) Any multi-wheeled transportation device operated by a rider, other than an
3 automobile or motorcycle;

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

6 **AMEND SECTION 74.40 – OPERATOR**

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

10 **AMEND SECTION 74.41 PROHIBITED**

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

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

14 **AMEND SECTION 74.42 EXCEPTION**

15 Notwithstanding the foregoing, the operation of a Dockless Mobility System shall be
16 permitted if the Operator is selected to participate in a dockless vehicle share pilot study
17 administered by the Department of Community Development and City Council.
18 Participation in the pilot study may only occur upon application and approval of the
19 Department of Right-of-Way and City Council.

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

21 **AMEND SECTION 74.43 REMOVAL OF DOCKLESS VEHICLES**

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

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

29 **AMEND SECTION 74.44 PERIOD OF IMPOUNDMENT**

30 Upon impoundment, a Dockless Vehicle shall be held a minimum of thirty (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)

1 **§ 74.61 OPERATION OF ELECTRIC FOOT SCOOTER.**

2 (A) Every person riding an Electric Foot Scooter upon a street shall be granted all of
3 the rights and shall be subject to all of the duties applicable to the driver of a vehicle.
4 Every person riding an Electric Foot Scooter upon a sidewalk shall be granted all of the
5 rights and shall be subject to all of the duties applicable to a pedestrian.

6 (B) The regulations in the traffic code applicable to Electric Foot Scooters shall apply
7 whenever an Electric Foot Scooter is operated upon any roadway or public sidewalk or
8 upon any shared-use path, subject to those exceptions stated herein.

9 (C) The operator of an Electric Foot Scooter shall not overtake standing vehicles in a
10 travel lane.

11 **§ 74.62 RIDING NEAR PEDISTRIANS.**

12 (A) A person operating an Electric Foot Scooter on a sidewalk, multiuse path, multiuse
13 trail, or within a crosswalk shall yield the right-of-way to any pedestrian.

14 (B) A person who is operating an Electric Foot Scooter and who is passing a
15 pedestrian traveling on the same facility shall pass the pedestrian at a distance of at
16 least three feet. If the person is operating the Electric Foot Scooter on a sidewalk or is
17 unable to pass the pedestrian at a distance of at least three feet on any other facility,
18 then the person operating the Electric Foot Scooter shall stop, dismount, or exit the
19 facility.

20 (C) A person operating an Electric Foot Scooter upon a multiuse path, multiuse trail, or
21 within a crosswalk, before overtaking a person with a visual impairment who is
22 carrying a white cane or who is guided by a service animal, shall dismount and pass
23 on foot, if necessary, to avoid startling, inconveniencing or colliding with the person.

24 (D) A person operating an Electric Foot Scooter shall give an audible signal before
25 overtaking and passing any pedestrian while traveling in the same direction and on the
26 same facility as the pedestrian. The audible signal may be given by voice or by bell or
27 other warning device capable of giving an audible signal and shall be given at such a
28 distance and in such a manner as to not startle the person or persons being passed.

29 (E) A person operating an Electric Foot Scooter on a sidewalk, multiuse path, multiuse
30 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.

(F) No person shall operate an Electric Foot 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.

§ 74.63 NO ANIMALS PERMITTED.

No person shall operate an Electric Foot Scooter while controlling an animal, whether
such control is by hand, by leash, or by any alternative medium.

1
2 **§ 74.64 SINGLE RIDER.**

3 It is a violation of this section for more than one person to be upon an Electric Foot
4 Scooter at any time.

5 **AMEND SECTION 74.99 PENALTY (A), (B), ADD NEW SECTION (C)**

6 **§ 74.99 PENALTY.**

7 (A) Every person convicted of a violation of any
8 provision of this chapter, where another penalty is not expressly provided, shall be
9 fined \$50, payable to the Violations Bureau. If the violator fails to pay the citation within
10 a period of thirty (30) calendar days from the date shown on the notice, the penalty shall
11 increase to \$100.

12 (B) Any person violating the provisions of Chapter § 74.43 shall be subject to a fine of
13 \$100 per day for each Dockless Vehicle operated or parked upon the right-of-way or any
14 public place. For each subsequent violation, the fine shall be not less than \$200.


15 (C) Fines for violations under this Chapter shall be paid to the City of Fort Wayne
16 Ordinance Violations Bureau who shall deposit the funds in the General Fund.

17 (74 Code, § 17-116) (Ord. S-185- 85, passed 10-8-85; Am. Ord. G- 30-12, passed 9-
18 11-12; Am. Ord. G-9-19, passed 4-23-19)

19 **SECTION 2.** That this Ordinance is in full force and effect from and after its
20 passage and any and all necessary approval by the Mayor.

21
22 
23 _____
24 Council Member

25 APPROVED AS TO FORM AND LEGALITY

26
27 
28 _____
29 Carol Helton, City Attorney
30

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

74.47 Age Requirement

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74.48 Special Event

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Toy Vehicles

74.50 Use of coasters, roller skates and similar devices restricted

Electric Foot Scooter

74.60 Definition

74.61 Operation of electric foot scooter

74.62 Riding near pedestrians

74.63 No animals permitted

74.64 Single rider permitted

74.99 Penalty

Cross-reference:

Skateboarding prohibited, see § 97.49

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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. 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

§ 74.34 OPERATION OF BICYCLES.

(A) Every person riding a bicycle 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. Every person riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

(B) 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.

(C) The operator of a bicycle 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.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(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

§ 74.37 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.

(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 MOBILITY SYSTEM. A shared mobility system or service that provides dockless vehicles for short-term rentals for point-to-point trips that is permitted to operate in the City, comprised of devices for the purpose of transportation or conveyance.

DOCKLESS VEHICLE.

(1) Any multi-wheeled transportation device operated by a rider, other than an automobile or motorcycle;

(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 Dockless Mobility System 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 Mobility System vehicle share system shall be permitted if the Operator is selected to participate 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 thirty (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 thirty (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)

§ 74.47 AGE REQUIREMENT

No Person under the age of eighteen shall be permitted to rent or operate a Dockless Vehicle. A violation of this section shall subject the individual, Operator or guardian of the individual a citation.

§ 74.48 SPECIAL EVENTS

No person shall operate a Dockless Vehicle within the designated boundaries of a special event for which a special event permit has been obtained.

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.

(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

ELECTRIC FOOT SCOOTER

§ 74.60 DEFINITION.

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

ELECTRIC FOOT SCOOTER means a device:

1. Weighing not more than one hundred (100) pounds;
2. Designed to travel on not more than three (3) wheels in contact with the ground;
3. With handlebars and a floorboard that the rider uses to stand on the device during operation; and
4. Powered by an electric motor that is capable of powering the device with or without human propulsion at a speed not more than twenty (20) miles per hours on a paved level surface.

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§ 74.61 OPERATION OF-ELECTRIC FOOT SCOOTER.

(A) Every person riding an Electric Foot Scooter 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. Every person riding an Electric Foot Scooter upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.

(B) The regulations in the traffic code applicable to Electric Foot Scooters shall apply whenever an Electric Foot Scooter is operated upon any roadway or public sidewalk or upon any shared-use path, subject to those exceptions stated herein.

(C) The operator of an Electric Foot Scooter shall not overtake standing vehicles in a travel lane.

§ 74.62 RIDING NEAR PEDISTRIANS.

(A) A person operating an Electric Foot Scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall yield the right-of-way to any pedestrian.

(B) A person who is operating an Electric Foot 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 Electric Foot 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 Electric Foot Scooter shall stop, dismount, or exit the facility.

(C) A person operating an Electric Foot 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.

(D) A person operating an Electric Foot 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.

(E) A person operating an Electric Foot 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.

(F) No person shall operate an Electric Foot 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.

§ 74.63 NO ANIMALS PERMITTED.

No person shall operate an Electric Foot Scooter -while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.

§ 74.64 SINGLE RIDER.

It is a violation of this section for more than one person to be upon an Electric Foot Scooter at any time.

§ 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~~ fined \$50, payable to the Violations Bureau. If the violator fails to pay the citation within a period of thirty (30) calendar days from the date shown on the notice, the penalty shall increase to \$100, 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)(B) Any person violating the provisions of this Chapter § 74.43 chapter shall be subject to a fine of \$100 per day for each Ddockless 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.~~

(C) Fines for violations under this Chapter shall be paid to the City of Fort Wayne Ordinance Violations Bureau who shall deposit the funds in the General Fund.

(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)

BILL NO. G-21-06-21

REPORT OF COMMITTEE ON REGULATIONS

July 13, 2021


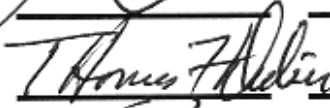


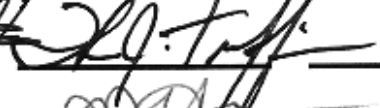
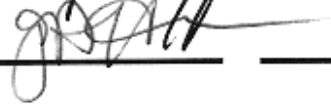

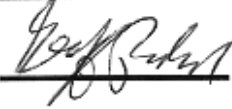

Geoff Paddock Chair

Tom Freistroffer Co-Chair

All Council Members

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

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**

