

## Ordinance No. \_\_\_\_ -19

### An ordinance regarding mobility sharing operations

The City of St. Louis Park does ordain:

**Section 1.** That Chapter 30 of the Code of Ordinances, City of St. Louis Park, Minnesota, is hereby amended by adding the underscored language.

#### **Article VII. Mobility Sharing Operations**

##### **Sec. 30-212. Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle* shall have the meaning specified in Minnesota Statute Section 169.011.

*Motorized foot scooter* shall have the meaning specified in Minnesota Statute Section 169.011.

*Vehicle* shall have the meaning specified in Minnesota Statute Section 169.011.

*Low power vehicle* shall include motorized foot scooters, and any other powered transportation device expressly identified as such pursuant to city council action. A current list of any devices added to and included in this definition shall be kept on file by the director of engineering, and will be made readily available for public inspection.

*Bicycle sharing* shall mean any rental or lending services that:

- (1) Allows bicycle riders to temporarily use bicycles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and
- (2) Encourages, allows, or is susceptible to bicycle vending, renting, or lending from public right of way or other city property.

*Low power vehicle sharing* shall mean any rental or lending services that:

- (1) Allows low power vehicle riders to temporarily use low power vehicles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and
- (2) Encourages, allows, or is susceptible to low power vehicle vending, renting, or lending from public right of way or other city property.

Car sharing shall mean any rental or lending services that:

- (1) Allows qualified drivers to temporarily use vehicles available from a fleet in exchange for a fee that is based on mileage and/or duration of use; and
- (2) Conducts its vehicle vending from parking spaces located in the public right of way. Car sharing does not mean a vehicle rental or lending service using a daily rental charge or requiring a minimum twenty-four (24) hour rental period.

Mobility sharing shall mean any one, any combination of, or all of the following:

- (1) Bicycle sharing
- (2) Low power vehicle sharing
- (3) Car sharing

**Sec. 30-213. Impounding authorized**

- (a) Bicycles or low power vehicles may be impounded by any police officer, duly authorized city employee, or city-licensed impoundment contractor because:
  - (1) The bicycle or low power vehicle was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.
  - (2) The bicycle or low power vehicle is part of an unpermitted mobility sharing operation and is found in violation of one or more provisions of Division 3 of this article.
  - (3) The bicycle or low power vehicle is found in violation of one or more of the terms of a license issued under Division 3 of this article.
- (b) All bicycles or low power vehicles found in violation of this section are subject to impoundment without warning.
- (c) “Impoundment” or “impound” as used in this article means removal of a bicycle or low power vehicle to a temporary storage location or designated impound facility by the city, or by a city-licensed impoundment contractor, in response to authorization from a police officer, traffic control agent, or other city employee who is designated by the director of engineering to act under this section.
- (d) Not more than seventy-two (72) hours after impoundment of any bicycle or low power vehicle, the city shall attempt notice to the owner of the device, as disclosed by readily identifiable owner contact information attached to the bicycle. The notice shall be attempted by telephone, electronic mail, or U.S. mail. The notice shall outline the impoundment and redemption process. If a bicycle is redeemed prior to the submission of notice, or if the city is unable to readily identify the owner, then the notice need not be sent. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the seventy-two (72) hour period.

- (e) All bicycles or low power vehicles impounded under this section shall be subject to an impounded fee that is sufficient to offset the city's costs of enforcement and storage for each such device.

**Sec. 30-214. Sale of impounded bicycles.**

Any bicycle lawfully coming into the possession of the city and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold to the highest bidder at public auction or sale following reasonable published notice.

**Sec. 30-215. Sale of impounded low power vehicles.**

Any low power vehicle lawfully coming into the possession of the city and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold to the highest bidder at public auction or sale following reasonable published notice.

**Secs. 30-216--30-230. Reserved.**

**Division 2. Operation**

**Sec. 30-231. State bicycle laws apply.**

The operation of a bicycle upon any public street, alley, highway, sidewalk, or other public property in the city shall be governed by the provisions of Minnesota Statutes, Section 169.222 together with this chapter.

**Sec. 30-232. State operation laws apply.**

The operation of each form of low power vehicle upon a public street, alley, highway, sidewalk, or other public property in the city shall be governed by the corresponding provisions of Minnesota Statutes, Chapter 169.

**Secs. 30-233--30-250. Reserved.**

**Division 3. Mobility sharing operations**

**Sec. 30-251. License required.**

- (a) Notwithstanding any other provision to the contrary, no person shall engage in the business of mobility sharing from public right of way or other city property without a valid license agreement with the city. As used in this chapter, the word "license" shall mean a written agreement issued by the engineering director, with formal approval by the city council.

(b) Any bicycle or low power vehicle that is part of a mobility sharing operation not authorized by license under this section shall be deemed an unpermitted bicycle or unpermitted low power vehicle. Any person in possession of an unpermitted bicycle or low power vehicle may ride such device into and through the city, subject to all applicable state and local laws and rules, including but not limited to any ordinances promulgated by Three Rivers Park District and the Minneapolis Park and Recreation Board. All unpermitted bicycles or low power vehicles must be attended by the same user at all times while on public right of way or other city property. As used in this article, "attended" means a readily identifiable user is located within five feet of the bicycle.

**Sec. 30-252. Control of right of way.**

Licenses issued pursuant to this chapter shall not operate so as to transfer ownership or control of the public right of way to mobility sharing operators, or to any other party.

**Sec. 30-253. Compliance with laws.**

Mobility sharing operators and consumers shall comply with all applicable federal, state, and local laws, as they may be amended from time to time.

**Sec. 30-254. Attachment of bicycles prohibited.**

Bicycles that are part of any mobility sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, or any other immovable object with a lock unless expressly permitted under city license.

**Sec. 30-255. Attachment of low power vehicles prohibited.**

Low power vehicles that are part of any mobility sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, or any other immovable object, with a lock unless expressly permitted under city license.

**Sec. 30-256. Exclusive use of bicycle sharing stations.**

Bicycles that are part of any mobility sharing operation shall not be parked, for any length of time, in a designated, city-permitted bicycle sharing station unless such bicycle is permitted by a valid license under Section 30-251. All city-permitted bicycle sharing stations will be clearly identified.

**Sec. 30-257. Exclusive use of low power vehicle sharing stations.**

Low power vehicles that are part of any mobility sharing operation shall not be parked, for any length of time, in a designated, city-permitted low power vehicle sharing station

unless such low power vehicle is permitted by a valid license under Section 30-251. All city-permitted low power vehicle sharing stations will be clearly identified.

**Sec. 30-258. Enforcement**

- (a) Bicycles or low power vehicles may be deemed to be part of a mobility sharing operation based on any of the following: marketing or advertising associated with a business logo attached to the device; marketing or advertising associated with the overall appearance of the device; the existence of a locking mechanism that can be unlocked for a fee or other form of direct or indirect compensation; or any other indicator that would lead a reasonable person to believe that the device is used for mobility sharing as defined in this chapter.
- (b) Any bicycle or low power vehicle deemed to be part of a mobility sharing operation that is found illegally parked, left unattended on public right of way or other city property for a period of more than fifteen (15) minutes, or otherwise in violation of the terms of a valid city license, shall be subject to impoundment under Division 1 of this article.
- (c) Any bicycle or low power vehicle deemed to be part of a mobility sharing operation that is left unattended on private property shall be subject to impoundment under Division 1 of this article. Impoundment shall not occur unless, and until, a qualifying request to remove the device is made by the owner or authorized representative of such property.
- (d) In addition to any other remedy available at equity or law, failure to comply with the provisions of this Article VII, or with the terms of any license issued pursuant to the provisions of Section 30-251, may result in impoundment as provided in this article, license revocation, suspension or cancellation, administrative fines, restrictions, or penalties as provided in Chapter 1 of this code.

**Secs. 30-259--30-290. Reserved**

**Section 2.** That Appendix A of the Code of Ordinances, City of St. Louis Park, Minnesota, is hereby amended by adding the underscored language. Section breaks are represented by \*\*\*.

ENGINEERING DEPARTMENT

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**Mobility Sharing**

**Device Impoundment**

Impoundment fee

\$56 per mobility sharing device

Storage fee

\$18 per day if not retrieved in the same day of impoundment.

**License Fee**

\$100 per mobility sharing device

**Section 3.** This ordinance shall take effect (insert text)

First Reading	April 1, 2019
Second Reading	April 15, 2019
Date of Publication	April 18, 2019
Date Ordinance takes effect	May 10, 2019

Reviewed for administration:

Adopted by the City Council April 15, 2019

\_\_\_\_\_  
Thomas K. Harmening, City Manager

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Jake Spano, Mayor

Attest:

Approved as to form and execution:

\_\_\_\_\_  
Melissa Kennedy, City Clerk

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Soren Mattick, City Attorney