

ORDINANCE NO. 1631

AN ORDINANCE AMENDING TITLE XI ENTITLED "BUSINESS REGULATIONS" OF THE 2015 ORDINANCE CODE OF THE CITY OF OWATONNA, AS AMENDED, BY ADDING CHAPTER 121 AUTHORIZING MICROMOBILITY SHARING BUSINESSES AND PROVIDING FOR THE LICENSURE AND REGULATION THEREOF.

THE CITY COUNCIL OF THE CITY OF OWATONNA DO ORDAIN:

Section 1. Title XI of the 2015 Ordinance Code of the City of Owatonna, as amended, is hereby amended by adding Chapter 121 to read as follows:

§ 121 MICROMOBILITY SHARING OPERATIONS

§ 121.01 DEFINITIONS.

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

Impoundment or Impound. As used in this Chapter means removal of a micromobility vehicle to a storage facility or designated impound location by the City or an authorized licensed City contractor in response to authorization from a police officer, traffic control agent, or other City employee who is designated by the director of public works to act under this section.

License Agreement or License. As used in this section shall mean a written contract or agreement issued by the City Administrator or their designee, with approval by the City Council. **Micromobility Vehicle.** As used in this section shall include bicycles, electric-assisted bicycles, motorized foot scooters, and any other transportation device identified as a micromobility vehicle pursuant to City Council action.

Micromobility Sharing or Micromobility Sharing Operation. As used in this section shall mean any rental or lending service that:

- (A) Allows riders to temporarily use micromobility vehicles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and

- (B) Promotes and provides for micromobility vehicle vending, renting, or lending from locations on City-maintained right-of-way or other permitted and designated City property.

§ 121.02 LICENSE AGREEMENT REQUIRED.

- (A) Notwithstanding any other provision to the contrary, no person shall engage in the business of micromobility sharing from City-maintained right-of-way or other City property without a valid license agreement with the City.
- (B) Any micromobility vehicle that is part of a micromobility sharing operation not authorized by a license agreement under this section shall be deemed an unpermitted micromobility vehicle. Any person in possession of an unpermitted micromobility vehicle may ride such micromobility vehicle into and within the City, subject to all applicable federal, state and municipal laws, ordinances and regulations. Any unpermitted micromobility vehicle must be attended by the same user at all times while on City-maintained right-of-way or other City property. As used in this section, "attended" means a readily identifiable user is located on or within five (5) feet of the micromobility vehicle.
- (C) License Fee. The Licensee shall pay to the City an annual license fee in an amount duly established by the City Council from time to time to offset the City's administrative costs related to implementation and oversight of the License Agreement.
- (D) Authorized Representative. Licensee will appoint a local Authorized Representative to oversee the Licensee's business and discharge the duties and responsibilities of the Licensee required under the License Agreement

and City Ordinance §§ 121.01-121.09. Licensee will provide City the Authorized Representative's name, cell phone number, landline number, email address, mailing address for the Licensee's operations and also emergency after hours contact information.

§ 121.03 CONTROL OF RIGHT-OF-WAY.

License agreements issued pursuant to this Chapter shall not operate so as to transfer ownership or control of the public right-of-way to micromobility sharing operators, or to any other party.

§ 121.04 COMPLIANCE WITH LAWS.

Micromobility sharing operators and users shall comply with all applicable federal, state, and municipal laws, ordinances, and regulations as now existing and or hereafter amended may be amended from time to time. The operation of a micromobility vehicle upon a public street, alley, highway, sidewalk, or other public property in the City shall be governed by the corresponding provisions of Minn. Stat. Chapter 169.

§ 121.05 MICROMOBILITY OPERATOR.

- (A) A Micromobility Operator shall not lease, rent, or otherwise make available a micromobility to any person who is (a) under 18 years of age or (b) who does not have a valid Driver's License.
- (B) Licensee agrees that it will either require or recommend the use of helmets to all users of Licensee's Fleet.

§ 121.06 ATTACHMENT OF MICROMOBILITY VEHICLES PROHIBITED.

Micromobility vehicles that are part of any micromobility sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, streetlight, sign pole, utility pole, or any other immovable object with a lock unless expressly permitted under a valid license agreement.

§ 121.07 ENFORCEMENT.

- (A) Micromobility vehicles may be deemed to be part of a micromobility sharing operation based on any of the following: marketing or advertising associated with a business logo attached to the vehicle; marketing or advertising associated with the overall appearance of the vehicle; 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 vehicle is used for micromobility sharing as defined in this section.
- (B) Any micromobility vehicle deemed to be a part of a micromobility sharing operation that is found illegally parked, or otherwise in violation of this section or the terms of a valid City license agreement, shall be subject to impoundment under §121.07 herein.
- (C) Any micromobility vehicle deemed to be a part of a micromobility sharing operation that is left unattended on private property shall be subject to impoundment under § 121.07 herein. Impoundment shall not occur unless and until a qualifying request to remove the micromobility vehicle 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 section, or with the terms of any license agreement issued pursuant hereto, may result in impoundment as provided in this section, license termination, suspension or cancellation, administrative fines, restrictions, or other penalties as provided herein.

§ 121.08 IMPOUNDING AUTHORIZED.

(A) Micromobility vehicles may be impounded by any traffic officer or duly authorized City employee because:

1. The micromobility vehicle was found improperly attached in violation of §121.05 herein.
2. The micromobility vehicle was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.
3. The micromobility vehicle is part of a licensed micromobility vehicle sharing operation and is found in violation of one or more provisions of this Ordinance.
4. The micromobility vehicle is found in violation of one or more of the terms of a contract or license issued under § 121.02 herein.

(B) All micromobility vehicles found in violation of this section are subject to impoundment without warning.

(C) Not more than seventy-two (72) hours after impoundment of any micromobility vehicle, or as soon thereafter as practicable, the City shall provide written notice to the owner of the micromobility vehicle, as disclosed by readily identifiable owner contact information attached to the micromobility vehicle.

The notice shall be sent by either electronic or US mail. The notice shall contain the full particulars of the impoundment and redemption process. If a micromobility vehicle is redeemed prior to the submission of notice, or if the City is unable to readily identify the owner, then notice need not be sent.

Saturdays, Sundays and City holidays are to be excluded from the calculation of the seventy-two-hour period.

(D) All micromobility vehicles impounded under this section shall be subject to an impoundment fee, as duly established by the City Council from time to time, that is sufficient to offset the City's costs of enforcement and storage for each such micromobility vehicle.

§ 121.09 SALE OF IMPOUNDED MICROMOBILITY VEHICLES.

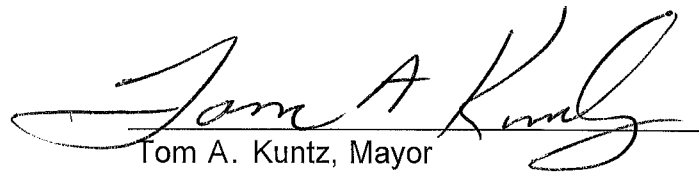
Any micromobility vehicle lawfully coming in the possession of the City and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold according to the law.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 5th day of April 2022, with the following vote:

Aye 1; No 0; Absent 0.

Approved and signed this 5th day of April, 2022.


Tom A. Kuntz, Mayor

ATTEST:


Kris M. Busse, City Administrator/City Clerk