



AGENDA
Committee on Public Services
Tuesday, October 16, 2018 @ 4:00 p.m.
City Council Conference Room, 10th Floor

Council Member Peter Spadafore, Chair
Council Member Jeremy Garza, Vice Chair
Council Member Jody Washington, Member

1) Call to Order

2) Public Comment on Agenda Items

3) Minutes

- October 8, 2018

4) Discussion/Action:

A.) **Discussion/ORDINANCE** - Amend Chapter 404, Section 404.01;
Impound of Transportation Devices Improperly Parked or Abandoned

B.) **Discussion/ORDINANCE** - Amend Chapter 812, Section 812.04; Include
additional Transportation Devices within Prohibited Transportation
Devices on Sidewalks in the Principal Shopping District (PSD)

5) Other

6) Adjourn

[illegible]

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MINUTES

**Committee on Public Service
Monday, October 8, 2018 @ 5:00 p.m.
City Hall, Conference Room, 10th Floor**

CALL TO ORDER

The meeting was called to order at 5:00 p.m.

ROLL CALL

Council Member Peter Spadafore, Chair
Council Member Jeremy Garza, Vice Chair
Council Member Jody Washington, Member- excused

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Molly Korn
Kathy Miles
Jim Smiertka, City Attorney
Greg Venker, Assistant City Attorney
Elaine Womboldt

Public Comment

No comment at this time.

Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM SEPTEMBER 24, 2018. MOTION CARRIED 2-0.

Discussion/Action:

RESOLUTION – Appointment; Molly Korn; Member of Potter Park Zoo Board; Term to Expire 12/31/2020

The Committee reviewed the application and resume, and Ms. Korn commented on her interest in the conservation efforts at the Potter Park Zoo, and her opinion that the region can make a large impact.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF MOLLY KORN TO THE MEMBER OF THE POTTER PARK ZOO BOARD. MOTION CARRIED 2-0.

Other

UPDATE - Electric Scooters and Electric Skateboard Legislation

Council Member Spadafore acknowledged the recent agreement with the Mayor and LIME and stated that he asked Law to attend to speak on HB 5391 and an ordinance to address them to be finalized by spring 2019. Mr. Kilpatrick confirmed there was a meeting scheduled with a second company, but no agreement yet. Council Member Spadafore referenced the recent legislative law (HB No. 5391) asking Mr. Smiertka to outline the process thus far. Mr. Smiertka noted the topic began in 2002 with the “Segway” law and regulations, and as of September 18, 2018 there is a new Act under HB 5391. This statute regulates motor vehicles and now includes the “electric skateboard”. This will allow the scooters on the streets and sidewalks, with regulations and gives local municipalities the ability to regulate their operations. Mr. Smiertka then highlighted points in the HB 5391. It was noted the “electric scooters” are not defined as motor vehicles under the motor vehicle law. Included in his presentation he noted the required speed limit where they can be ridden, helmet requirements, what is allowed on sidewalks, lights during certain hours, and the local regulation clause. According to the HB a penalty would be a civil infraction. Regarding the effects on the City ordinances, there is currently an ordinance that prohibits a skateboard on sidewalks in the downtown. The City recently signed an agreement with LIME, which could allow it in the Central Business District, this would allow it to be permitted on the sidewalk; not compliant with the City ordinance, and this agreement allows them to be used on streets and bike lanes. Mr. Kilpatrick added that the current agreement with LIME is a 60 day right of way permit. Mr. Smiertka said his office is proposing an ordinance to speak on the violations, and Mr. Venker referred the Committee to Section 404.01 in City ordinance which adopts the uniform traffic code, which is where it states they can impound bikes if abandoned or parked in appropriately. The idea would be to expand this definition and not just state “bicycle” but to include these new items. The 2nd ordinance change Mr. Venker stated, would be with the Principal Shopping District, which could read that “bicycle” and “skate board” would cover “electric bike” and “electric skateboard”. This would then allow enforcement to impound them if they are in violation. Mr. Smiertka added these are temporary option because the City could decide to issue permits for encroachment of the right-of-way, and the permits could be longer than the current 60 day in the LIME agreement. The permit could go for an extended period of time to regulate, or per the State statute, the City can adopt an ordinance to regulate. Mr. Venker stated the third option the City can do is make the business subject to a license ordinance and combine licensing with regulatory and permit. Council Garza asked if the vendor gets charged if the unit is impounded and if so what that fee is. Mr. Venker referred again to Section 404.01 (i) in the ordinance that speaks to impounding bicycles, and concurred they would use those same fees. This impound practice includes a notice to the owner, and upon impounding and storage the owner is responsible for the fees incurred by the City. In the LIME agreement it already states that whatever cost incurred for taking and storage, LIME would have to pay back. Council Member Garza then asked if the statement in the LIME agreement allowing up to 250 scooters, is going to be reflected for each company. Mr. Kilpatrick acknowledged they still need to work that out, because this regulation could be regional and uniform for all areas, but with a cap it is hard to state where they start and end up at. Mr. Venker noted that in the LIME agreement, they have to provide data share to the City. And Mr. Kilpatrick acknowledged that, however noted that the data is provided after the fact; at end of agreement. Mr. Venker suggested having a fee in the ordinance per scooter, and Mr. Kilpatrick suggested a licensing fee per device. Council Member Garza asked what steps are taken when they are abandoned on private property. Mr. Smiertka said there was a procedure in the State Statute; it is a trespassing like a bicycle. Council Member Spadafore referred to the LIME agreement which states they have two (2) hours to get them if they receive notification, and Mr. Kilpatrick added that LIME has a GPS system to track them and get them picked up every night. Currently, he added they are supposed to park between the sidewalks and curb and cannot block pedestrian access.

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Council Member Spadafore noted for the Committee and the public that the intention is to have the ordinance done by the end of 2018.

Ms. Womboldt asked if they can be ridden on a road as long as the road speed limit is not over 25 mph; that was confirmed, if they have to wear a helmet if they are under age 19; that was confirmed and noted they do not get ticketed like a vehicle.

Ms. Womboldt asked if LIME and BIRD informed the City they were placing them in the City, and Council Member Spadafore stated LIME did, BIRD did not. Ms. Miles then spoke in support of having the scooters on bikes lanes no sidewalks.

ADJOURN

The meeting was adjourned at 5:26 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: _____

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1 ORDINANCE NO. _____

2 AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER
3 404, SECTION 404.01 OF THE LANSING CODIFIED ORDINANCES TO PROVIDE FOR
4 THE IMPOUNDMENT OF VEHICLES OR OTHER TRANSPORTATION DEVICES,
5 INCLUDING BICYCLES, ELECTRIC BICYCLES, SCOOTERS, ELECTRIC SCOOTERS,
6 SKATEBOARDS, AND ELECTRIC SKATEBOARDS, THAT ARE IMPROPERLY PARKED
7 OR ABANDONED.

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9 THE CITY OF LANSING ORDAINS:

10 Section 1. That Section 404.01 of the Lansing Code of Ordinances of the City of Lansing
11 is hereby amended as follows:

12 **404.01– ADOPTION OF THE UTC**

13 For the purpose of supplementing the regulations contained in the MVC, the Uniform Traffic
14 Code for Cities, Townships, and Villages, promulgated by the Michigan State Police in 2003
15 ("UTC"), 2009 AC, R 28.1001 et seq., copies of which are available in the City Clerk's Office,
16 is adopted by reference, as though set forth herein in full, with the following additions and
17 alterations:

18 (a) Where the UTC uses "this Governmental Unit" or "the Governmental Unit," it shall mean
19 "the City."

20 (b) Where the UTC uses "the ordinance making body," it shall mean "council."

21 (c) Subsection (1) of Rule 125 shall read: The Office of Traffic Engineer is hereby established.
22 The Traffic Engineer shall exercise the powers and duties of the office in a manner that is
23 consistent with prevailing traffic engineering and safety practices and in the best interests

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of the City. If a traffic engineer is not appointed, then the authority of the traffic engineer shall be vested in the Director of Public Service or his or her designee.

(d) The following language is added to the end of Rule 140: The fee for such a permit shall be established by council resolution.

(e) The following language is added to the end of Rule 141: The operating hours for all metered parking in the Lansing Municipal Parking System are 8:00 a.m. through 6:00 p.m., Monday through Friday.

(f) The following language is added after Rule 151:

(1) The Traffic Engineer or his or her designee may establish truck routes within the City and designate which of the truck routes are subject to springtime restrictions. The Traffic Engineer shall maintain and make available, for a fee established by council resolution, maps displaying the truck routes and indicating which of the truck routes are subject to springtime restrictions.

(2) No person shall operate a truck on a street not designated as part of a truck route, except for either of the following purposes:

(A) Travelling directly from a truck route to a destination where freight is being picked up or delivered, or

(B) Travelling directly to a truck route from a point of origin.

(g) The following language is added to the end of Rule 153:

All permanent traffic control orders in effect on the effective date of this ordinance and not inconsistent with the provisions of this ordinance shall remain in effect until rescinded or modified by traffic control order.

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1 (h) The following language is added to the end of Rules 155 and 156: The fees for these permits
2 shall be set by council resolution.

3 (i) The following language is added after Rule 618:

- 4 1. The Police Department may impound any ~~bicycle~~VEHICLE OR
5 TRANSPORTATION DEVICE, INCLUDING BUT NOT LIMITED TO
6 BICYCLES, ELECTRIC BICYCLES, SCOOTERS, ELECTRIC SCOOTERS,
7 SKATEBOARDS, AND ELECTRIC SKATEBOARDS from a public way or
8 public property when it is (A) improperly parked ~~and creating a~~
9 ~~hazard~~CONTRARY TO SECTION 674 OF THE MICHIGAN VEHICLE CODE,
10 MCL 257.674, UNLESS OTHERWISE LAWFULLY PERMITTED, or (B)
11 abandoned.
- 12 2. Upon impounding a ~~bicycle~~VEHICLE OR TRANSPORTATION DEVICE, the
13 Police Department shall give notice to the owner in any manner reasonably
14 calculated to inform the owner that the ~~bicycle~~VEHICLE OR
15 TRANSPORTATION DEVICE was impounded and how to retrieve the
16 ~~bicycle~~VEHICLE OR TRANSPORTATION DEVICE. Unless a manner more
17 likely to notify the owner is available, notice may be given in the form of a
18 newspaper announcement or posting on the Police Department's website describing
19 the provisions of this subsection.
- 20 3. Upon payment of any storage fees incurred by the City, the ~~bicycle~~VEHICLE OR
21 TRANSPORTATION DEVICE shall be returned to its owner.

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1 4. Any ~~bicycle~~VEHICLE OR TRANSPORTATION DEVICE not claimed within six
2 months of its impoundment may be donated, upon approval by council, to a State
3 licensed charitable organization.

4 5. State licensed charitable organizations may apply to participate in the City's
5 ~~bicycle~~VEHICLE OR TRANSPORTATION DEVICE donation program by
6 submitting the following to the City Clerk: (A) Proof of State licensure as a
7 charitable organization; (B) A mission statement or other description of the
8 organization's purpose; (C) A description of the intended use of the
9 ~~bicycles~~VEHICLES OR TRANSPORTATION DEVICES, including any method
10 and eligibility criteria for distribution; (D) An agreement to indemnify and hold
11 harmless the City for any damages resulting from donation of the
12 ~~bicycles~~VEHICLES OR TRANSPORTATION DEVICES; and (E) An agreement
13 to provide, upon request, a list of the names and addresses of any recipients of the
14 ~~bicycles~~VEHICLES OR TRANSPORTATION DEVICES. The City Clerk shall
15 submit any such applications to council for referral to the appropriate committee.

16 6. The City will attempt to donate ~~bicycles~~VEHICLES OR TRANSPORTATION
17 DEVICES on a rotating basis to all approved organizations in roughly equal
18 numbers. Donated ~~bicycles~~VEHICLES OR TRANSPORTATION DEVICES must
19 be picked up from the quartermaster unit by the recipient organization. Any donated
20 ~~bicycles~~VEHICLES OR TRANSPORTATION DEVICES that are not picked up
21 by the recipient organization may be donated to another approved organization in
22 the discretion of the quartermaster unit.

23 (j) The following language is added after Rule 822:

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1 No person shall park any vehicle on either side of any street between 2:00 a.m. and 5:00
2 a.m. of any day.

3 (k) The following language is added after Rule 822:

4 (1) No detached trailer shall be parked in any street or alley.

5 (2) No truck with three or more axles on the power unit shall be parked in any street for
6 more than one hour.

7 (3) No vehicle shall project more than 20 feet from the curb when parked.

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9 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
10 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be null and
11 void and of no effect.

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13 Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid,
14 the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the
15 part so declared to be invalid.

16

17 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
18 immediate effect by City Council, and shall expire on December 31, 2027.

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21 APPROVED BY ORDINANCE REVIEW COMMITTEE

22 OF THE OFFICE OF THE CITY ATTORNEY

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1 (b) No person shall use a bicycle, ELECTRIC BICYCLE, skateboard, ELECTRIC
2 SKATEBOARD, SCOOTER, ELECTRIC SCOOTER, ELECTRIC PERSONAL
3 ASSISTIVE MOBILITY DEVICE, or in-line skates on the sidewalk in Zone A without
4 first obtaining a permit to do so.

5

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7 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be null and
8 void and of no effect.

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18 APPROVED BY THE ORDINANCE REVIEW COMMITTEE

19 OF THE OFFICE OF THE CITY ATTORNEY