



AGENDA
Committee on Public Services Special Meeting
Monday, November 26, 2018 @ 4:30 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

- November 20, 2018

4) Discussion/Action:

A.) **RESOLUTION** – Introduction & Setting of Public Hearing; Ordinance Amendment; Chapter 872, Section 872-01 to 872-07; Licensing and Regulations for Dockless Electric Scooter Companies

5) Other

6) Adjourn

[illegible]

DRAFT



MINUTES
Committee on Public Service
Tuesday, November 20, 2018 @ 4:00 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 4:00 p.m.

ROLL CALL

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

OTHERS PRESENT

LaSondra Crenshaw, Administrative Assistant
Greg Venker, City Attorney's Office
Paula Simon, Resident

Public Comment

Ms. Simon informed the Committee of an issue in her neighborhood with constant parking on the street at night. The issue is at Kensington and Rockford where there is a stop sign on each side. Now that there is snow and Wright Tree Company in the neighborhood she feels it is a hazard. She then asked what the status of overnight parking is. Council Member Spadafore advised Ms. Simon that the Public Safety Committee is handling the 2-5 a.m. parking.

Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM OCTOBER 16, 2018. MOTION CARRIED 2-0.

Discussion/Action:

Discussion/ORDINANCE – Amend Chapter 404 Section 404.01; impound of Transportation Devices Improperly Parked or Abandoned

Council Member Spadafore informed the group that this ordinance allows us to pick up scooters if improperly parked. Council Member Garza referred to Section 1 Line 4 and asked Law if “improperly parked” meant parked on the grass. Mr. Venker advised that under Michigan Vehicle Code there are three classes’ transportation, vehicles, and motor vehicles. Cars are considered motor vehicles but not vehicles. Council Member Washington suggested that it is made clear that we are not talking about mobility

devices. And asked if that could be inserted into the ordinance in some way. Mr. Venker advised that under the criminal code there is protection for mobility devices. And this ordinance is only talking about parking not operation.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE TO AMEND CHAPTER 404, SECTION 404.01. MOTION CARRIED 3-0.

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

Council Member Spadafore stated this ordinance would allow the adding of new devices.

Council Member Garza stated that he did not see panhandling in this ordinance. Mr. Venker advised it is against the law to prohibit panhandling

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE ORDINANCE TO AMEND CHAPTER 812, SECTION 812.04. MOTION CARRIED 3-0.

Discussion – ORDINANCE Amendment; Chapter 872, Section 872-01 to 872-01; Licensing and Regulations for Dockless Electric Scooter Companies

Council Member Spadafore informed the committee that he sent an email prior to this meeting. The ordinance is nine pages long, we created a definition for dockless electric scooter, found another motor and speed definition if this is not sufficient, and cleaned up the section regarding the Greater Lansing Taxi Authority.

Council Member Spadafore went through the ordinance by each section and explained what it meant. There will be some changes we will insert a more specific definition of scooter, and strip out section 7 page 4, and fix the spelling of the word “counsel” to “council” on page 5 line 15.

Mr. Venker advised he will have the corrected ordinance to council staff by noon November 21, 2018. Council Member Spadafore advised the next meeting will be Monday Nov 26, 2018 at 4:30 p.m., and there will be a public hearing set for November 26, 2018 during the council meeting.

OTHER

Council Member Garza advised the group he spoke with Rick Reman who lives in Orchard Court. He advised him there had been road work done off Jolly Road between Pennsylvania and Aurelius. There was only a crew of one to do the work and one day after it rained the road is already full of pot holes.

ADJOURN

The meeting was adjourned at 4:42 p.m.

Submitted by LaSondra Crenshaw,

Administrative Assistant

Lansing City Council

Approved: _____

INTRODUCTION OF ORDINANCE

Council Member Spadafore introduced:

An ordinance of the City of Lansing, Michigan, to amend Chapter 872 of the Lansing Codified Ordinances by amending Sections 872.01 through 872.07 to create licensing and regulation for dockless electric scooter companies to park on and utilize the public rights-of-way; to set licensing fees for such companies that wish to use the public rights-of-way; to provide for regulation of how such electric scooters may be parked and operated consistent with public health, safety, and welfare, including speed, manner, and location.

The Ordinance is referred to the Committee on Public Service

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

RESOLVED by the City Council, City of Lansing, that a public hearing be set for Monday, December 10, 2018 at 7:00 p.m. in the City Council Chambers, 10th floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an amendment Chapter 872 of the Lansing Codified Ordinances by amending Sections 872.01 through 872.07 to create licensing and regulation for dockless electric scooter companies to park on and utilize the public rights-of-way; to set licensing fees for such companies that wish to use the public rights-of-way; to provide for regulation of how such electric scooters may be parked and operated consistent with public health, safety, and welfare, including speed, manner, and location.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 872 OF THE LANSING CODIFIED ORDINANCES BY AMENDING SECTIONS 872.01 THROUGH 872.07 TO CREATE LICENSING AND REGULATION FOR DOCKLESS ELECTRIC SCOOTER COMPANIES TO PARK ON AND UTILIZE THE PUBLIC RIGHTS-OF-WAY; TO SET LICENSING FEES FOR SUCH COMPANIES THAT WISH TO USE THE PUBLIC RIGHTS-OF-WAY; TO PROVIDE FOR REGULATION OF HOW SUCH ELECTRIC SCOOTERS MAY BE PARKED AND OPERATED CONSISTENT WITH PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING SPEED, MANNER, AND LOCATION.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 872.01 of the Lansing Code of Ordinances of the City of Lansing is hereby amended as follows:

872.01 – Definitions

As used in this chapter:

DOCKLESS ELECTRIC SCOOTER COMPANY MEANS A PERSON OR ENTITY THAT OWNS, OPERATES, PROVIDES, OR OTHERWISE MAKES ELECTRIC SCOOTERS AVAILABLE TO THE PUBLIC TO USE ON A TEMPORARY BASIS FOR PAYMENT, WHERE SUCH ELECTRIC SCOOTERS ARE NOT REQUIRED TO BE PARKED OR DOCKED IN PHYSICALLY FIXED LOCATIONS OR DOCKS .

ELECTRIC SCOOTER MEANS A TWO-WHEELED TRANSPORTATION DEVICE, WITH THE WHEELS IN TANDEM, THAT HAS A STEM, HANDLEBARS AND A FLOORBOARD THAT IS DESIGNED TO BE STOOD UPON WHILE RIDING, AND IS POWERED BY AN ELECTRIC MOTOR OF LESS THAN 750 WATTS; AND ANY DEVICE THAT OTHERWISE FITS THE DEFINITION PROVIDED FOR ELECTRIC SKATEBOARDS IN SECTION 13F OF THE MICHIGAN MOTOR VEHICLE CODE, MCL 257.13F.

~~*Greater Lansing Taxi Authority* means the authority created by the cities of Lansing and East Lansing and incorporated pursuant to the Michigan Public Transportation Act, being MCL~~

~~124.451 et seq., for the purpose of regulating and licensing private taxicab companies, drivers for hire, and all persons, firms, and business entities acting as taxicab companies or drivers by carrying persons for hire, to and from such places as they may designate, within the municipalities provided in its rules and regulations.~~

Horse-drawn carriage means a horse-drawn vehicle operating for hire.

Limousine means a chauffeured motor vehicle not equipped with a taximeter, which transports individuals for hire at an hourly and/or daily rate.

Nonconsent tow means a tow of a motor vehicle without the knowledge or consent of the owner or person in possession of such motor vehicle, including the following:

(a) A tow from public property without consent of the owner thereof;

(b) A tow from private property at the request of the property owner or a person lawfully in possession or control of such property; or

(c) A tow at the request of the Manager of the Code Compliance Division of the Department of Planning and Neighborhood Development, or his or her designee, when the owner of the vehicle has no knowledge of or has not consented to the tow.

Nonpreference police calls means requests by the Police Department to tow vehicles immobilized or incapacitated on public streets and vehicles illegally parked, whether on public or private property.

Owner's agent means a natural person who possesses a signed and notarized statement, or some other reliable written evidence or documentation, from a vehicle owner that authorizes said person to take possession of the owner's vehicle.

Shuttle bus means any motor vehicle which transports individuals between pre-established fixed points for established fixed fees, not including taxicabs, limousines, publicly owned or church or

1 school buses, buses utilized for living or camping purposes or motor vehicles utilized exclusively
2 for funeral purposes.

3
4 ~~Taxicab means any vehicle, including but not limited to those powered by human or animals,~~
5 ~~engaged in the business of picking up persons, or operating in such a manner to solicit such~~
6 ~~persons, within the jurisdictional borders of the City of Lansing and carrying them for hire, to and~~
7 ~~from such places as they may designate. "Taxicab" does not include:~~

8
9 (a) ~~Vehicles used exclusively as hearses or funeral cars;~~

10 (b) ~~Ambulances;~~

11 (c) ~~Hotel buses or shuttles;~~

12 (d) ~~Sightseeing buses;~~

13 (e) ~~Motor coaches or motor buses.~~

14
15 ~~Taxicab company means a person or entity that owns or operates a taxicab or otherwise engages~~
16 ~~in the taxicab business. "Taxicab company" includes persons and entities that use digital platforms~~
17 ~~to connect passengers to drivers.~~

18
19 *Wrecker* means a motor vehicle designed for or engaged in the business of towing, transporting,
20 conveying and/or removing all kinds of vehicles.

21
22 Section 2. That Section 872.02 of the Lansing Code of Ordinances of the City of Lansing
23 is hereby repealed in its entirety and replaced as follows:

24 **872.02. – ELECTRIC SCOOTERS; LICENSE REQUIRED; CONDITIONS; FEES.**

25 NO PERSON OR ENTITY SHALL ENGAGE IN THE BUSINESS OF A DOCKLESS
26 ELECTRIC SCOOTER COMPANY THAT USES THE RIGHTS-OF-WAY OF THE CITY OF
27 LANSING, INCLUDING ROADWAYS AND SIDEWALKS, TO PARK AND/OR
28 ADVERTISE THE ELECTRIC SCOOTERS WITHOUT FIRST OBTAINING AN OPERATING
29 LICENSE FROM THE CITY.

30 A. IN ORDER TO OBTAIN A LICENSE, A PERSON OR ENTITY SHALL AGREE TO:

1. LIMIT THE MAXIMUM SPEED OF ALL ELECTRIC SCOOTERS TO 15 MILES PER HOUR WITHIN THE CITY OF LANSING;
2. PROVIDE EASILY VISIBLE CONTACT INFORMATION ON EACH ELECTRIC SCOOTER, INCLUDING: A LOGO OR OTHER BRANDING; A UNIQUE IDENTIFICATION NUMBER IN FONT NO SMALLER THAN 2 INCHES IN HEIGHT THAT IS VISIBLE WHILE THE ELECTRIC SCOOTER IS PARKED UPRIGHT; AND CONTACT INFORMATION FOR THE COMPANY THAT IS VISIBLE WHILE THE ELECTRIC SCOOTER IS PARKED UPRIGHT, INCLUDING TELEPHONE NUMBER, EMAIL ADDRESS, AND WEBSITE;
3. MAINTAIN A 24-HOUR CUSTOMER SERVICE PHONE NUMBER FOR CUSTOMERS AND MEMBERS OF THE PUBLIC TO REPORT SAFETY CONCERNS, COMPLAINTS, OR TO ASK QUESTIONS;
4. RESPOND TO REQUESTS FROM ANY PERSON OR ENTITY FOR REBALANCING, REPORTS OF INCORRECTLY PARKED ELECTRIC SCOOTERS, OR REPORTS OF UNSAFE/INOPERABLE ELECTRIC SCOOTERS BY RELOCATING, REPARKING, OR REMOVING THE ELECTRIC SCOOTERS, AS APPROPRIATE, WITHIN 2 HOURS OF RECEIVING NOTICE;
5. RESPOND TO REPORTS FROM ANY PERSON OR ENTITY OF SAFETY OR MAINTENANCE ISSUES WITH A SPECIFIC DEVICE, BY REMOTELY MAKING THAT ELECTRIC SCOOTER UNAVAILABLE TO USERS IN ADDITION TO REMOVING THE ELECTRIC SCOOTER AS REQUIRED IN THIS SECTION;
6. ENSURE THAT ANY INOPERABLE OR UNSAFE DEVICE SHALL BE REPAIRED BEFORE IT IS PUT BACK INTO SERVICE;
7. ENSURE THAT THE USE POLICY INCLUDES CLEAR PROHIBITION ON MORE THAN ONE PERSON RIDING ON AN ELECTRIC SCOOTER AT A TIME;
8. IMPLEMENT A MARKETING AND TARGETED COMMUNITY OUTREACH PLAN, AT THE PERSON OR ENTITY'S OWN COST, TO PROVIDE ACCESS

1 TO ELECTRIC SCOOTER SERVICES AND PROMOTE THE USE OF
2 ELECTRIC SCOOTERS CITYWIDE, PARTICULARLY AMONG LOW-
3 INCOME COMMUNITIES;

4 9. INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY AGAINST ALL
5 LIABILITY, ACTIONS, OR CLAIMS RESULTING FROM THE CONDUCT OR
6 OPERATIONS RELATED TO ELECTRIC SCOOTERS BY ANY PERSON OR
7 ENTITY;

8 10. MAINTAIN INSURANCE PROVIDING LIABILITY COVERAGE IN AN
9 AMOUNT NOT LESS THAN \$500,000 PER INCIDENT AND \$1,000,000
10 AGGREGATE; AND

11 11. SHARE DE-IDENTIFIED USAGE DATA, AS MORE FULLY DESCRIBED IN
12 SECTION 872.04, WITH THE CITY OF LANSING.

13 B. THE CITY CLERK IS HEREBY AUTHORIZED TO GRANT LICENSES DESCRIBED
14 IN THIS SUBSECTION. ALL LICENSES ARE ANNUAL UNLESS REVOKED
15 EARLIER AS PROVIDED IN SECTION 872.06. A NONREFUNDABLE FEE MUST
16 BE PAID FOR A LICENSE; THE ANNUAL FEE FOR THE FIRST YEAR THIS
17 ORDINANCE GOES INTO EFFECT IS \$5,000, AND HEREAFTER MAY BE
18 ADJUSTED AND SET BY RESOLUTION OF CITY COUNCIL. AN ADDITIONAL
19 DAILY FEE FOR EACH ELECTRIC SCOOTER THAT IS AVAILABLE TO THE
20 PUBLIC IN THE CITY OF LANSING EACH DAY AT 6 A.M. MUST BE PAID TO
21 THE CITY ON A MONTHLY BASIS; THE DAILY FEE FOR THE FIRST YEAR THIS
22 ORDINANCE GOES INTO EFFECT IS \$1, AND HEREAFTER MAY BE ADJUSTED
23 AND SET BY RESOLUTION OF CITY COUNCIL. ALL FEES COLLECTED UNDER
24 THIS SECTION SHALL BE ALLOCATED TO FUND PROGRAMS CONSISTENT
25 WITH THE CITY'S "COMPLETE STREETS" INITIATIVE, AS SET FORTH IN
26 SECTION 1020.13.

27 C. A LICENSE MAY NOT BE TRANSFERRED FROM ANY PERSON OR ENTITY TO
28 ANOTHER PERSON OR ENTITY.

29
30 Section 3. That Section 872.03 of the Lansing Code of Ordinances of the City of Lansing
31 is hereby repealed in its entirety and replaced as follows:

872.03. – LICENSE APPLICATION; CITY CLERK APPROVAL REQUIRED.

A. AN APPLICATION FOR A DOCKLESS ELECTRIC SCOOTER COMPANY REQUIRED UNDER SECTION 872.02 SHALL BE MADE BY THE PERSON OR ENTITY OPERATING THE COMPANY ON FORMS TO BE FURNISHED BY THE CITY CLERK.

B. SUCH APPLICATION SHALL REQUIRE ACKNOWLEDGEMENT OF THE REQUIREMENTS IN SECTION 872.02.

C. SUCH APPLICATION SHALL INCLUDE

1. THE FULL NAMES AND ADDRESSES OF THE OWNER OR OPERATOR OF THE APPLICANT;

2. THE ADDRESS OF THE APPLICANT'S LOCAL BUSINESS OFFICE;

3. THE LOGO OR OTHER BRANDING UNIQUE TO THE APPLICANT THAT WILL BE VISIBLE ON EVERY ELECTRIC SCOOTER IT OPERATES OR MAKES AVAILABLE;

4. THE TELEPHONE NUMBER, EMAIL ADDRESS, AND WEBSITE THAT THE PUBLIC MAY CONTACT TO LODGE COMPLAINTS OR MAKE REPORTS; AND

5. ANY OTHER INFORMATION THE CITY CLERK DEEMS NECESSARY AND PROPER.

D. THE APPLICATION SHALL BE SUBSCRIBED AND SWORN TO BEFORE A NOTARY PUBLIC AND FILED WITH THE CITY CLERK.

E. PRIOR TO ISSUANCE OR RENEWAL OF ANY DOCKLESS ELECTRIC SCOOTER COMPANY LICENSE UNDER THIS CHAPTER, THE CITY CLERK SHALL APPROVE THE APPLICATION THEREFOR.

Section 4. That Section 872.04 of the Lansing Code of Ordinances of the City of Lansing is hereby repealed in its entirety and replaced as follows:

872.04. – DATA SHARING

EVERY MONTH, A LICENSED COMPANY SHALL SHARE THE FOLLOWING DATA WITH THE CITY IN ORDER TO IMPROVE FUTURE OPERATIONS FOR ELECTRIC SCOOTERS WITHIN THE CITY:

- 1 A. ELECTRIC SCOOTER UTILIZATION RATES;
- 2 B. TRIP VOLUMES;
- 3 C. TRIP O/D, DISTANCES, ROUTES, ETC.;
- 4 D. STARTING AND STOPPING POINTS FOR EACH TRIP;
- 5 E. NUMBER OF ELECTRIC SCOOTERS IN THE CITY AT 6 A.M. EVERY DAY;
- 6 F. MAXIMUM AND MINIMUM NUMBER OF ELECTRIC SCOOTERS IN THE CITY
- 7 EVERY 24 HOUR PERIOD;
- 8 G. PARKING COMPLIANCE RATES;
- 9 H. THEFT AND VANDALISM INFORMATION;
- 10 I. MAINTENANCE AND OTHER COMPLAINTS; AND
- 11 J. CRASH INFORMATION.
- 12

13 Section 5. That Section 872.05 of the Lansing Code of Ordinances of the City of Lansing
14 is hereby repealed in its entirety and replaced as follows:

15 **872.05. – PARKING IN THE CITY RIGHTS-OF-WAY; PERMISSIONS;**
16 **RESTRICTIONS.**

17 IN ADDITION TO THE RESTRICTIONS OR PARKING AND OPERATION OF ELECTRIC
18 SCOOTERS FOUND IN CHAPTER 404 AND SECTION 812.04 OF THESE ORDINANCES
19 AS WELL AS THE MICHIGAN MOTOR VEHICLE CODE, DULY LICENSED ELECTRIC
20 SCOOTERS ARE SUBJECT TO THE FOLLOWING CONDITIONS ON PARKING:

- 21 A. ELECTRIC SCOOTERS SHALL BE PARKED UPRIGHT ON HARD SURFACES ON
- 22 THE SIDEWALK, BUT ONLY IF AT LEAST 5 LINEAR FEET OF UNOBSTRUCTED
- 23 SIDEWALK, MEASURED FROM THE PROPERTY LINE OR NEAREST FIXED
- 24 STRUCTURE TOWARDS THE PARKWAY AS THOSE TERMS ARE DEFINED IN
- 25 CHAPTER 1020, IS PRESERVED FOR SAFE PEDESTRIAN TRAVEL.
- 26 B. ELECTRIC SCOOTERS MAY NOT PARK IN SUCH A MANNER THAT IMPEDES
- 27 OR INTERFERES WITH ACCESS TO OR USE OF:
 - 28 1. SIDEWALKS, CROSSWALKS, OR SIDEWALK RAMPS
 - 29 2. BUS STOPS, SHELTERS, OR WAITING AREAS
 - 30 3. LOADING ZONES OR HANDICAPPED PARKING SPACES
 - 31 4. FIRE HYDRANTS

1 5. BENCHES

2 6. PARKING METERS OR PAY STATIONS

3 7. ANY COMMERCIAL WINDOW DISPLAYS

4 8. ACCESS TO OR FROM ANY BUILDINGS

5 9. ANY BICYCLE RACKS

6 10. DRIVEWAYS OR ALLEYS

7 C. ELECTRIC SCOOTERS MAY BE PARKED IN ON-STREET PARKING SPACES
8 ONLY WHEN THE SPACES ARE OFFICIALLY DESIGNATED FOR SCOOTERS OR
9 MOTORCYCLES.

10 D. ELECTRIC SCOOTERS MAY BE PARKED ON BLOCKS WITHOUT SIDEWALKS
11 ONLY IF THE ROADWAY TRAVEL LANES AND 5-FOOT PEDESTRIAN CLEAR
12 ZONE ARE NOT IMPEDED.

13
14 Section 6. That Section 872.06 of the Lansing Code of Ordinances of the City of Lansing
15 is hereby repealed in its entirety and replaced as follows:

16 **872.06. – LICENSE REVOCATION.**

17 A LICENSE REQUIRED UNDER SECTION 872.02 MAY BE REVOKED BY CITY
18 COUNCIL IF THE LICENSEE OPERATES IN SUCH A WAY AS TO VIOLATE THE TERMS
19 OF ITS LICENSE, THE LAWS OF THE STATE, OR THE ORDINANCES OR REGULATIONS
20 OF THE CITY. UPON RECEIVING NOTICE OF SUCH A VIOLATION, THE CHIEF OF
21 POLICE OR THE CHIEF'S REPRESENTATIVE SHALL FILE A PETITION WITH THE CITY
22 CLERK SPECIFYING THE VIOLATION WITH WHICH THE LICENSEE IS CHARGED AND
23 REQUESTING THAT THE DOCKLESS ELECTRIC SCOOTER COMPANY LICENSE BE
24 REVOKED. UPON RECEIPT OF SUCH PETITION, COUNCIL SHALL SET A DATE FOR A
25 HEARING ON SUCH ALLEGED VIOLATIONS, AND THE LICENSEE SHALL BE GIVEN
26 NOT LESS THAN FIVE DAYS WRITTEN NOTICE OF THE HEARING. AT SUCH HEARING
27 THE LICENSEE MAY APPEAR IN PERSON OR BY AGENT OR ATTORNEY AND MAY
28 SUBMIT EVIDENCE IN ITS DEFENSE. IF COUNCIL DETERMINES THAT THE LICENSEE
29 IS GUILTY AS CHARGED, THE ELECTRIC SCOOTER LICENSE MAY BE REVOKED.

1 Section 7. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
2 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be null and
3 void and of no effect.

4
5 Section 8. Should any section, clause or phrase of this ordinance be declared to be invalid,
6 the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the
7 part so declared to be invalid.

8
9 Section 9. This ordinance shall take effect on the 30th day after enactment, unless given
10 immediate effect by City Council.