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Legislation Text

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BE IT ORDAINED BY THE CITY COUNCIL OF THECITY OF CHICAGO:

SECTION 1. Title 9 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 9-103, as follows:

CHAPTER 9-103 SCOOTER SHARING

9-103-010 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Commissioner" means the City's Commissioner of Business Affairs and Consumer Protection.

"Department" means the City's Department of Business Affairs and Consumer Protection.

"License" means a scooter sharing license issued pursuant to this chapter.

"Licensee" means the holder of, or a person that is required to hold, a scooter sharing license issued pursuant to this chapter.

"Lock-to scooter" means a scooter which has a mechanism that enables the scooter to be locked to a fixed physical object when a scooter user ends a scooter trip.

"Place of business in the City of Chicago" means a location in the City where (1) the City may send, and the licensee shall accept, notices of hearing or other notices from the City; and (2) the licensee maintains its business and financial records relating to its license.

"Scooter sharing business" means any business that provides the renting of, or access to, scooters in the City, where the storage and renting of the scooters is performed from the public way, including scooter trips that start or end on the public way.

"Scooter trip" means the period that commences when a scooter user unlocks a scooter and ends when the scooter user finishes using the scooter and locks the scooter to a fixed physical object to make it available for other scooter users.

"Scooter user" means any individual who rents, or who has access to, a scooter provided by a licensee pursuant to a license issued under this chapter.

"Scooter" means a low-speed electric mobility device, as that term is defined in Section 9-4-010 of this Code.

9-103-020 Scooter sharing license - Required.

- (a) Except as otherwise provided in subsection (c) of this section, no person shall engage in a scooter sharing business in the City without a license.

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- b) The Commissioner may issue up to three licenses. There shall be no more than three licenses outstanding at any given time.
- c) Nothing provided in this Section, including the license cap in subsection (b), shall be construed to prohibit the operation of a scooter sharing service in the City by a City contractor under a contract between the City and the operator.

9-103-030 Scooter sharing license - License term and fees.

a) A scooter sharing license shall be issued for a two-year period. The fee for the two-year license term shall be calculated based on \$1-per-day-per-scooter for the total number of scooters that the prospective licensee plans to deploy during the license term, assuming that all of the prospective licensee's scooters shall be deployed each day during the two-year license period. The license fee shall be paid as a precondition to issuance of the license and shall not be prorated. The Commissioner shall adjust the license fee to be paid by any licensee if the number of scooters a licensee deploys increases pursuant to this chapter.

b) The license fees collected pursuant to this subsection (a) shall be used to cover the City's cost in the administration and enforcement of this chapter by the Commissioner and the Commissioner of Transportation.

c) Nothing in this section shall affect the rights of the City to impose or collect any other applicable tax upon the leasing, use or operation of a scooter in addition to the license fee specified in this section.

d) A scooter sharing license is non-transferable.

e) A scooter sharing license is not renewable. However, before the end of a licensee's two-year term of license, or when the license cap is increased pursuant to Section 9-103-020 of this Chapter, or when issuance of a license is within the existing cap is otherwise possible because, among other reasons a license is revoked or surrendered, the Commissioner may issue a new license, complying with all the requirements and processes for issuance of a license provided in this chapter and rules promulgated hereunder.

9-103-040 Scooter sharing license - Application.

(a) Application for the issuance of a scooter sharing license shall be made in writing to the Department on a form provided by the Department and signed and sworn to by the applicant or, if the applicant is a corporation, limited liability company, or partnership, by its authorized agent. Each application shall contain at a minimum:

- 1) If the license applicant is an individual:
 - i) The individual's full name, social security number, residence address, business address, business e-mail address, if any, and business telephone number;
 - ii) Proof that the applicant is at least 18 years of age;
- 2) If the license applicant is a corporation:
 - i) The corporate name, business address and telephone number of the applicant;
 - ii) The date and state of incorporation;
 - iii) The full names, titles, social security numbers, residence addresses and e-mail addresses of its corporate officers, and of those stockholders who own 25 percent or more of its voting shares, and of its authorized agent;
 - iv) Proof that all corporate officers are at least 18 years of age; and

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(v) Proof that the corporation is in good standing under the laws of the State of Illinois.

(3) If the license applicant is a partnership or limited liability company:

i) The name, business address or principal office address and telephone number of the applicant;

ii) The full names, social security numbers, residence addresses, e-mail addresses and residence telephone numbers of (a) the three members who own the highest percentage interests in such partnership or limited liability company, (b) the general partner of a partnership, (c) the managing member of a limited liability company, (d) the applicant's authorized agent, and (e) any other member who owns a 25 percent or more interest therein;

iii) The full name, address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and

iv) Proof that all persons, partners, managers, managing members and members, as applicable, are at least 18 years of age.

b) In addition to the license application requirements listed in subsection (a), any applicant for license issuance shall provide any other information that the Commissioner may reasonably require in connection with the issuance of a license, including: (i) the applicant's insurance policies as provided in Section 9-103-090; (ii) images, specifications and descriptions of each type of scooter that the applicant plans to deploy; (iii) documentation that the applicant's scooters meet the City's low-speed electric mobility device requirements, as defined in Section 9-4-010 of this Code; (iv) the applicant's fare rates for regular and low-income customers, including any charge or fee associated with these fare rates; and (v) the maximum number of scooters the applicant is planning to deploy during the license term within the cap provided in Section 9-103-110. The information in this subsection b(v) shall be used for the purpose of calculating the license fee that a prospective licensee shall pay as provided in Section 9-103-030.

c) Every individual applicant shall be required to submit to fingerprinting and shall provide photos of the applicant as required by the Commissioner. The authorized agent of every corporate, limited liability company, or partnership applicant shall be required to submit to fingerprinting and shall provide photos of the authorized agent as required by the Commissioner.

d) As part of the application process, fees sufficient to cover the costs of processing fingerprints and photos shall be assessed in addition to the license fees set forth in this chapter. The fingerprinting and photo fees shall be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by rules promulgated by the Commissioner.

9-103-050 Scooter sharing license - Qualifications for license, (a) In order to be

eligible for a scooter sharing license:

1) an applicant shall be in compliance with all applicable City, State of Illinois and federal laws;

2) an applicant shall have a place of business in the City:

(i) with respect to any corporate or limited liability company applicant, the company shall be organized or qualified to do business under the laws of the State of Illinois and have a place of business in the City of Chicago; or

(ii) with respect to any partnership applicant, the partnership shall have a place of business in the City of Chicago; or

(iii) with respect to any individual applicant, the applicant shall be a citizen or legal resident of the United States, residing and domiciled in the City.

3) an applicant does not owe debt to the City as the term "debt" is defined in Section 4-4-150 of this Code.

4) an applicant must comply with the application requirements provided in Section 9-103-040.

5) an applicant must have its own Internet-enabled application or digital platform that is not supported by another applicant's Internet-enabled application or digital platform for running the applicant's scooter sharing business.

(b) No applicant is eligible for a license if: (1) any city scooter sharing license or permit held by the applicant, or by any officer or director of a corporate applicant or partner of a partnership applicant or manager or managing member of a limited liability company applicant, has been revoked within the previous three years, or has been denied, rescinded, within the 12-month period preceding the date of application; or (2) if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the three years immediately preceding the date of the applicant's application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., or its equivalent under federal or other jurisdictional law. Provided, however, any conviction for a minor cannabis offense, as defined in Section 4-4-005, shall not disqualify an applicant.

9-103-060 Scooter sharing license - Investigation and issuance.

a) Upon receipt of an application for the issuance of a scooter sharing license, the Commissioner, in consultation with the Commissioner of Transportation, shall investigate the applicant for compliance with all applicable provisions of this Code, including but not limited to, the applicant's compliance or ability to comply with the license qualification requirements specified in Section 9-103-050.

b) Upon completion of the review under subsection (a), the Commissioner, in consultation with the Commissioner of Transportation, shall rank eligible applicants pursuant to a scoring system promulgated by rule that measures each eligible applicant's competence based, at minimum, on the following criteria:

1) The character and reputation of the applicant or its members, officers or directors, including, if applicable, the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a City license or permit holder, including the applicant's scooter sharing business experience in the City and other cities;

2) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a scooter sharing business;

3) The applicant's ability to procure, prepare and have ready the required number of operational scooters during the license term;

4) The applicant's staffing ability to manage deployed scooters throughout the term of the license and to be responsive to concerns from the public, the City and sister agencies;

5) The applicant's hiring plan and steps it commits to take to identify, train, and employ City residents that have been historically disadvantaged in participating in the local economy;

6) The applicant's ability to reduce danger and inconvenience to non-riders caused by scooters and rider behavior, including, but not limited to, the applicant's ability to deploy lock-to scooters and to implement a sidewalk riding detection technology on their entire fleet;

7) The applicant's ability to make scooter service accessible to people with disabilities;

8) The applicant's ability to help meet the City's goal of effectively improving mobility and accessibility for residents who face elevated economic, health, social, mobility and accessibility barriers;

(9) The applicant's citywide education, engagement, outreach, rider safety, operations, and technology and innovation plans;

10) The applicant's ability to meet the operational requirements provided in this chapter; and

11) The applicant's technological ability to meet the requirements of this chapter.

c) The Commissioner shall issue a scooter sharing license to the topmost ranking eligible applicants until licenses available for issuance are exhausted. The Commissioner shall use a lottery or other neutral process to break ties between or among equally ranking applicants.

d) If an application for the issuance of a license is denied, the applicant may within ten days of the mailing of notice of the denial make a written demand upon the Commissioner for a hearing. Upon receipt of a timely written demand for a hearing the Commissioner shall within 30 days conduct a hearing. If at such a hearing the applicant establishes through competent evidence that the denial was based upon incorrect findings the Commissioner shall consider the applicant for issuance of a license subject to the requirements provided in this Chapter. If at such a hearing the denial is found to have been based upon correct findings, the denial shall become final. After entry of a final denial, the applicant shall be ineligible to make a new application for a period of 12 months.

9-103-070 Scooter sharing license - Rescission.

The Commissioner shall have the power to rescind any erroneously or illegally issued scooter sharing license. In order for such a rescission to be effective, the Commissioner shall notify the licensee of the date the rescission shall take effect. The notice shall be provided by first-class mail or in person. The Commissioner shall indicate in such notice the basis for the rescission and shall also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the Commissioner, or his or her designee, to contest the proposed rescission. The licensee shall also be informed that he or she shall be entitled to present to the

Commissioner or his or her designee any document, including affidavits, relating to the proposed rescission. Following the appearance of the licensee before the Commissioner, the Commissioner may affirm or reverse the rescission decision based upon the evidence presented by the licensee. The Commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission shall be effective. A licensee may appeal the Commissioner's decision to any court of competent jurisdiction.

9-103-080 Removal or change of officer.

Whenever any changes occur in the officers of the licensee, the licensee shall notify the Department within 30 days of the effective date of the change on forms prescribed by the Commissioner. For purposes of this section, the term "officer of the licensee" or "officers of the licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, or the managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

The Commissioner is authorized to promulgate rules describing the process that licensees must follow when they are removing or changing officers and the applicable fees for removal or change of officers.

9-103-090 Scooter sharing license - Insurance required.

Each applicant for the issuance of a scooter sharing license shall provide proof that the applicant has obtained commercial general liability insurance, with limits of not less than \$5,000,000 per occurrence, for bodily injury, personal injury and property damage. The insurance policy shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advanced notice to the Commissioner prior to cancellation or lapse of the policy. A licensee shall maintain the insurance required under this section in full force and effect for the duration of the license term. In addition, the licensee shall: (i) indemnify, defend and hold harmless the City against any additional or uncovered third party claims arising out of or caused directly or indirectly by the licensee's scooter operations, including any claims against the City by any customer of the licensee, the licensee's employees or agents claiming injury or losses while operating the licensee's scooter which is alleged to have resulted in whole or in part from the condition of the public way; and (ii) cover the cost for any damage to the public way or other city property arising out of or caused by the licensee's scooter operations.

9-103-100 Scooter sharing license - Scooter standards.

- a) A licensee shall deploy only lock-to scooters.
- b) Any scooter deployed by any licensee must have or must be equipped with:
 - 1) a warning bell;
 - 2) a front white light;
 - 3) a rear red light visible from a distance of at least 500 feet and that stays illuminated for at least 90 seconds after coming to a full stop;
 - 4) hand and foot brakes, or their functional equivalent as determined by the Commissioner of Transportation by rule;
 - 5) a unique identifier;
 - 6) photo validation and geo-fencing technology to ensure parking and operational compliance;

- 7) sidewalk riding detection hardware and software; and
- 8) easily visible contact information, including the licensee's name, website, e-mail address, and a toll-free telephone number in conventional type, braille and raised lettering.

- c) In order to enhance public safety, compliance with applicable laws, or adaptation to new technology, the Commissioner of Transportation may provide by rule additional requirements, not in conflict with this section, that scooters deployed by any license must meet.
- d) No licensee shall deploy a scooter unless the prototype of such scooter is inspected and approved by the Department of Transportation for compliance with the requirements of this chapter and rules promulgated thereto.

9-103-110 Scooter sharing license - Number of allowed Scooters.

a) No more than a total of 6,000 scooters shall be deployed in the City by all licensees on the first day of operation, following issuance of a license to operate in the City.

b) The Commissioner, following concurrence by the Commissioner of Transportation, is authorized to determine by rule: (i) the total scooter fleet size cap for initial deployment by all licensees, which shall not exceed a total of 6,000 scooters; and (ii) the maximum number of scooters each licensee may deploy on the first day of operation based on the number of licenses issued by the City and the total scooter fleet size cap for initial deployment by all licensees.

c) The Commissioner, following concurrence by the Commissioner of Transportation, may by rule, require each licensee to deploy and maintain a specified minimum number of operational scooters for service each day during the license term.

d) If any licensee violates the scooter fleet cap imposed under this section and rules promulgated thereunder, the Commissioner may suspend or revoke the licensee's license.

e) The Commissioner, following concurrence by the Commissioner of Transportation, may by rule increase the total scooter fleet size cap provided in subsection (a). In making such determination, the Commissioner shall, in consultation with the Commissioner of Transportation, consider the impacts that additional scooters may have on, including, but not limited to: (i) scooter ridership and utilization; (ii) parking compliance in the public way; and (iii) the safe and efficient flow of traffic in the City. If the total scooter fleet size cap is increased pursuant to this subsection, the Commissioner, following concurrence by the Commissioner of Transportation, shall determine by rule the maximum number of scooters each licensee may deploy based on the number of licenses issued by the City, the increased total scooter fleet size cap, and each licensee's performance, including each licensee's scooter ridership and utilization rate.

f) Notwithstanding the authorization granted to the Commissioner in subsection (e), no more than a total of 12,500 scooters shall be deployed by all licensees in the City.

g) Nothing provided in this Section, including the scooter deployment cap in subsection (f), shall be construed to prohibit the operation of a scooter sharing service in the City by a City contractor under a contract between the City and the operator.

9-103-120 Scooter sharing license - Commercial advertisements.

a) It is unlawful to display any advertising sign or device on scooters deployed by any licensee before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

b) A scooter sharing licensee or a licensed advertising vendor may apply for permits to display an advertising sign or device on scooters deployed by the licensee. A separate permit is required for each advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on scooters where advertising signs or devices may be displayed; (2) describing the permissible design, construction, and method of affixing the display to the scooter; and (3)

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specifying insurance requirements for approving a permit to display an advertising sign or device on scooters. The rules also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

- (1) visual clutter and aesthetics on the public way;
- (2) the safety and comfort of passengers, drivers, pedestrians, bicyclists, and motorists; and

(3) the visibility of all information required by this chapter, Department rules, or other laws to be displayed on scooters.

c) The fee for the issuance of any advertising display permit shall be \$100.00 for each display, due at the time of application. This fee shall be in addition to the personal property lease transaction tax that applies to lease or rental payments pursuant to Chapter 3-32. An advertising display permit applicant shall have satisfied all debt, as defined in Section 4-4-150, to the City before the Department may issue the permit.

d) When the Commissioner has approved any type of advertising display device that involves the installation of a physical apparatus on scooters, a prototype inspection is required as part of the advertising permitting process. The fee for such inspection shall be an additional \$100.00, due prior to the inspection.

(e) The Department shall inform applicants for an advertising display permit under this section whether the application is approved or disapproved within thirty business days after its receipt of the completed application, unless it gives the applicant written notice that it needs an additional thirty business days and the reasons therefor. If the application is approved and the applicant is in compliance with subsections (c) and (d), the Department shall issue an advertising display permit. If the Department denies the permit application, it shall provide written notice of its decision within such time period, stating the specific grounds and rules that form the basis for such denial. If the Department fails to so act within thirty business days, or within sixty business days if it has given notice of the need for an additional review period, after receipt of the application, the application shall be deemed granted and the permit shall be issued, provided that the permit fee has been paid.

f) An advertising permit issued under this section shall expire one year after the date of issue, unless it is surrendered, revoked, or terminated prior to that date.

g) No permit for advertising issued pursuant to this section shall be transferred or assigned.

h) The denial, rescission, suspension, or revocation of a scooter sharing license issued pursuant to this chapter shall act as the suspension or revocation of any advertising permit issued hereunder affecting the licensee's scooters.

9-103-130 Scooter sharing license - Operational requirements.

a) Operating hours. Each licensee shall make its scooters available for service from 5:00 a.m. to 12:00 a.m. (midnight). No licensee shall make its scooters available for service from 12:00 a.m. (midnight) to 5:00 a.m.

b) Compliance with laws. Each licensee shall comply with all applicable laws and rules. Specifically, a licensee shall comply with all applicable tax laws, including the Chicago Personal Property Lease Transaction Tax Ordinance, codified at Chapter 3-32 of this Code.

c) Scooter operations. Scooters must be operated the same way as bicycles are operated as provided in Section 9-52-130 of this Code. Accordingly, (i) scooters are permitted to be operated only on the City's bike lanes or paths; (ii) except as otherwise provided in Section 9-52-020 of this Code, scooters cannot be operated on sidewalks; and (iii) where there is no bike lane or path, scooters are allowed to be operated on City streets but that such streets are not intended to be used by scooters. Scooters shall be operated in compliance

with all applicable legal requirements. Each licensee shall communicate and educate all legal scooter operations to scooter users, and shall implement customer compliance policies to encourage proper scooter operations, with specific programs for first-time customers.

d) Scooter parking. Each licensee shall take all necessary steps to ensure that scooters are parked in compliance with Section 9-52-070 and other applicable provisions of this Code. In addition, each licensee shall take all necessary steps to ensure that: (i) scooters are parked upright and with a minimum of six (6) feet clearance between the scooter and all public way encumbrances; and (ii) scooters are not parked along building facades, or block fire hydrants, bus stops, loading zones, or building access points; and (iii) parked scooters are locked to a fixed physical object allowed for secure locking, including a rack, retired

parking meter or street sign or light pole. Each licensee shall remedy any issues regarding its scooters used for scooter sharing business that are not parked lawfully within two hours after the licensee is notified of such improper parking.

- e) Scooter distribution. Each licensee shall make scooters available to all residents of the City, applying an operational protocol that distributes scooters relatively evenly, based on population, throughout the entire City. The Commissioner, following concurrence by the Commissioner of Transportation, is authorized to create, by rule, geographic areas in the City for the purpose of requiring and implementing distribution of scooters in each geographic area to advance City's transportation goals including, but not limited to, the equitable distribution of transportation programs.
- f) Scooter maintenance. Each licensee shall conduct maintenance, and keep records of such maintenance, on each of its scooters used in the scooter sharing business at least once per a calendar month. Maintenance records shall be made available to authorized City enforcement personnel upon request.
- g) Use of geo-fencing technology. Each licensee must comply with the Commissioner's request to use geo-fencing technology and capability to restrict operations in certain areas and during certain times to protect public safety, private property and convenience as determined by the Commissioner, including, but not limited to, during special events or emergencies.
- h) Payment Integration. Each e-scooter licensee will make available a fully compliant Application Protocol Interface (API) that allows customers to rent and pay for scooters in third-party applications that are approved by the Commissioner of Transportation.
- (i) Pricing. The licensee shall provide, through its website and mobile applications, clear and complete information to scooter users all charges, tariffs, taxes, surcharges and fees that such user is required to pay prior to renting a scooter. A licensee shall not require a customer to pay in advance for more than one ride. A licensee shall implement, at minimum, low-income and unbanked pricing programs. A licensee shall not change the availability of such program throughout the license term without prior written approval of the Commissioner and the Commissioner of Transportation.
- (j) Digital Barriers. Each licensee shall provide, through its website, mobile applications and print materials, clear and complete information to scooter users regarding how to access the system through text, phone call and other means by individuals without smartphones. Each licensee shall implement a low-tech access program including, at minimum, a call and text to unlock program. A licensee shall not change the availability of such program throughout the license term without prior written approval of the Commissioner and the Commissioner of Transportation.

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- (k) Public information campaign. Each licensee must undertake a public information campaign focused on safety, responsible riding, and parking compliance. To comply with this subsection, licensees may undertake, and may contribute to, a joint public information campaign focused on the subject matters listed in this subsection.

9-103-140 Scooter sharing license - data sharing.

a) On a quarterly basis, each licensee shall provide a report to the Commissioner and the Commissioner of Transportation, containing information regarding customers, scooter utilization, parking impacts, operations, safety, and sustainability as provided in rules.

b) Each licensee shall be fully compliant with Mobility Data Specification (MDS) and shall provide full access to the Commissioner and the Commissioner of Transportation, or their designees, the licensee's MDS Application Protocol Interface (API), or shall interface to the City's API, as specified in the rules promulgated pursuant to this chapter.

c) Each licensee shall make public a fully compliant Application Protocol Interface (API) that presents the locations of charged, rentable and available scooters, using the General Bikeshare Feed Specification (GBFS) standard.

d) Each licensee shall provide other data sets related to the scooter sharing business licensed under this chapter as requested, pursuant to rules, by the Commissioner, the Commissioner of Transportation or Commissioner of Assets, Information, and Services.

e) Each licensee shall accompany any data made available to the City by an attestation, made under penalty of perjury, that the data submitted is accurate and complete.

9-103-150 License - Suspension or revocation.

a) The Commissioner may seek all applicable penalties, including but not limited to fines, license suspension, and license revocation, in addition to restitution or other equitable relief against any licensee that violates this chapter or any rules adopted pursuant to this chapter.

b) The Commissioner shall promulgate rules regarding the lengths of suspension and the amounts of fines to be imposed, and the types of equitable relief to be ordered, for specific violations or license types. Before any suspension or revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against him and of his right to a hearing in accordance with Chapter 2-14 of the Code.

c) If the Commissioner has information provided by a law enforcement agency or any court of law that a licensee has been charged with the commission of: (1) a felony, as defined in Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., or a felony in another jurisdiction; or (2) an alleged act that raises concerns of public safety; or if a licensee is under an outstanding arrest warrant issued by a court of any jurisdiction, the Commissioner shall immediately suspend all licenses of the licensee until final adjudication is made with respect to such charges.

d) Any person whose license is revoked under this Chapter shall be ineligible to receive another scooter sharing license under the same or a different name for a period of three years following revocation.

9-103-160 Violation - Penalty.

Any licensee who violates this chapter or any rule promulgated hereunder shall be subject to a fine of not less than \$500.00 and not more than \$10,000.00 for each such violation. Each day that any violation shall continue shall be deemed a separate and distinct offense.

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9-103-170 Scooter removal.

The Commissioner or the Commissioner of Transportation or the Commissioner of Streets and Sanitation, or their designees, may remove scooters that are not properly parked and that are not properly repositioned in accordance with Section 9-103-130. Nothing provided in this section shall be construed to limit the City's ability to remove, without waiting for a licensee's remedial action, any scooter that encumbers or obstructs any public way in order to protect the safety of its residents. Licensees must reimburse all costs the City incurs to remove scooters at a rate of \$100 per scooter. No scooter shall be retrieved without paying the removal cost. A scooter which is not retrieved by the licensee within 5 business days of notification of removal shall be deemed abandoned.

9-103-180 Enforcement - Rules.

The Commissioner and the Commissioner of Transportation are authorized to enforce this chapter. The Commissioner and the Commissioner of Transportation are authorized to jointly or separately adopt rules for the proper administration and enforcement of this chapter.

9-103-190 Scooter sharing service under a contractual agreement.

If the City and a contracting party agree by contract to allow such contracting party to operate a

scooter sharing service in the City of Chicago, in addition to the contractual provisions between the City and such contracting party, the applicable provisions of this chapter shall apply to such contracting party to the extent they are not in conflict with any provision of the contract between the City and such contracting party.

SECTION 2. Chapter 9-52 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-52-070 Parking.

a) No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk against a rack, parking meter or sign pole to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

b) A bicycle may be parked within a parking space designated for the parking of a low-speed electric mobility device pursuant to Section 9-52-130 if such parking space has a rack or device to support a bicycle.

9-52-130 Low-speed electric mobility devices.

(a) The Commissioner of Transportation is authorized to designate a low-speed electric mobility device parking space or rack on the public way, if the Commissioner determines that establishing such parking space or rack: (i) will not create hazards in the use of the public way by vehicular or pedestrian traffic; (ii) will not impede the safe and efficient flow of traffic upon the public way on which the parking space or rack is proposed; and (iii) will benefit and convenience the public. The Commissioner of Transportation shall designate low-speed electric mobility device parking spaces or racks by appropriate signs or roadway markings or both, as applicable. It shall be unlawful to park a vehicle other than a low-speed electric mobility device, or bicycle as provided in Section 9-52-070(b), in any low-speed electric mobility device parking space that the Commissioner has designated by appropriate signs or markings.

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(b) No person shall park a low-speed electric mobility device on the public way except:

- 1) in any parking space or against any rack designated for such purpose by the Commissioner of Transportation; or
- 2) against a rack, parking meter or sign pole to support the low-speed electric mobility device.

(c) Except as otherwise provided in this section, the provisions of Title 9 of this Code that apply to the operation and parking of bicycles shall also apply to the operation and parking of low-speed electric mobility devices.

SECTION 3.

3.1 RECITALS

The Chicago City Council passed an ordinance on April 18, 2012, granting the Commissioner of the Department of Transportation the authority to enter into an agreement (the "Agreement") with Alta Bicycle Share, Inc., now, through change of control and change of name, Motivate International, Inc. (the "Operator" or "Contractor") for the purchase and operation of a bicycle sharing system (the "Ordinance"); and

Pursuant to the Ordinance, the City and Operator entered into the Agreement for the purchase and

operation of a bicycle sharing system (the "System") on or about January 24, 2013; and

The Chicago City Council passed an amendatory ordinance on April 10, 2019, granting the Commissioner of the Department of Transportation, with the review and concurrence of the Chief Financial Officer, authority to negotiate and enter into an amendment to the Agreement with the Operator (the "Amendatory Ordinance"); and

Pursuant to the Amendatory Ordinance, the City and Operator executed an amendment to the Agreement on or about May 8, 2019 (the "amended Agreement"); and

Paragraph 2.10 of the amended Agreement provides that the Operator may initiate negotiation with the City, if the City, separate from the amended Agreement, "elects to permit or otherwise allows any third party to conduct business operation(s) ... from the public way, of a specific Low-Speed Electric Mobility Device... for a cumulative duration longer than nine months during the first eighty-four (84) months of the term of" the amended Agreement; and

The City of Chicago (the "City") has adopted an ordinance for the licensing of scooter sharing businesses in the City.

The above recitals are incorporated into and made a part of this SECTION 3.

3.2 Now that the City has adopted an ordinance for the licensing of scooter sharing businesses in the City, the Commissioner of the Department of Transportation, with the review and concurrence of the Chief Financial Officer, is authorized to negotiate with the Operator pursuant to Paragraph 2.10 of the amended Agreement, or otherwise to allow the Operator to

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undertake a scooter sharing service under the Agreement, and to execute, if necessary, an amendment to the Agreement with the Operator for the purpose of implementing the results of such negotiations.

SECTION 4. This ordinance shall take effect 10 days after its passage and publication.

Alderman, 21st Ward

