

SPECIAL COUNCIL MEETING AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, July 27, 2021**

Following the regularly scheduled Work Session (which begins at 4:30 p.m.)

1. ROLL CALL
2. SECOND READING ORDINANCE
 - A. Amending Certain Sections of Chapter 10.64 – Bicycles, Toy Vehicles, Rollerblades, In-Line Skates, Roller Skates, Snowboards, Skis, Rollerskis, Scooters, Coasters, Skateboards and Similar Devices, of the Casper Municipal Code.
 1. Communications from Persons Present
3. ADJOURN INTO EXECUTIVE SESSION – LAND ACQUISITION
4. ADJOURNMENT OF SPECIAL MEETING

Upcoming Council meetings

Council meetings

6:00 p.m. Tuesday, August 3, 2021 – Council Chambers

6:00 p.m. Tuesday, August 17, 2021 – Council Chambers

Work sessions


4:30 p.m. Tuesday, August 10, 2021 – Council Chambers


4:30 p.m. Tuesday, August 24, 2021 – Council Chambers

We are **CASPER**

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

July 22, 2021

MEMO TO: City Council
J. Carter Napier, City Manager 

FROM: John Henley, City Attorney 

SUBJECT: An Ordinance Amending Chapter 10.64 –Bicycles, Toy Vehicles, Rollerblades, In-line Skates, Roller Skates, Snowboards, Skis, Rollerskis, Scooters, Coasters, Skateboards and Similar Devices

Meeting Type & Date
Special Council Meeting
July 27, 2021

Action type
Second Reading

Recommendation
Council consider the proposed ordinance on second reading and make amendments as appropriate.

Summary
City Council has expressed interest in allowing dockless e-scooters in the City. Find attached a draft ordinance to amend Chapter 10.64 to modify the existing traffic laws concerning dockless e-scooters as well as establishing permit, insurance, and operational requirements for dockless e-scooter businesses who are interested in doing business in the City of Casper.

The current draft removes the references to toy vehicles, skateboards, and similar devices. The current ordinances permits e-scooters, bicycles (including e-bicycles), roller blades and roller skates to be used on the downtown streets of Casper, without exception; roller blades and roller skis can also be used on downtown sidewalks. Bicycles and e-scooters can be used on city trails at no greater than fifteen miles per hour, but subject to signage and a general use of reasonableness and prudence.

The dockless scooter business model is unique; it as many businesses use the public right-of-ways for transportation and movement purposes, but the dockelss scooter businesses model uses the public right-of-way for its parking areas (undefined and changing) and its marketing by relocating scooters at various times of the day/night to areas where the demand may be higher. Other businesses do not get such benefits.

The proposed permit fee in the current draft, given the use of the public right-of-way, for scooter 24 hour parking on public sidewalks and placement for marketing purposes, in addition to providing a public transportation option, is \$90.00 per scooter per calendar year.

The proposed draft ordinance requires a permit for each dockless scooter. In negotiations with Bird Rides, Inc., it had agreed, consistent with its presentation to Council, to provide fifty e-scooters at minimum for public use. In contract negotiations Bird Rides, Inc., had agreed to pay \$3,000.00 per calendar year and a \$25.00 per scooter per calendar year fee on top of that. On average, the per scooter per calendar year Bird Rides had offered to pay equals:

\$3,000.00 annually/ 50 scooters = \$60/ scooter plus \$25.00= \$85.00 per scooter
 \$3,000.00 annually/ 75 scooters = \$40/scooter plus \$25.00= \$65.00 per scooter
 \$3,000.00 annually/ 100 scooters= \$30/scooter plus \$25.00= \$55.00 per scooter

Other municipalities charge:

Cheyenne, Wyoming – Annual fee of \$200.00 Annual fee/dockless vehicle is \$5.00

Rock Springs, Wyoming - Annual fee \$500.00

Spokane, Washington .75 per every vehicle in operation a day.

.75 x 300 days = \$225.00 per scooter

.75 x 225 days = \$168.75 per scooter

Seattle, Washington

Fee Type	Fee Amount	
Permit Issuance and Renewal	\$232 for issuance or \$176 for renewal as specified in the Street Use Permit Fee Schedule or as subsequently amended	
Permit Review	\$296 per hour of review as specified in the Street Use Permit Fee Schedule or as subsequently amended	
Administrative Fee per year	For Vendors approved during the initial application period:	\$150 per permitted scooter
	For Vendors approved after the initial application period, and no more than 4 total Vendors:	\$150 per permitted scooter or other approved device, prorated by month

Financial Considerations

Permit fees will bring in minimal revenue. There will be additional demands (potentially significant) on public safety employees. There may be additional demands.

Oversight/Project Responsibility

John Henley, City Attorney (Ordinance Amendments)

Keith McPheeters, Chief of Police

Jeff Bullard, Traffic Sgt., Casper Police Department

Attachments

Proposed Ordinance

ORDINANCE NO. 25-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 10.64 - BICYCLES, TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES, OF THE CASPER MUNICIPAL CODE.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statutes Sections 15-1-103 (a) (xli) and 15-1-103(a)(v), to adopt ordinances and resolutions necessary to protect the health, safety, and welfare of its citizenry; and,

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the City necessary to the exercise of its corporate powers; and,

WHEREAS, the Casper Municipal Code needs updated and modified from time to time; and,

WHEREAS, the governing body of the City of Casper desires to update and amend the City of Casper Code, CHAPTER 10.64 - BICYCLES, TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES, OF THE CASPER MUNICIPAL CODE” as set out below.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the following sections of Chapter 10.64 are hereby updated and amended as follows:

City of Casper Municipal Code, Chapter 10.64, is renamed: CITY OF CASPER MUNICIPAL CODE CHAPTER 10.64, - BICYCLES AND E-SCOOTERS OF THE CASPER MUNICIPAL CODE.

Article I. – Bicycles

10.64.010 Definitions

The terms used in this chapter are defined as follows:

- A. “Clerk” means the City Clerk of Casper, Wyoming, or the clerk’s designee.
- B. “Bicycles” include e-cycles in addition to self-propelled cycles.
- C. “Dockless scooter” means an e-scooter, or any other self-propelled (in part or whole) scooter vehicle type that does not require the construction of a special docking location.

- D. “Dockless scooter for hire” means ” means a dockless scooter available for short-term rental (less than seven (7) consecutive days) by a provider for the purpose of providing individual transportation on a public right-of-way
- E. “Downtown Area” For the purpose of this article, the downtown area and public ways of the city shall be considered to be as follows: An area bounded on the east by the sidewalk along the east side of Durbin Street; on the south by the former Chicago Northwestern railroad right-of-way; on the west by the sidewalk along the west side of Ash Street; and on the north by the sidewalk along the north side of "C" Street. Such areas shall also include the sidewalks and parallel use of crosswalks which connect the streets, ways and sidewalks listed herein as boundaries.
- F. “Enforcement officer” is a community service officer or a certified officer of the Casper Police Department.
- G. “e-scooter”
1. In general.
“e-scooter” means a device designed and equipped with:
 - a. An electric motor for self-propulsion;
 - b. Two or three wheels below a platform on which a user can stand upright to operate and control the vehicle;
 - c. Hand operating steering systems; and
 - d. A locking or shut off device to either lock or prevent the propelling mechanism from engaging, and/or to lock the devise to existing structures or fenced areas.
 2. Dockless scooters for hire means an e-scooter which is also designated and equipped with:
 - a. A water submersion sensor, except for those units which are designed for those with disabilities;
 - b. A mechanism which limits the scooter to a maximum speed of 15 miles per hour; and
 - c. Working geo-fencing technology and wireless communication access.
- H. “Person” means:
1. An individual;
 2. A partnership, firm, association, corporation, or other entity of any kind; or
 3. A receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.
 4. Exclusions: Person does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a government entity.
- I. “Provider” means any person that provides dockless scooters for hire.

J. "Ride or riding" means the use of any rollerblades, in-line skates, roller skates, e-scooters, or any bicycle in a manner other than walking beside or carrying the device.

K. "User" means the person who is operating or controlling the dockless scooter.

10.64.020—10.64.050 Reserved.

Editor's note(s)—Section 1 Editor's note(s)— of Ord. No. 23-11, adopted July 19, 2011, rescinded §§ 10.64.010—10.64.050, which pertained to registration and licensing of bicycles, and derived from prior code §§ 6-1—6-5.

10.64.060 Obedience to traffic rules required.

Every person riding or propelling a bicycle or e-scooter upon any street or other public highway in the city shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting. The maximum speed for a dockless scooter is fifteen (15) miles per hour.

10.64.070 Obedience to traffic signs required.

Persons riding bicycles or e-scooters shall observe all traffic signs and stop at all stop signs.

10.64.080 Lights and reflectors.

No ~~bicycles, bicycles or e-scooters, toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices, as defined in Section 10.64.150(C) (hereinafter referred to as "vehicle")~~ shall be permitted on any street or other public highway of the city between ~~thirty-fifteen~~ minutes after sunset and ~~fifteen~~~~thirty~~ minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for not less than five hundred feet, indicating the approach or presence of the vehicle, firmly attached to such vehicle and properly lighted, or without a red reflector attached to and visible from all distances from fifty feet to three hundred feet from the rear thereof when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. The headlight shall give a clear white light.

10.64.090 Riding on sidewalks—Right-of-way.

Any person riding a bicycle or an e-scooter upon a sidewalk of the city except sidewalks in the business district (riding prohibited) as hereinafter enumerated shall grant the right-of-way to any pedestrian thereon.

10.64.100 Safe operation required.

No bicycle or e-scooter shall be ridden faster than is reasonable and ~~prudent~~ and every bicycle and e-scooter shall be operated with reasonable regard to the safety of the operator or any person upon the sidewalks, streets and other public highways of the city.

10.64.110 Riding on sidewalks of downtown area prohibited.

No person shall ride a bicycle or an e-scooter on the sidewalks of the city located within the downtown area as defined in Section 10.64.~~1010~~ 50(EA).

10.64.120 Riding abreast of more than one other bicycle or e-scooter prohibited.

No person shall ride or propel a bicycle or e-scooter upon any street or other public highway in the city abreast of more than one other person riding or propelling an e-scooter or bicycle.

10.64.130 More than one rider on a bicycle prohibited—Exception.

No person shall ride or propel a bicycle or e-scooter on a street or other public highway of the city with another person in any position in front of or behind the operator, unless the bicycle or e-scooter is designated for two people, or in the case of a bicycle of a tandem type equipped with a seat for each such additional person.

10.64.135 ~~Reserved Signage.~~

A provider is prohibited from placing or permitting the placement of third party signage or messages on the e-scooters of the provider.

~~Editor's note(s) — Section 1~~~~Editor's note(s) —~~ of Ord. No. 23-11, adopted July 19, 2011, rescinded § 10.64.135~~Editor's note(s) —~~, which pertained to violation and penalty, and derived from prior code § 6-6.

~~Article II. Toy Vehicles, Rollerblades, In-line Skates, Roller Skates, Snowboards, Skis, Rollerskis, Scooters, Coasters, Skateboards and Similar Devices~~

10.64.150 Reserved. Definitions.

The terms used in this article are defined as follows:

A. ~~Downtown Area. For the purpose of this article, the downtown area and public ways of the city shall be considered to be as follows: An area bounded on the east by the sidewalk along the east side of Durbin Street; on the south by the former Chicago Northwestern railroad right-of-way; on the west by the sidewalk along the west side of Ash Street; and on the north by the sidewalk along the north side of "C" Street. Such areas shall also include the sidewalks and crosswalks which connect the streets, ways and sidewalks listed herein as boundaries. "Ride or riding" means the use of any rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar device or any bicycle in a manner other than walking beside or carrying the device.~~

~~"Toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices" means any device or shoe allowing the wearer, rider or user to roll, glide, skate, slide, or otherwise move by means other than walking or running. This does not include devices such as wheelchairs, motorized scooters used for medical purposes or walkers designed primarily for, and used by, a person with a physical disability requiring the use of such device. This also does not include a properly licensed motor vehicle operated in accordance with all applicable laws.~~

10.64.155 Riding on fixtures.

No person shall ride any toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices or any bicycle or e-scooter upon, over, against, or otherwise on any bench, table, planter, railing, stair, step, utility equipment, or any other fixture, whether permanently attached or not, in any public place unless such place or fixture has been designated by the city for such use, or unless upon private property and with the permission of the owner of the property.

10.64.160 Reserved. Prohibited in downtown area.

~~No person shall ride toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices upon any street, sidewalk, public parking lot, or public way or area open to the general public, within the downtown area; provided, however, that it is permissible to ride such devices in the downtown area as a participant in a duly permitted parade, and it is permissible to ride rollerblades and in-line skates on streets only in the downtown area.~~

10.64.165 Obedience to traffic rules required.

Every person propelling a vehicle by human power, or riding or operating an e-scooter or bicycle upon any street or other public highway in the city has all of the rights and all of the duties applicable to the driver of any vehicle upon such roadways, including, but not limited to: turning only at intersections, signaling for all turns, riding at the right-hand side of the street or highway,

passing to the left when passing overtaken vehicles and individuals that are slower moving, and passing vehicles to the right when meeting.

10.64.170 Reserved Responsibilities of parents and guardians.

It is unlawful for any parent, guardian or person standing in the place of a parent or guardian, to permit any child under the age of eighteen years to ride toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices in the downtown area, **except that it is permissible to ride rollerblades and in-line skates on streets only in the downtown area.**

10.64.180 Dockless Scooter for hire; Permit Required and Permit Applications.

A. Permit required.

1. In general. No provider may rent a dockless-vehicle-for-hire business without having first obtained a permit from the clerk.
2. Issuance. The city clerk may issue a permit pursuant to this chapter.

B. Permit applications.

1. Form. An approved permit to operate a dockless-scooter-for-hire business must be obtained to utilize the public right of ways for a dockless scooter for hire.
2. Contents. Information in the permit requirements, or the provider agreement must include:
 - a. The provider's full legal name and any trade name(s) under which it operates;
 - b. Documentary evidence from an insurance company indicating that the insurance company has bound itself to provide liability insurance to the provider as required by the Clerk, but an amount not less than the following coverage:
 - i. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than the sum of Two Hundred Fifty Thousand Dollars (\$250,000) to any claimant for any number of claims arising out of a single transaction or occurrence; or the sum of Five Hundred Thousand Dollars (\$500,000) for all claims arising out of a single transaction or occurrence.
 - c. An agreement to indemnify the City in the following form:

"Operator agrees to indemnify, defend and hold harmless City, and its officials, employees and agents, from and against all actions, damages or claims, including reasonable attorney's fees, (collectively "Claims") brought against the City for personal or bodily injury or death to any person, or damage or destruction of any property, arising out of or resulting from the negligent, wrongful or

willful acts or omissions of provider and its agents and employees, including claims for personal injury, bodily injury, wrongful death, loss of consortium, loss of sickness, or destruction of property, including the loss of use resulting therefrom. There shall be no indemnification for the negligent acts or omissions or willful misconduct of the City or its elected or appointed officials and employees.

The City does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statutes Section 1-39-101 et. seq., and the City specifically reserves the right to assert any and all rights, immunities, and defenses it may have pursuant to the Wyoming Governmental Claims Act.”

d. Any other information to protect the public’s safety required by the city.

3. Term and renewal.

- a. Term. A permit issued under this chapter expires on the last day of the calendar year in which it was issued.
- b. Renewal. The application for renewal must be in the form and contain the information required referenced in this chapter in a form established by the city clerk’s office.
- c. Transfer of permits prohibited. A permit issued under this chapter to any provider is not assignable or transferrable to, or sharable with any other provider.

4. Permit revocation.

- a. After a hearing conducted before the City Clerk and with proper notice to the provider, the Clerk may revoke permits if the Clerk finds that the provider:
 - i. Intentionally or knowingly made a false statement as to a material matter on the permit application;
 - ii. Failed to maintain the liability insurance required by contract or ordinance;
 - iii. Failed to pay any fees, or obtain a performance bond, required under this chapter;
- b. Any revocation under this section must be in writing from the Clerk’s office and specify the reasons for the action;
- c. A provider receiving a revocation under this section is prohibited from applying for a permit under this chapter for eighteen months from the date of revocation.
- d. Appeals. A provider aggrieved by a decision of the clerk may appeal that decision to the director of public services, or his/her designee, in writing within ten days of the clerk’s decision. The director or his/her designee

must issue a written decision within thirty days from receipt of the provider's appeal.

i.

C. Administrative/Right of way/fee.

1. Dockless scooters use the public right of way not only for operation but out of use parking/storage/marketing. An administrative/right of way fee (fee) shall be levied and imposed upon every provider of dockless vehicles for hire.
2. Amount of fees. The amount of fee for providers of per dockless-vehicles for hire rental is ninety dollars (\$90.00) per scooter per calendar year.

D. Remittance and reports.

1. Remittance. A provider shall remit the fee imposed by this chapter to the city clerk at the time the dockless scooter provider is issued permits by the clerk.
2. Reports. Each remittance must be accompanied by an itemization of all dockless vehicle in use for the period reported. The report must be in the form and contain the information that the clerk requires.
3. Missing scooters. The provider must provide all information to the Casper Police Department regarding any missing, stolen or submerged scooters, within ninety-six hours of the provider or its agent's knowledge of missing, stolen or submerged scooters.

10.64.190 Standards of operation of e-bikes or e-scooters.

A. Unlawful operations of bicycles or e-scooters.

1. A bicycle or e-scooter may not be operated:
 - a. In a manner that violates applicable State or local law;
 - b. At speeds that exceed fifteen miles per hour for e-scooters.
 - c. With a passenger, unless the e-bike or e-scooter is designed to carry a passenger;
 - d. Without the use of headlight or headlamp fifteen (15) minutes before dusk, and fifteen (15) minutes after dawn, or when the safe operation of a vehicle requires the use of headlight or headlamp;
 - e. On a public right-of-way where bicycles are prohibited;
 - f. On a sidewalk, unless the posted speed on the abutting public right-of-way is thirty miles per hour or greater and the speed of the bicycle or e-scooter on the sidewalk does not exceed ten miles per hour; or
 - g. While carrying a package, bundle, or other article that prevents the user from keeping both hands on the handlebars.

B. Unlawful parking of dockless vehicle.

1. Public streets and alleys. A dockless vehicle may not be parked on a public street or alley unless the City's Director of Public Services has designated an area specially-designed to accommodate dockless parking.
2. Sidewalks. Unless otherwise prohibited by law, rule, or regulation that specifically prohibits parking on a sidewalk, dockless vehicles may be parked:
 - a. On any sidewalk; or
 - b. At designated locations as determined by the City's Director of Public Services.
3. Transit stops. A dockless vehicle may not be parked closer than twenty-five feet from the nearest point of a transit stop to the dockless vehicle.
4. Miscellaneous locations. A dockless vehicle may not be parked in:
 - a. A driveway without the permission of the owner of the driveway;
 - b. An area reserved for sidewalk dining;
 - c. A transit zone, including bus stops, shelters and passenger-waiting areas, except at designated areas within a transit zone, as determined by the Director;
A loading zone;
 - d. _____
 - e. A parking zone dedicated to accessible parking, handicapped;
 - f. A manner that reduces the pedestrian zone to less than 5 feet or that otherwise prohibits the free flow of pedestrian traffic;
 - g. A manner that interferes with places of access for persons with disabilities as required by the Americans with Disabilities Act; or
 - h. A manner or location prohibited posted by the Director of Public Services.
5. Manner of parking. Dockless vehicles must be parked in a standing upright position.

a. _____

C. User education.

1. In general. A provider must educate its users in the laws, rules, and regulations applicable to the riding, operation, and parking of dockless vehicles.
2. Publication. As a component of the education required under this section, a provider must make visible on its dockless vehicles or publish on its mobile application, or both, the standards of operation set forth in this chapter.

D. Provider operational responsibilities.

1. A provider must:
 - a. Operate a twenty-four hour customer service phone number for users, the general public, and City officials to report dockless vehicles that are inoperable or suspected of being operated or parked in apparent violation of the law;
 - b. Remove its dockless vehicles from any public property requested by the Casper Police Department or Casper Fire-EMS;
 - c. Ensure that its dockless vehicles are parked as required by law, rule, or regulation;

- d. Remove or reposition its dockless vehicles that are parked illegally within ninety (90) minutes from the time the call was placed to providers customer service number;
- e. Ensure that its dockless vehicles adhere to applicable national safety standards;

E. Seizure

1. In general. A dockless vehicle for hire is subject to seizure if it is parked or used in violation of this chapter or wrongly left on private property.

2. Procedures.

a. An enforcement officer need not have a warrant in order to seize a dockless vehicle for hire in a violation of this chapter if the enforcement officer has probable cause to believe that the dockless vehicle for hire has been parked or used in violation of this chapter and a warrant is not constitutionally required under the circumstances.

1. Whenever an enforcement officer seizes a dockless vehicle for hire under this section, the enforcement officer may cause it to be moved to a place designated by the Department.

2. On the seizure of a dockless vehicle for hire under this section, the Department must promptly notify the provider of:

- a. The reason for seizure;
- b. The location of the seized dockless vehicle for hire; and
- c. The amount of the fees, if any, associated with the seizure.

a. Vehicles returned on payment. Any dockless vehicle for hire seized under this section must be returned to its provider unless held as evidence.

10.64.180 Violation—Penalty.

Any person violating any provision of this article is guilty of a misdemeanor, and may be punished as provided in Chapter 1.28 of this code.

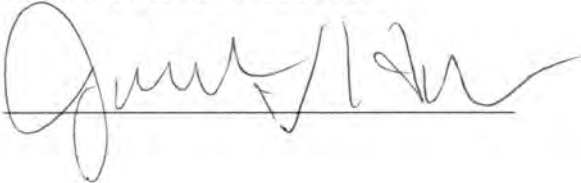
This Ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

PASSED on 1st reading the 20th day of July, 2021

PASSED on 2nd reading the ____ day of ____, 2021

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2021.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor