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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Public Safety and Licensing Committee **LEGISLATION ITEM #:** 0875-22

AGENDA DATE: January 30, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Robin K. Zbikowski

SUBJECT: Communication sponsored by Alder McCarthy requesting that the Commercial Electric Scooter Ordinance be (re)enacted without a sunset provision and with a renewal process for licensees that also allows for due process in the event renewal is denied.

EXECUTIVE SUMMARY: Ordinance 0006-21, as amended by Ordinance 0020-21, created the original Commercial Electric Scooter Ordinance, which was designed to test the introduction of commercial electric scooter devices within the city. This ordinance contained a sunset provision, which took effect December 31, 2022. Ordinance 0017-22 is identical to the original ordinance, but it includes a renewal process for licensees that also provides for due process in the event renewal is denied. Further, Ordinance 0017-22 includes an additional fee for each device over 150 (up to 200 devices).

BACKGROUND & ANALYSIS: On May 4, 2021, the Common Council approved Ordinance 0006-21 (the Electric Scooter Ordinance), which created two new parts to the Code: First, it created section 22-1278 et seq. (the Commercial Electric Scooter Ordinance), and, second, it created section 66-1201 et seq., which regulates electric scooters generally within the city's jurisdiction.

The Commercial Electric Scooter Ordinance contained a sunset provision, which would have taken effect on December 31, 2021. However, on November 16, 2021, the Common Council approved Ordinance 0020-21, which amended the sunset provision such that it would instead take effect on December 31, 2022. On December 31, 2022, the Commercial Electric Scooter Ordinance expired. The Transit Department, through Trevor Jung, and as sponsored by Alder McCarthy, requests to (re)enact the

30 Commercial Electric Scooter Ordinance without a sunset provision and with a renewal process for
31 licensees that also provides for due process in the event renewal is denied.

32 In furtherance of such, Ordinance 0017-22 (re)enacts the original Commercial Electric Scooter Ordinance
33 with certain amendments to it. Specifically, there is now (1) an avenue for licensees to renew their
34 commercial electric scooter business licenses by submitting a renewal application no later than October
35 15 each year; (2) due process afforded to licensees denied renewal; and (3) a renewal fee and a fee for
36 each additional device over 150 devices (up to 200 devices).

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38 **BUDGETARY IMPACT:** There is a fee that accompanies each initial application and each renewal
39 application for a commercial electric scooter license, as well as a fee per device for each device above
40 150 devices (up to 200 devices), all fees of which are determined by the budget as set forth in the fee
41 schedule and established by the common council.

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43 **OPTIONS/ALTERNATIVES:**

44 Approve, whereby enacting the proposed ordinance that regulates commercial electric scooter licenses
45 and devices within the city.

46 Deny, whereby opting not to regulate commercial electric scooter licenses or devices within city limits.
47 Commercial electric scooter devices, however, are at all times subject to those sections of the code that
48 regulate electric scooters generally (sections 66-1201 through 66-1206).

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50 **RECOMMENDED ACTION:** To approve.

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52 **ATTACHMENT(S):** None.