

Law and Legislation Committee Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2018-01552

November 27, 2018

Discussion Item 05

Title: Regulating Shared Rideable Businesses and Operations

Location: Citywide

Recommendation: 1) Review an Ordinance amending Chapter 5.18 and Chapter 10.76 of the Sacramento City Code relating to Shared-Rideable Businesses; and 2) pass a Motion forwarding the ordinance to City Council for consideration.

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Presenter: Jennifer Donlon Wyant, Program Specialist (916) 808-5913, Department of Public Works

Attachments:

- 1-Description/Analysis
- 2-Ordinance (Redline)
- 3-Ordinance (Clean)
- 4-Draft Fee Resolution

Description/Analysis

Issue Detail: Shared-rideable businesses offer bicycles, e-bicycles, e-scooters and similar rideable devices on a self-service rental basis. Shared-rideable programs can help achieve the City's goals of encouraging active transportation; reducing vehicle miles traveled and single occupancy vehicle trips; providing first and last mile solutions for transit; and providing adequate parking to meet the needs of customers. A desirable shared-rideable business program should also reduce the potential for shared-rideable devices to block or interfere with pedestrian and emergency service use and access to all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

Without regulation, shared-rideable businesses can pose a threat to the public health, safety, and welfare. Some shared-rideable devices may be self-locked anywhere within the city, making it difficult for the city to ensure that these devices are placed safely, upright, and out of the way of pedestrian walkways, bicycle paths, and roadways. Shared-rideable devices will also increase demand for the City's limited bicycle parking.

The shared-rideables landscape continues to evolve and we are learning lessons from the current regional bicycle share program. City staff interviewed peer cities, local stakeholders, and shared-rideable business operators to understand potential issues and best practices in order to establish a regulatory framework that would not only help achieve the City's goals for encouraging active transportation but to also ensure public health and safety.

For these reasons, staff proposes the attached ordinance revisions and revised fees.

Policy Considerations: The recommended changes are consistent with Sacramento 2035 General Plan policies, including:

M 1.2.1 Multimodal Choices. The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

M 1.2.4 Multimodal Access. The City shall facilitate the provision of multimodal access to activity centers such as commercial centers and corridors, employment centers, transit stops/stations, airports, schools, parks, recreation areas, medical centers, and tourist attractions.

M 1.3.3 Improve Transit Access. The City shall support the Sacramento Regional Transit District (RT) in addressing identified gaps in public transit networks by working

with RT to appropriately locate passenger facilities and stations, pedestrian walkways and bicycle access to transit stations and stops, and public rights of way as necessary for transit- only lanes, transit stops, and transit vehicle stations and layover.

M 1.3.5 Connections to Transit Stations. The City shall provide and improve connections to transit stations by identifying roadways, bikeways, and pedestrian improvements within walking distance (1/2 mile) of existing and planned transit stations. Such improvements shall emphasize the development of complete streets.

M 1.4.2 Automobile Commute Trip Reduction. The City shall encourage employers to reduce the number of single-occupant vehicle commute trips to their sites by enforcing the existing trip reduction ordinance in the City Code.

M 5.1 Integrated Bicycle System. Create and maintain a safe, comprehensive, and integrated bicycle system and set of support facilities throughout the city that encourage bicycling that is accessible to all. Provide bicycle facilities, programs, and services and implement other transportation and land use policies as necessary to achieve the City's bicycle mode share goal as documented in the Bicycle Master Plan.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): These actions are administrative activities and are not considered a project under CEQA Guidelines (Title 14 Cal. Code Reg. §15000 et seq.) § 15378 (b)(4).

Sustainability: The recommended action supports the Climate Action Plan goal to create a connected multi-modal transportation network that increases the use of sustainable modes of transportation (e.g., walking, biking, transit) and reduces dependence on automobiles.

Commission/Committee Action: None.

Rationale for Recommendation: Ensuring public health and safety is the primary role of government and rationale for this recommendation. Regulation through a permitting process will help protect public right-of-way from uncontrolled encroachment.

Financial Considerations: The revised permit and fees create additional revenue sources that will cover the financial costs of administering and regulating the shared-rideable program.

Local Business Enterprise (LBE): Not applicable

Background: Shared-rideables are devices available to persons for rental on a self-service basis. They include bicycles, electric bicycles, scooters, motorized scooters, and other transportation devices, excluding transportation devices that must be registered with the California Department of Motor Vehicles.

On March 20, 2018, City Council adopted the current regulations in Chapter 5.18 and Chapter 10.76 for shared bicycles including electric bicycles, motorized scooters, and other transportation devices. Shared-rideables are an area of mobility experiencing great growth and change in recent years, particularly in the past 18 months.

Traditionally, bicycle-share programs used docks (also known as stations or hubs) to store the bicycles when not in use. In this “docked” model, users check out a bicycle from one dock and return it to another dock. This model incorporated technology in the docks and kiosks.

Technology has continued to evolve and by Summer 2017 it was more common to have the computer technology and the locking mechanism housed in the bicycle rather than the station. These are often called dockless bicycles. As a result, more bicycles are either locked to public bike racks or not locked to anything. Sacramento has experienced this issue with its existing bike share effort.

In Fall of 2018, shared motorized scooters were introduced in American cities. These shared motorized scooters operate like dockless bicycles but do not have a locking mechanism. Motorized scooters are regulated by the State of California differently from bicycles. Section 21235 of the California Vehicle Code states that motorized scooter users:

- Must have a valid driver’s license;
- Must wear a helmet (revised by AB2989 to remove this requirement effective January 1, 2019);
- Cannot travel at more than 15mph;
- Cannot travel on a sidewalk; and
- Cannot travel on a street with posted speed limit of greater than 25mph unless in a bike lane (revised by AB2989 to streets greater than 35mph, effective January 1, 2019).

A regulatory challenge faced in cities is parking of the shared-rideables. Local stakeholder organizations expressed strong concern for ensuring sidewalks and curb ramps are kept clear. Interviews with peer cities with dockless shared-rideables revealed that devices are often parked in places that obstruct paths of travel. Studies of Seattle’s dockless bike share pilot found that anywhere between 4-10% of the parked dockless bikes were obstructing paths of

travel (Seattle Department of Transportation, 2017 Free-Floating Bike Share Pilot Evolution Report, 34.). In Seattle's new program, a fee is included for the City to provide parking. While the study is for dockless bicycles only, it is analogous.

Current Sacramento City Code requires shared-rideable businesses to provide and install 1.5 bike parking spaces for every shared rideable operating in the City. In interviews with shared-rideable businesses, most requested this requirement be removed from City Code. However, in interviews with peer cities revealed they have not yet found a solution for parking dockless shared-rideables that results in correctly parked devices and parking continues to be a challenge.

Staff have identified several challenges with Sacramento's current system including:

- As more shared-rideable businesses operate in Sacramento, there will be an increased demand for limited space if each were to install its own parking, as required by current City Code.
- The City can install parking in the public right-of-way at a lower cost and with more expediency than shared-rideable businesses. The Regional Bike Share program will install 1.5 bike parking spaces for 570 devices at a cost of \$467 per device (not including labor) while City staff can install at a cost of \$355 per device.
- The current code did not anticipate parking meter revenue loss from the installation of the shared-rideable parking.
- The current fee structure does not recover costs for staff time administering and monitoring shared-rideables. Interviews with other cities found it requires 1.5 to 3.5 full time equivalents to monitor shared-rideable activities.

The proposed code changes include clarifying language as well as:

- Addition of a requirement for an equity plan.
- Enhanced descriptions of the required plans to be included in the permit application, including: business; maintenance and repair; rebalancing and relocation; community outreach; and equity plans.
- Clarification of grounds to deny a business permit.
- Introduction of a new fee structure:
 - Shared-rideable business permit application fee
 - Shared-rideable business permit renewal or expansion application fee
 - Shared-rideable monitoring fee (for staff time cost recovery)
 - Shared-rideable parking fee
 - Shared-rideable meter revenue loss fee
 - Shared-rideable storage fee
- Addition of the requirement for workers' compensation insurance

- Removal of the requirement to provide and install 1.5 bike parking spaces per device (parking is now provided through fees)
- Addition of the requirement to retrieve devices parked in the same location for more than 48 hours

In addition to the current shared-rideable operator, JUMP, the City of Sacramento has received inquiries from several shared-rideable operators seeking to apply for permits to operate.

Adopting the attached ordinance shown on the following page will update the rules and regulations governing operation of shared-rideable businesses in the city, ensuring the regulatory framework is based on input from our community and best practices of our peer cities to ensure the safety and well-being of bicyclists, pedestrians, and other users of the public right-of-way.

Also attached for reference is the Draft Fee Resolution.

ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING CHAPTERS 5.18 AND 10.76 OF THE SACRAMENTO CITY CODE,
RELATING TO SHARED-RIDEABLE BUSINESSES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 5.18 of the Sacramento City Code is amended to read as follows:

Chapter 5.18 ~~BICYCLE SHARE~~SHARED-RIDEABLE BUSINESSES

ARTICLE I. General Provisions

5.18.010 Purpose and intent.

The purpose of this chapter is to establish ~~bicycle share~~shared-rideable business requirements that achieve the city's goals of encouraging bicycling active transportation and providing adequate ~~bicycle shared-rideable~~ parking to meet the needs of shoppers, visitors, and residents while also reducing the potential for ~~bicycles shared-rideables~~ to block or interfere with pedestrian and emergency service use and access to all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

Some ~~bicycle share bicycles~~shared-rideables ~~may~~can be self-locked anywhere within the city, making it difficult for the city to ensure that ~~shared rideables these bicycles~~ are placed safely, upright, and out of the way of pedestrian walkways, ~~bicycle~~ paths bikeways, and roadways. In addition, ~~self-locking bicycles~~shared-rideables can become a ~~major~~ cause of blight in both residential and nonresidential neighborhoods. Without regulation, ~~bicycle share~~shared-rideable businesses pose a threat to the public health, safety, and welfare.

The city council finds that regulations governing ~~bicycle share~~shared-rideable businesses are necessary to promote the general health, safety, and welfare of the citizens of the city by:

- A. Ensuring safe operation of ~~bicycle share~~shared-rideables ~~businesses~~ in the city;
- B. Protecting the public right-of-way from uncontrolled, unmanaged encroachment;

- C. Creating clear expectations for ~~bicycle share~~shared-rideable management and operations;
- D. Establishing responsible parties and processes to address nuisances; and
- E. Ensuring equitable access and widespread investment in the city.

5.18.020 Definitions.

As used in this chapter:

~~“Bicycle fleet” or “fleet” means all bicycles operated by a specific bicycle share business.~~

~~“Bicycle parking space” means any space in the public right of way in which a bicycle share bicycle may be parking in compliance with this chapter.~~

“Bicycle rack” or “rack” means a stationary fixture, including charging stations, intended to be used for parking a ~~bicycle share bicycles~~shared-rideable.

~~“Bicycle share bicycle” means a two-wheeled device with handlebars, pedals, and a seat designed to be sat upon while riding. bicycle available to persons for renting on a self-service basis. Bicycle share bicycles include electric bicycles, motorized scooters, and other transportation devices available to persons for renting on a self-service basis, excluding automobiles.~~

~~“Bicycle share business” means a business owning, managing, or making available bicycle share bicycles for hire.~~

~~“Bicycle share operator,” means a person that manages, owns, or operates a bicycle share business.~~

“City manager” means the city manager or designee.

“Customer” means any person using a shared-rideable~~bicycle share bicycle.~~

“Director of community development” means the city’s director of the community development department or designee.

“Director of finance” means the city’s director of the finance department or designee.

“Director of public works” means the city’s director of the public works department or designee.

“Electric bicycle” means a ~~bicycle-share~~ bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

“Motorized Scooter” means a ~~scooter equipped with an electric motor, two-wheeled device with handlebars and a floorboard designed to be stood upon when riding.~~

“Parking space” means any space in the public right-of-way in which a shared-rideable may be parked in compliance with this chapter.

“Scooter” means a two-wheeled device with handlebars and a floorboard designed to be stood upon while riding.

“Shared-rideable business” means a business owning, managing, or making available shared-rideables for hire.

“Shared-rideable” means a device available to persons for renting on a self-service basis, including bicycles, electric bicycles, scooters, motorized scooters, and other transportation devices, excluding transportation devices that must be registered with the California Department of Motor Vehicles.

“Shared-rideable fleet” or “fleet” means all shared-rideables operated by a specific shared-rideable business.

“Shared-rideable operator” means a person that manages, owns, or operates a shared-rideable business.

Article II. ~~Bicycle-share~~Shared-Rideable Business Permit

5.18.100 ~~Bicycle-share~~Shared-rideable business permit required.

- A. No person shall operate a ~~bicycle-share~~shared-rideable business unless the person holds a valid ~~bicycle-share~~shared-rideable business permit.
- B. ~~Bicycle-share~~Shared-rideable business permits are the property of the city and are not transferable.

5.18.110 Application for a ~~bicycle-share~~d-rideable business permit.

- A. An application for a ~~bicycle-share~~shared-rideable business permit or its renewal shall be filed with the department of finance on a form prescribed by the city manager and shall include:
 - 1. The applicant’s true name, address, and telephone number; and the true and fictitious name, address, and telephone number of the ~~bicycle-share~~d-rideable business;

2. Written evidence that the applicant is an owner or legal representative of the ~~bicycle-shared~~d-rideable business;
3. The name, address, and telephone number of a local point of contact;
4. A copy of a valid business operations tax certificate issued pursuant to chapter 3.08;
5. Proof of compliance with the insurance requirements set forth in section 5.18.200; ~~and~~
6. A business plan demonstrating that the shared-rideable business will provide: shared-rideables available at an hourly rate or smaller intervals clearly communicated to the customer; shared-rideables on a seven day per week basis; anonymized, aggregated data for trip records and shared-rideable availability to the city on a minimum of a monthly basis; an electronic payment system that complies with city and industry standards; a service area map in an ESRI shapefile format; an education and incentive plan to educate customers of the requirement to park at racks; and a privacy policy to safeguard customer data;
7. A maintenance and repair plan demonstrating that the shared-rideable business will provide: routine maintenance and cleaning of shared-rideables; full-service maintenance for shared-rideables; and a method for customers to report issues with shared-rideables, including 24-hour customer service;
8. A rebalancing and relocation plan demonstrating that the shared-rideable business will rebalance shared-rideables to and from high use areas within peak operating hours and ensure compliance with section 5.18.220;
9. A community outreach plan demonstrating that the shared-rideable business will educate customers and promote to city residents the use of, benefits of, and methods to access, shared-rideables;
10. An equity plan; demonstrating the availability of its shared-rideables and a strategy to promote the use of its shared-rideables citywide among low income communities, and a discounted, low-income customer plan available to any customer who qualifies for: CalFresh; the PG&E Cares program; SMUD's low-income program; or the Women, Infant, and Children (WIC) program; or is a Sacramento Housing and Redevelopment Agency resident;
- ~~711.~~ Such other material as the city manager may require to carry out the purposes of this chapter; ~~and-~~
- ~~8127.~~ A nonrefundable ~~bicycle-share~~shared-rideable business permit application fee, shared-rideable monitoring fee, shared-rideable parking fee, and shared-rideable meter revenue loss fee.

5.18.120 Term of ~~bicycle-share~~shared-rideable business permits.

~~Bicycle-share~~A Shared-rideable business permits ~~are is~~ valid for one year, unless suspended or revoked sooner. ~~A Bicycle-share~~shared-rideable business permits may be renewed pursuant to section 5.18.150.

5.18.130 Application, renewal, expansion, and ~~fleet expansion~~other fees.

A. The following fees are hereby established and imposed:

1. ~~Bicycle-share~~Shared-rideable business permit application fee.;
2. Shared-rideable ~~Bicycle-share~~ business permit renewal or fleet expansion application fee.;
3. Shared-rideable monitoring fee to provide funding for the direct and indirect cost to monitor shared-rideables.;
4. Shared-rideable parking fee to provide for the acquisition and installation of parking spaces.;
5. Shared-rideable meter revenue loss fee to recover meter revenues lost due to the installation of parking spaces to accommodate shared-rideables.;
6. Shared-rideable storage fee.~~Bicycle-share business fleet expansion fee;~~

B. The amounts of the fees described in subsection A shall be established by resolution of the city council.

5.18.140 ~~Bicycle-f~~Fleet expansion.

A. No ~~bicycle-share~~d-rideable operator shall expand its ~~bicycle~~ fleet beyond the permitted amount until such expansion has been approved by the city manager.

B. An application to expand a ~~bicycle-share~~d-rideable business's fleet shall be filed with the department of finance on a form prescribed by the city manager.

C. Every application for expansion of a ~~bicycle~~ fleet shall be accompanied by a nonrefundable fleet expansion application fee, and, upon the approval of the application, a shared-rideable monitoring fee, a shared-rideable parking fee, and a shared-rideable meter revenue loss fee, for each additional shared-rideable.

D. Notwithstanding any provision to the contrary in this chapter, the city reserves the right to limit the number of ~~bicycle-share bicycles~~shared-rideables to be operated by the ~~bicycle-shared~~d-rideable business, based on the projected impact to city streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

5.18.150 ~~Bicycle-share~~Shared-rideable business permit renewal.

A ~~bicycle-share~~shared-rideable business permit is renewable upon the filing and approval of an application and payment of the nonrefundable shared-rideable permit renewal fees, and, upon the approval of the application, permit renewal fee, a shared-rideable monitoring fee and shared-rideable meter revenue loss fee for each additional shared-rideable. The renewal application shall be on a form prescribed by the city manager.

5.18.160 Issuance of ~~an application for or renewal of a bicycle-share~~shared-rideable business permit, renewal permit, or fleet expansion permit.

Except as provided in section 5.18.300, a ~~bicycle-share~~shared-rideable business permit may be issued, ~~or renewed,~~ or expanded by the city manager if there are no grounds for denial in accordance with section 5.18.170, and after the director of public works has:

- A. Physically inspected the applicant's ~~bicycle-share bicycles~~shared-rideables to ensure compliance with this chapter and applicable state laws; provided, however, that the director of public works may accept proof of compliance with this chapter and the applicable state requirements for the operating a bicycle-share bicyclesshared-rideables in lieu of conducting an inspection; ~~and~~
- B. Received a determination from the director of community development that the proposed ~~bicycle-share~~shared-rideable business location and storage location, if within the city, complies with applicable zoning regulations and other applicable laws; ~~and~~
- C. Confirmed that the shared-rideable business has paid the necessary fees, identified in section 5.18.130. ~~Confirmed the bicycle-share business' compliance with the bicycle parking space requirement, pursuant to section 5.18.210.~~

5.18.170 Grounds for denying a ~~bicycle-share~~shared-rideable business permit, renewal permit, or fleet expansion permit.

The city manager may deny ~~an application for a~~ ~~bicycle-shared~~d-rideable business permit, ~~or its~~ renewal permit, or fleet expansion permit on the following grounds:

- A. Application is incomplete.

- B. The applicant is in violation of any provision of this chapter or has been in violation of any provision of this chapter within five years of the date the application was submitted.
- C. The applicant is delinquent on any payment of money to the city, including any fees, fines, penalties, or taxes.
- D. The applicant has had its ~~bicycle-shared~~d-rideable business permit revoked within five years of the date the application was submitted.
- E. Applicant's operation of a ~~bicycle-share~~shared-rideable business would be a threat to the public, health, safety, and welfare.

Article III. Operation of a ~~Bicycle-Share~~Shared-Rideable Business

5.18.200 Insurance requirements.

- A. A ~~bicycle-shared~~d-rideable operator shall maintain at all times in full force and effect at its sole expense, the following insurance:
 - 1. General liability for bodily injury, including death, of one or more persons, property damage, and personal injury. Coverage shall include all customers, and shall be at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than ~~one million dollars~~ ~~(\$1,000,000.00)~~ per occurrence.
 - 2. Automobile liability insurance providing protection against claims of bodily injury, including death, of one or more persons, personal injury, and property damage arising out of ownership, operation, maintenance, or use of owned, hired, and nonowned automobiles. Coverage shall be at least as broad as ISO CA 00 01 (any auto), with limits of not less than ~~one million dollars~~ ~~(\$1,000,000)~~ per accident.
 - 3. Workers' compensation insurance coverage as required by California statutes with limit of at least \$1,000,000 per occurrence. In the event the shared-rideable business is self-insured, it shall furnish evidence of permission to self-ensure in full compliance with California statutes. The workers' compensation coverage shall include a waiver of subrogation in favor of the City.
- B. The city, its officials, and employees shall be covered by policy terms or endorsement as additional insureds regarding general liability and automobile liability arising out of activities performed by or on behalf of the ~~bicycle-shared~~d-rideable operator.

C. The ~~bicycle-share~~shared-rideable operator's insurance coverage shall be primary insurance as it pertains to the city, its officials, and employees.

D. The city must be provided with 30 days~~2~~ prior written notice of cancellation or material change in the policy language or terms by both the ~~bicycle-share~~d-rideable operator and the insurer.

E. The ~~bicycle-share~~shared-rideable operator shall furnish the city with certificates and endorsements evidencing the insurance required, which must be maintained during the term of a ~~bicycle-share~~d-rideable business permit. The city may suspend, modify, or revoke a ~~bicycle-share~~d-rideable operator's vehicle permit if current certificates of insurance and required endorsements have not been provided.

5.18.210 ~~Shared-rideable business provided p~~Shared-rideable business provided pParking spaces~~-required~~.

Shared-rideable businesses may provide and maintain shared-rideable parking spaces. However, such parking spaces shall not offset the shared-rideable parking fee, unless the parking spaces were installed by the shared-rideable business as a condition of a shared-rideable business permit issued by the city prior to December 31, 2018. The installation of shared-rideable parking spaces in the public right-of-way is subject to encroachment permit requirements, as set forth in chapter 12.12.

~~No person shall operate a bicycle-share business unless they have provided and maintain at least one and one-half parking spaces using bicycle racks for every bicycle-share bicycle to be operated by the bicycle-share business, as approved by the city. The installation of bicycle parking spaces and bicycle racks are subject to encroachment permit requirements, as set forth in chapter 12.12.~~

5.18.220 Retrieval of ~~bicycle-share bicycles~~shared-rideables.

A ~~bicycle-share~~shared-rideable business shall, within two hours of notice, retrieve ~~its~~their ~~bicycle-share bicycles~~shared-rideable that ~~are~~is in any of the following conditions:

A. ~~Bicycle-share bicycles that are i~~noperable or not safe to operate, and parked in the public right-of-way;

B. ~~Bicycle-share bicycles that are n~~ot parked at a bicycle rack or a designated shared-rideable parking area in an upright position;

C. Parked in the same location for more than 48-hours;

D. Bicycle-share bicycles Operating with a battery or motor determined by the city to be unsafe for public use; or -

~~E~~D. ~~Bicycle-share bicycles p~~Parked in violation of sections 10.76.050 or 10.76.060.

5.18.230 Shared-rideable standards.~~Compliance with California Vehicle Code~~.

~~Bicycle share bicycles~~ Every ~~shared-rideable~~ shall provided by a ~~shared-rideable business~~ must meet the following minimum requirements:

A. ~~Comply with the California Vehicle Code and any other applicable laws and regulations.~~

B. ~~In addition, bicycle share bicycles shared-rideables shall be~~ Be equipped with software or other mechanisms to prevent the motor from providing assistance when the ~~bicycle share bicycle's shared-rideable's~~ speed exceeds 15 miles per hour.

C. ~~Be constructed with high quality, sturdy materials, in compliance with requirements of the United States Consumer Product Safety Commission and be capable of withstanding the rigors of outdoor storage and constant use for five years or more;~~

D. ~~Be equipped with tamper-resistant hardware, a locking mechanism, and GPS capable of providing real-time location data;~~

E. ~~Bear permanent markings in a visible location identifying the shared-rideable business name and telephone number and the shared-rideable's unique identification number.~~

Article IV. Suspension, Revocation, and Modification of Permits

5.18.300 Grounds for suspending, revoking, or modifying a permit.

The city manager may suspend, revoke, or modify any ~~bicycle share shared-rideable~~ business permit issued pursuant to this chapter on any of the following grounds:

A. That the permitted ~~bicycle share shared-rideable~~ business is being operated in a manner that constitutes a nuisance, or is injurious to the public, health, safety, or welfare;

B. The operation of the ~~bicycle share shared-rideable~~ business violates any condition of the permit or city approved application and plans;

C. The ~~bicycle share shared-rideable~~ business fails to pay any fines, penalties, fees or damages lawfully assessed upon it;

D. The ~~bicycle share shared-rideable~~ business violates any provision of this chapter or any other applicable law;

E. The ~~bicycle share shared-rideable~~ business fails to collect its ~~bicycle share bicycle shared-rideable~~ from the city within 30 calendar days of receiving written notice from the city of impoundment pursuant to section 5.18.500; or

F. Circumstances that would have been grounds for denial of the permit application.

5.18.310 Right of appeal from denial, suspension, modification, or revocation of a ~~bicycle-share~~shared-rideable business permit.

A. Any applicant or ~~bicycle-share~~shared-rideable operator aggrieved by the decision of the city manager, to deny, suspend, modify, or revoke a permit or impose conditions on the permit, may appeal the decision to a hearing examiner by submitting a written appeal to the city manager within 10 calendar days from the date of service of the notice of denial, suspension, modification, or revocation. The written appeal shall contain:

1. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;
2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;
3. The signatures of all appellants and their official mailing addresses; and
4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal hearing shall be conducted by a hearing examiner appointed pursuant to section 5.18.350.

C. Upon receipt of any appeal filed pursuant to this section, the city manager shall transmit the appeal to the secretary of the hearing examiner who shall calendar it for hearing as follows:

1. If the appeal is received by the city manager not later than 15 calendar days prior to the next regular appeal hearing, it shall be calendared for hearing at said meeting.
2. If the appeal is received by the city manager on a date fewer than 15 calendar days prior to the next appeal hearing, it shall be calendared for the next subsequent appeal hearing.

D. Written notice of the time and place of the hearing shall be given at least 10 calendar days prior to the date of the hearing to each appellant by the secretary of the hearing examiner either by causing a copy of such notice to be delivered to the

appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

E. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

F. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.

G. The hearing examiner shall have the authority to issue subpoenas compelling witnesses to appear and provide testimony or subpoena duces tecum compelling witnesses to produce documents. The hearing examiner shall issue a subpoena only upon a showing of reasonable necessity by the requesting party. Failure of either party to comply with any subpoena may be considered by the hearing examiner in making a decision regarding the imposition of administrative penalties.

H. In the case of a suspension, modification, or revocation, the ~~bicycle-shared-rideable~~ operator shall suspend its ~~bicycle-share-shared-rideable~~ business operations until a final decision is rendered on the appeal.

5.18.320 Appeal hearing – generally.

A. At the time set for hearing, the hearing examiner shall proceed to hear the testimony of the city manager, the appellant, and other competent persons, including members of the public, respecting those matters or issues specifically listed by the appellant in the notice of appeal.

B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.

C. The hearing examiner may, upon request of the appellant or upon request of the city manager, grant continuances from time to time for good cause shown, or upon his or her own motion.

D. In any proceedings under this chapter, the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

5.18.330 Conduct of hearing.

A. Hearings need not be conducted according to the technical rules relating to evidence and witnesses. California Government Code section 11513, subsections (a), (b) and (c) shall apply to hearings under this chapter.

- B. Oral evidence shall be taken only upon oath or affirmation.
- C. Irrelevant and unduly repetitious evidence shall be excluded.
- D. Each party shall have these rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called the witness to testify;
 - 5. To rebut the evidence presented against the party; and
 - 6. To represent him, her, or itself or to be represented by anyone of his, her, or its choice who is lawfully permitted to do so.
- E. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or that may appear in any of the official records of the city or any of its departments.

5.18.340 Form and Contents of Decision—Finality of Decision.

- A. If it is shown, by a preponderance of the evidence, that one or more bases exist to deny, suspend, modify, or revoke the permit, the hearing examiner shall affirm the city manager’s decision to deny, suspend, modify, or revoke the permit. The decision of the hearing examiner shall be in writing and shall contain findings of fact and a determination of the issues presented.
- B. The decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure section 1094.6. Copies of the decision shall be delivered to the parties personally or sent by certified mail to the address shown on the appeal. The decision shall be final when signed by the hearing examiner and served as provided in this section.

5.18.350 Hearing examiner.

In order to hear cases brought by the city manager under the provisions of this chapter, the city council shall appoint a panel of hearing examiners, from which one hearing examiner on a rotating basis shall hear cases brought under this chapter. Such examiners shall serve at the pleasure of the city council. A hearing examiner may not be a city employee.

Article VI. Enforcement

5.18.500 Impoundment.

A. The city ~~may~~shall impound a ~~bicycle-share bicycle~~shared-rideable that is ~~not retrieved by the bicycle-share business pursuant to section 5.18.220~~operating or found in the city in violation of this chapter.

B. ~~If the city incurs any costs for impounding bicycle-share bicycles pursuant to this section, t~~The ~~bicycle-share~~shared-rideable business shall reimburse the city for the costs of impoundment and storage, based on an hourly rate of the city employees impounding the bicycle-share bicycle, within 30 calendar days from the date of written notice of the impoundment from the city. The costs of impoundment will be based on the hourly rate of the city employees, or the fees of city contractors, responsible for impounding the shared-rideable.

C. In addition to the remedies provided in this section, the ~~bicycle-share~~shared-rideable business shall be subject to a storage fee as set by resolution of the city council for each day the ~~bicycle-share bicycle~~shared-rideable is within the city's possession; and ~~their~~its permit may be revoked for failure to collect the impounded ~~bicycle-share bicycle~~shared-rideable after 30 calendar days from the city's written notice of impoundment.

5.18.5~~12~~20 Violations.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter may be subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

5.18.5~~23~~30 Customer use of ~~bicycle-share bicycle~~shared-rideables.

Customers shall use ~~bicycle-share bicycles-shared-rideables~~ in accordance with chapter 10.76, the California Vehicle Code, and any other applicable law or regulation.

The shared-rideable business shall be responsible for any penalty imposed in accordance with chapter 10.76.

SECTION 2.

Chapter 10.76 of the Sacramento City Code is amended to read as follows:

10.76 BICYCLES, SCOOTERS, AND OTHER TRANSPORTATION DEVICES

Article I. Bicycles

10.76.010 Riding bicycles on sidewalks.

A. No person shall ride a bicycle on a sidewalk where a sign is posted indicating that bicycling is prohibited. The city manager shall designate sidewalks where such signs are posted upon a finding that:

1. The sidewalk abuts a road that is designated a “Low Stress Bikeway” using the criteria for the Facility Selection Guidelines in the City of Sacramento Bicycle Master Plan; and
2. There is either a demonstrated or probable conflict between pedestrians and bicycles. This may be shown by information including, but not limited to: 311 reports, incident data, or estimated high pedestrian activity determined by counts or adjacent land uses and densities.

B. Subsection A of this section does not apply to the following persons:

1. City employees acting within the course and scope of employment, including but not limited to:
 - a. Peace officers, as defined in California Penal Code section 830.
 - b. Emergency medical personnel as designated by the fire chief of the city.
 - c. Parking enforcement officers.
2. Children under the age of 18 years old and an accompanying adult.

C. Where bicycling on a sidewalk is permitted, the following apply:

1. Bicyclists must yield the right-of-way to pedestrians by slowing down, stopping, or dismounting, as needed.
2. Before passing a pedestrian traveling in the same direction, bicyclists must give the pedestrian an audible warning.

D. The city manager or designee shall report to the city council annually regarding the impacts of ~~s~~Sections 10.76.010 and 10.76.030.

10.76.020 ~~Police department authorized to~~ Required identification number on bicycle frames.

All bicycles shall have, as a means of identification, serial numbers stamped on the frame of the bicycle. ~~The police department or persons authorized by the police chief may stamp numbers or symbols on the frames of bicycles not bearing manufacturers' serial numbers.~~

10.76.030 Violations of this ~~chapter~~article and penalties.

A. Any person who violates a provision of this ~~chapter~~article is guilty of an infraction. Except as otherwise specifically provided, a violation of a provision of this ~~chapter~~article is punishable by: (1) a fine not exceeding ~~twenty-five dollars (\$25.00)~~ for a first violation; and (2) a fine not exceeding ~~one hundred dollars (\$100.00)~~ for each additional violation of the same provision within one year. For each violation of this article involving a shared-rideable, as defined in section 5.18.020, that is managed, owned, or operated by a shared-rideable business, as defined in section 5.18.020, that shared-rideable business is guilty of an infraction punishable by a fine not exceeding \$25.

B. Any person who violates a provision of this ~~chapter~~article may avoid the fine described in subsection A by completing a qualified bicycle education diversion program. ~~A qualified bicycle education diversion program will be identified or developed by staff by January 1, 2017.~~

10.76.040 Riding bicycles off-road on posted property.

No person, except an employee of the city who is acting within the scope of his or her employment, shall ride a bicycle off-road on any property which is owned or controlled by the city where signs prohibiting the off-road riding of bicycles are posted:

- A. At intervals of not less than three signs per mile along all exterior boundaries of the property; and
- B. At all roads or streets entering the property.

For the purposes of this section, "off-road" shall mean not on a designated bicycle path or paved right-of-way. Violation of this section shall be an infraction, punishable as set forth in ~~§~~Section 1.28.010 ~~of this code~~.

10.76.050 Parking bicycles.

A. No person shall leave a bicycle lying on its side or parked in any other position in the following locations:

1. On any portion of a sidewalk or curb ramp, in such a manner that prevents pedestrians from passing through, or
2. On any highway where signs prohibit bicycle parking, or where bicycle parking is otherwise prohibited by state or local law.

B. This section does not apply to peace officers, as defined in California Penal Code ~~s~~Section 830, who are on scheduled duty and acting within the course and scope of their employment.

C. For the purposes of this section, "highway" shall have the meaning set forth in California Vehicle Code section 360.

Article II. Scooters and Other Transportation Devices

10.76.060 Parking scooters and other transportation devices.

A. No person shall leave a scooter, as defined in section 5.18.020, or other transportation device lying on its side or parked in any other position in the following locations:

1. On any portion of a sidewalk or curb ramp in such a manner that prevents pedestrians from passing through; or
2. On any highway where signs prohibit scooters or other transportation devices, or where scooters or other transportation device parking is otherwise prohibited by state or local law.

B. This section does not apply to peace officers, as defined in California Penal Code section 830, who are on scheduled duty and acting within the course and scope of their employment.

C. For the purposes of this section, "highway" shall have the meaning set forth in California Vehicle Code section 360.

10.76.070 Required identification number on scooter frames and other transportation devices.

Every scooters and other transportation device shall have, as a means of identification, serial or other numbers stamped on the frame of the scooter or other transportation device.

10.76.080 Violations of this article and penalties.

Any person who violates a provision of this article is guilty of an infraction. Except as otherwise specifically provided, a violation of a provision of this article is punishable by: (1) a fine not exceeding \$25 for a first violation; and (2) a fine not exceeding \$100 for each additional violation of the same provision within one year.

For each violation of this article involving a shared-rideable, as defined in section 5.18.020, that is managed, owned, or operated by a shared-rideable business, as defined in section 5.18.020, that shared-rideable business is guilty of an infraction punishable by a fine not exceeding \$25.

ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING CHAPTERS 5.18 AND 10.76 OF THE SACRAMENTO CITY CODE,
RELATING TO SHARED-RIDEABLE BUSINESSES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 5.18 of the Sacramento City Code is amended to read as follows:

Chapter 5.18 SHARED-RIDEABLE BUSINESSES

ARTICLE I. General Provisions

5.18.010 Purpose and intent.

The purpose of this chapter is to establish shared-rideable business requirements that achieve the city's goals of encouraging active transportation and providing adequate shared-rideable parking to meet the needs of shoppers, visitors, and residents while also reducing the potential for shared-rideables to block or interfere with pedestrian and emergency service use and access to all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

Some shared-rideables can be self-locked anywhere within the city, making it difficult for the city to ensure that shared rideables are placed safely, upright, and out of the way of pedestrian walkways, bikeways, and roadways. In addition, shared-rideables can become a cause of blight in both residential and nonresidential neighborhoods. Without regulation, shared-rideable businesses pose a threat to the public health, safety, and welfare.

The city council finds that regulations governing shared-rideable businesses are necessary to promote the general health, safety, and welfare of the citizens of the city by:

- A. Ensuring safe operation of shared-rideables in the city;
- B. Protecting the public right-of-way from uncontrolled, unmanaged encroachment;
- C. Creating clear expectations for shared-rideable management and operations;
- D. Establishing responsible parties and processes to address nuisances; and

E. Ensuring equitable access and widespread investment in the city.

5.18.020 Definitions.

As used in this chapter:

“Bicycle rack” or “rack” means a stationary fixture, including charging stations, intended to be used for parking a shared-rideable.

“Bicycle” means a two-wheeled device with handlebars, pedals, and a seat designed to be sat upon while riding.

“City manager” means the city manager or designee.

“Customer” means any person using a shared-rideable.

“Director of community development” means the city’s director of the community development department or designee.

“Director of finance” means the city’s director of the finance department or designee.

“Director of public works” means the city’s director of the public works department or designee.

“Electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

“Motorized Scooter” means a scooter equipped with an electric motor.

“Parking space” means any space in the public right-of-way in which a shared-rideable may be parked in compliance with this chapter.

“Scooter” means a two-wheeled device with handlebars and a floorboard designed to be stood upon while riding.

“Shared-rideable business” means a business owning, managing, or making available shared-rideables for hire.

“Shared-rideable” means a device available to persons for renting on a self-service basis, including bicycles, electric bicycles, scooters, motorized scooters, and other transportation devices, excluding transportation devices that must be registered with the California Department of Motor Vehicles.

“Shared-rideable fleet” or “fleet” means all shared-rideables operated by a specific shared-rideable business.

“Shared-rideable operator” means a person that manages, owns, or operates a shared-rideable business.

Article II. Shared-Rideable Business Permit

5.18.100 Shared-rideable business permit required.

- A. No person shall operate a shared-rideable business unless the person holds a valid shared-rideable business permit.
- B. Shared-rideable business permits are the property of the city and are not transferable.

5.18.110 Application for a shared-rideable business permit.

A. An application for a shared-rideable business permit or its renewal shall be filed with the department of finance on a form prescribed by the city manager and shall include:

1. The applicant’s true name, address, and telephone number; and the true and fictitious name, address, and telephone number of the shared-rideable business;
2. Written evidence that the applicant is an owner or legal representative of the shared-rideable business;
3. The name, address, and telephone number of a local point of contact;
4. A copy of a valid business operations tax certificate issued pursuant to chapter 3.08;
5. Proof of compliance with the insurance requirements set forth in section 5.18.200;
6. A business plan demonstrating that the shared-rideable business will provide: shared-rideables available at an hourly rate or smaller intervals clearly communicated to the customer; shared-rideables on a seven day per week basis; anonymized, aggregated data for trip records and shared-rideable availability to the city on a minimum of a monthly basis; an electronic payment system that complies with city and industry standards; a service area map in an ESRI shapefile format; an education and incentive plan to educate customers of the requirement to park at racks; and a privacy policy to safeguard customer data;

7. A maintenance and repair plan demonstrating that the shared-rideable business will provide: routine maintenance and cleaning of shared-rideables; full-service maintenance for shared-rideables; and a method for customers to report issues with shared-rideables, including 24-hour customer service;
8. A rebalancing and relocation plan demonstrating that the shared-rideable business will rebalance shared-rideables to and from high use areas within peak operating hours and ensure compliance with section 5.18.220;
9. A community outreach plan demonstrating that the shared-rideable business will educate customers and promote to city residents the use of, benefits of, and methods to access, shared-rideables;
10. An equity plan demonstrating the availability of its shared-rideables and a strategy to promote the use of its shared-rideables citywide among low income communities, and a discounted, low-income customer plan available to any customer who qualifies for: CalFresh; the PG&E Cares program; SMUD's low-income program; or the Women, Infant, and Children (WIC) program; or is a Sacramento Housing and Redevelopment Agency resident;
11. Such other material as the city manager may require to carry out the purposes of this chapter; and
12. A nonrefundable shared-rideable business permit application fee, shared-rideable monitoring fee, shared-rideable parking fee, and shared-rideable meter revenue loss fee.

5.18.120 Term of shared-rideable business permits.

A Shared-rideable business permit is valid for one year, unless suspended or revoked sooner. A shared-rideable business permit may be renewed pursuant to section 5.18.150.

5.18.130 Application, renewal, expansion, and other fees.

- A. The following fees are hereby established and imposed:
 1. Shared-rideable business permit application fee.
 2. Shared-rideable business permit renewal or fleet expansion application fee.
 3. Shared-rideable monitoring fee to provide funding for the direct and indirect cost to monitor shared-rideables.

4. Shared-rideable parking fee to provide for the acquisition and installation of parking spaces.

5. Shared-rideable meter revenue loss fee to recover meter revenues lost due to the installation of parking spaces to accommodate shared-rideables.

6. Shared-rideable storage fee.

B. The amounts of the fees described in subsection A shall be established by resolution of the city council.

5.18.140 Fleet expansion.

A. No shared-rideable operator shall expand its fleet beyond the permitted amount until such expansion has been approved by the city manager.

B. An application to expand a shared-rideable business's fleet shall be filed with the department of finance on a form prescribed by the city manager.

C. Every application for expansion of a fleet shall be accompanied by a nonrefundable fleet expansion application fee and, upon the approval of the application, a shared-rideable monitoring fee, a shared-rideable parking fee, and a shared-rideable meter revenue loss fee, for each additional shared-rideable.

D. Notwithstanding any provision to the contrary in this chapter, the city reserves the right to limit the number of shared-rideables to be operated by the shared-rideable business, based on the projected impact to city streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

5.18.150 Shared-rideable business permit renewal.

A shared-rideable business permit is renewable upon the filing and approval of an application and payment of the nonrefundable shared-rideable permit renewal fee, and, upon the approval of the application, a shared-rideable monitoring fee and shared-rideable meter revenue loss fee for each additional shared-rideable. The renewal application shall be on a form prescribed by the city manager.

5.18.160 Issuance of shared-rideable business permit, renewal permit, or fleet expansion permit.

Except as provided in section 5.18.300, a shared-rideable business permit may be issued, renewed, or expanded by the city manager if there are no grounds for denial in accordance with section 5.18.170, and after the director of public works has:

- A. Physically inspected the applicant’s shared-rideables to ensure compliance with this chapter and applicable state laws; provided, however, that the director of public works may accept proof of compliance with this chapter and the applicable state requirements for the shared-rideables in lieu of conducting an inspection;
- B. Received a determination from the director of community development that the proposed shared-rideable business location and storage location, if within the city, complies with applicable zoning regulations and other applicable laws; and
- C. Confirmed that the shared-rideable business has paid the necessary fees, identified in section 5.18.130.

5.18.170 Grounds for denying a shared-rideable business permit, renewal permit, or fleet expansion permit.

The city manager may deny a shared-rideable business permit, renewal permit, or fleet expansion permit on the following grounds:

- A. Application is incomplete.
- B. The applicant is in violation of any provision of this chapter or has been in violation of any provision of this chapter within five years of the date the application was submitted.
- C. The applicant is delinquent on any payment of money to the city, including any fees, fines, penalties, or taxes.
- D. The applicant has had its shared-rideable business permit revoked within five years of the date the application was submitted.
- E. Applicant’s operation of a shared-rideable business would be a threat to the public health, safety, and welfare.

Article III. Operation of a Shared-Rideable Business

5.18.200 Insurance requirements.

- A. A shared-rideable operator shall maintain at all times in full force and effect at its sole expense, the following insurance:
 - 1. General liability for bodily injury, including death, of one or more persons, property damage, and personal injury. Coverage shall include all customers and shall be at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than \$1,000,000 per occurrence.

2. Automobile liability insurance providing protection against claims of bodily injury, including death, of one or more persons, personal injury, and property damage arising out of ownership, operation, maintenance, or use of owned, hired, and nonowned automobiles. Coverage shall be at least as broad as ISO CA 00 01 (any auto), with limits of not less than \$1,000,000 per accident.

3. Workers' compensation insurance coverage as required by California statutes with limit of at least \$1,000,000 per occurrence. In the event the shared-rideable business is self-insured, it shall furnish evidence of permission to self-ensure in full compliance with California statutes. The workers' compensation coverage shall include a waiver of subrogation in favor of the City.

B. The city, its officials, and employees shall be covered by policy terms or endorsement as additional insureds regarding general liability and automobile liability arising out of activities performed by or on behalf of the shared-rideable operator.

C. The shared-rideable operator's insurance coverage shall be primary insurance as it pertains to the city, its officials, and employees.

D. The city must be provided with 30 days prior written notice of cancellation or material change in the policy language or terms by both the shared-rideable operator and the insurer.

E. The shared-rideable operator shall furnish the city with certificates and endorsements evidencing the insurance required, which must be maintained during the term of a shared-rideable business permit. The city may suspend, modify, or revoke a shared-rideable operator's vehicle permit if current certificates of insurance and required endorsements have not been provided.

5.18.210 Shared-rideable business provided parking spaces.

Shared-rideable businesses may provide and maintain shared-rideable parking spaces. However, such parking spaces shall not offset the shared-rideable parking fee, unless the parking spaces were installed by the shared-rideable business as a condition of a shared-rideable business permit issued by the city prior to December 31, 2018. The installation of shared-rideable parking spaces in the public right-of-way is subject to encroachment permit requirements, as set forth in chapter 12.12.

5.18.220 Retrieval of shared-rideables.

A shared-rideable business shall, within two hours of notice, retrieve its shared-rideable that is in any of the following conditions:

A. Inoperable or not safe to operate, and parked in the public right-of-way;

- B. Not parked at a bicycle rack or a designated shared-rideable parking area in an upright position;
- C. Parked in the same location for more than 48hours;
- D. Operating with a battery or motor determined by the city to be unsafe for public use; or
- E. Parked in violation of sections 10.76.050 or 10.76.060.

5.18.230 Shared-rideable standards.

Every shared-rideable provided by a shared-rideable business must meet the following minimum requirements:

- A. Comply with the California Vehicle Code and any other applicable laws and regulations.
- B. Be equipped with software or other mechanisms to prevent the motor from providing assistance when the shared-rideable's speed exceeds 15 miles per hour.
- C. Be constructed with high quality, sturdy materials, in compliance with requirements of the United States Consumer Product Safety Commission and be capable of withstanding the rigors of outdoor storage and constant use for five years or more;
- D. Be equipped with tamper-resistant hardware, a locking mechanism, and GPS capable of providing real-time location data;
- E. Bear permanent markings in a visible location identifying the shared-rideable business name and telephone number and the shared-rideable's unique identification number.

Article IV. Suspension, Revocation, and Modification of Permits

5.18.300 Grounds for suspending, revoking, or modifying a permit.

The city manager may suspend, revoke, or modify any shared-rideable business permit issued pursuant to this chapter on any of the following grounds:

- A. That the permitted shared-rideable business is being operated in a manner that constitutes a nuisance, or is injurious to the public, health, safety, or welfare;
- B. The operation of the shared-rideable business violates any condition of the permit or city approved application and plans;
- C. The shared-rideable business fails to pay any fines, penalties, fees or damages lawfully assessed upon it;

D. The shared-rideable business violates any provision of this chapter or any other applicable law;

E. The shared-rideable business fails to collect its shared-rideable from the city within 30 calendar days of receiving written notice from the city of impoundment pursuant to section 5.18.500; or

F. Circumstances that would have been grounds for denial of the permit application.

5.18.310 Right of appeal from denial, suspension, modification, or revocation of a shared-rideable business permit.

A. Any applicant or shared-rideable operator aggrieved by the decision of the city manager, to deny, suspend, modify, or revoke a permit or impose conditions on the permit, may appeal the decision to a hearing examiner by submitting a written appeal to the city manager within 10 calendar days from the date of service of the notice of denial, suspension, modification, or revocation. The written appeal shall contain:

1. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;
2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;
3. The signatures of all appellants and their official mailing addresses; and
4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal hearing shall be conducted by a hearing examiner appointed pursuant to section 5.18.350.

C. Upon receipt of any appeal filed pursuant to this section, the city manager shall transmit the appeal to the secretary of the hearing examiner who shall calendar it for hearing as follows:

1. If the appeal is received by the city manager not later than 15 calendar days prior to the next regular appeal hearing, it shall be calendared for hearing at said meeting.

2. If the appeal is received by the city manager on a date fewer than 15 calendar days prior to the next appeal hearing, it shall be calendared for the next subsequent appeal hearing.

D. Written notice of the time and place of the hearing shall be given at least 10 calendar days prior to the date of the hearing to each appellant by the secretary of the hearing examiner either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

E. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

F. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.

G. The hearing examiner shall have the authority to issue subpoenas compelling witnesses to appear and provide testimony or subpoena duces tecum compelling witnesses to produce documents. The hearing examiner shall issue a subpoena only upon a showing of reasonable necessity by the requesting party. Failure of either party to comply with any subpoena may be considered by the hearing examiner in making a decision regarding the imposition of administrative penalties.

H. In the case of a suspension, modification, or revocation, the shared-rideable operator shall suspend its shared-rideable business operations until a final decision is rendered on the appeal.

5.18.320 Appeal hearing – generally.

A. At the time set for hearing, the hearing examiner shall proceed to hear the testimony of the city manager, the appellant, and other competent persons, including members of the public, respecting those matters or issues specifically listed by the appellant in the notice of appeal.

B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.

C. The hearing examiner may, upon request of the appellant or upon request of the city manager, grant continuances from time to time for good cause shown, or upon his or her own motion.

D. In any proceedings under this chapter, the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

5.18.330 Conduct of hearing.

A. Hearings need not be conducted according to the technical rules relating to evidence and witnesses. California Government Code section 11513, subsections (a), (b) and (c) shall apply to hearings under this chapter.

B. Oral evidence shall be taken only upon oath or affirmation.

C. Irrelevant and unduly repetitious evidence shall be excluded.

D. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence presented against the party; and
6. To represent him, her, or itself or to be represented by anyone of his, her, or its choice who is lawfully permitted to do so.

E. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or that may appear in any of the official records of the city or any of its departments.

5.18.340 Form and Contents of Decision—Finality of Decision.

A. If it is shown, by a preponderance of the evidence, that one or more bases exist to deny, suspend, modify, or revoke the permit, the hearing examiner shall affirm the city manager's decision to deny, suspend, modify, or revoke the permit. The decision of the hearing examiner shall be in writing and shall contain findings of fact and a determination of the issues presented.

B. The decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure section 1094.6. Copies of the decision shall be delivered to the parties personally or sent by certified mail to the address shown on the appeal. The decision shall be final when signed by the hearing examiner and served as provided in this section.

5.18.350 Hearing examiner.

In order to hear cases brought by the city manager under the provisions of this chapter, the city council shall appoint a panel of hearing examiners, from which one hearing examiner on a rotating basis shall hear cases brought under this chapter. Such examiners shall serve at the pleasure of the city council. A hearing examiner may not be a city employee.

Article VI. Enforcement

5.18.500 Impoundment.

A. The city may impound a shared-rideable that is operating or found in the city in violation of this chapter.

B. The shared-rideable business shall reimburse the city for the costs of impoundment and storage within 30 calendar days from the date of written notice of the impoundment from the city. The costs of impoundment will be based on the hourly rate of the city employees, or the fees of city contractors, responsible for impounding the shared-rideable.

C. In addition to the remedies provided in this section, the shared-rideable business shall be subject to a storage fee as set by resolution of the city council for each day the shared-rideable is within the city's possession; and its permit may be revoked for failure to collect the impounded shared-rideable after 30 calendar days from the city's written notice of impoundment.

5.18.510 Violations.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter may be subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

5.18.520 Customer use of shared-rideables.

Customers shall use shared-rideables in accordance with chapter 10.76, the California Vehicle Code, and any other applicable law or regulation.

The shared-rideable business shall be responsible for any penalty imposed in accordance with chapter 10.76.

SECTION 2.

Chapter 10.76 of the Sacramento City Code is amended to read as follows:

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Article I. Bicycles

10.76.010 Riding bicycles on sidewalks.

A. No person shall ride a bicycle on a sidewalk where a sign is posted indicating that bicycling is prohibited. The city manager shall designate sidewalks where such signs are posted upon a finding that:

1. The sidewalk abuts a road that is designated a “Low Stress Bikeway” using the criteria for the Facility Selection Guidelines in the City of Sacramento Bicycle Master Plan; and
2. There is either a demonstrated or probable conflict between pedestrians and bicycles. This may be shown by information including, but not limited to: 311 reports, incident data, or estimated high pedestrian activity determined by counts or adjacent land uses and densities.

B. Subsection A of this section does not apply to the following persons:

1. City employees acting within the course and scope of employment, including but not limited to:
 - a. Peace officers, as defined in California Penal Code section 830.
 - b. Emergency medical personnel as designated by the fire chief of the city.
 - c. Parking enforcement officers.
2. Children under the age of 18 years old and an accompanying adult.

C. Where bicycling on a sidewalk is permitted, the following apply:

1. Bicyclists must yield the right-of-way to pedestrians by slowing down, stopping, or dismounting, as needed.
 2. Before passing a pedestrian traveling in the same direction, bicyclists must give the pedestrian an audible warning.
- D. The city manager or designee shall report to the city council annually regarding the impacts of sections 10.76.010 and 10.76.030.

10.76.020 Required identification number on bicycle frames.

All bicycles shall have, as a means of identification, serial numbers stamped on the frame of the bicycle.

10.76.030 Violations of this article and penalties.

- A. Any person who violates a provision of this article is guilty of an infraction. Except as otherwise specifically provided, a violation of a provision of this article is punishable by: (1) a fine not exceeding \$25 for a first violation; and (2) a fine not exceeding \$100 for each additional violation of the same provision within one year. For each violation of this article involving a shared-rideable, as defined in section 5.18.020, that is managed, owned, or operated by a shared-rideable business, as defined in section 5.18.020, that shared-rideable business is guilty of an infraction punishable by a fine not exceeding \$25.
- B. Any person who violates a provision of this article may avoid the fine described in subsection A by completing a qualified bicycle education diversion program.

10.76.040 Riding bicycles off-road on posted property.

No person, except an employee of the city who is acting within the scope of his or her employment, shall ride a bicycle off-road on any property which is owned or controlled by the city where signs prohibiting the off-road riding of bicycles are posted:

- A. At intervals of not less than three signs per mile along all exterior boundaries of the property; and
- B. At all roads or streets entering the property.

For the purposes of this section, “off-road” shall mean not on a designated bicycle path or paved right-of-way. Violation of this section shall be an infraction, punishable as set forth in section 1.28.010.

10.76.050 Parking bicycles.

- A. No person shall leave a bicycle lying on its side or parked in any other position in the following locations:
 - 1. On any portion of a sidewalk or curb ramp, in such a manner that prevents pedestrians from passing through, or
 - 2. On any highway where signs prohibit bicycle parking, or where bicycle parking is otherwise prohibited by state or local law.
- B. This section does not apply to peace officers, as defined in California Penal Code section 830, who are on scheduled duty and acting within the course and scope of their employment.
- C. For the purposes of this section, “highway” shall have the meaning set forth in California Vehicle Code section 360.

Article II. Scooters and Other Transportation Devices

10.76.060 Parking scooters and other transportation devices.

- A. No person shall leave a scooter, as defined in section 5.18.020, or other transportation device lying on its side or parked in any other position in the following locations:
 - 1. On any portion of a sidewalk or curb ramp in such a manner that prevents pedestrians from passing through; or
 - 2. On any highway where signs prohibit scooters or other transportation devices, or where scooters or other transportation device parking is otherwise prohibited by state or local law.
- B. This section does not apply to peace officers, as defined in California Penal Code section 830, who are on scheduled duty and acting within the course and scope of their employment.
- C. For the purposes of this section, “highway” shall have the meaning set forth in California Vehicle Code section 360.

10.76.070 Required identification number on scooter frames and other transportation devices.

Every scooter and other transportation device shall have, as a means of identification, serial or other numbers stamped on the frame of the scooter or other transportation device.

10.76.080 Violations of this article and penalties.

Any person who violates a provision of this article is guilty of an infraction. Except as otherwise specifically provided, a violation of a provision of this article is punishable by: (1) a fine not exceeding \$25 for a first violation; and (2) a fine not exceeding \$100 for each additional violation of the same provision within one year.

For each violation of this article involving a shared-rideable, as defined in section 5.18.020, that is managed, owned, or operated by a shared-rideable business, as defined in section 5.18.020, that shared-rideable business is guilty of an infraction punishable by a fine not exceeding \$25.

RESOLUTION NO.

Adopted by the Sacramento City Council

Approving Shared-Rideable Permit Fees

BACKGROUND

- A. On [DATE], the City Council adopted amended regulations for establishing shared-rideable businesses in the City of Sacramento and requiring the payment of fees to cover the City's costs to administer the City's shared-rideable permit program (the "program").
- B. The amount of the proposed fees is no more than necessary to cover the City's reasonable costs to issue the permits, provide the parking needed for shared-rideables, monitor operations, recover parking meter revenue loss, renew or expand permits, and otherwise administer the program.
- C. Pursuant to California Constitution, article XIII, §1(e)(3) (Proposition 26), the shared-rideable business permit fees are not a tax because they are for the reasonable regulatory costs to a local government for: issuing permits; performing investigations, inspections, and audits; and the administrative enforcement and adjudication thereof.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council finds and determines that the background statements A through C are true.
- Section 2. The City Council approves the amounts of the fees as follows:
 - Shared-rideable business permit application fee: \$4,440
 - Shared-rideable business permit annual renewal or expansion application fee: \$2,220
 - Shared-rideable monitoring fee (annual per device): \$156
 - Shared-rideable parking fee (annual per device): \$355
 - Shared-rideable meter revenue loss fee (annual per device): \$32
 - Shared-rideable storage fee: \$55 per day maximum

- Section 3. Based on the background statements A through C and other documents and testimony in the public record, the City Council finds that the permit, monitoring, parking, and meter revenue loss fees, as well as the storage fee, are limited to meet the associated expenses, in compliance with California Public Resources Code section 21080.
- Section 4. The City Manager is authorized to adjust department operating revenue and expense budgets to reflect the shared-rideable business permit processing costs and revenues.