

ORDINANCE NO. 2021-0025

Adopted by the Sacramento City Council

August 17, 2021

An Ordinance Amending Various Sections of Chapter 5.18 and Renumbering Article VI to Article V of Chapter 5.18 of the Sacramento City Code, Relating to Shared-Rideable Businesses

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

SECTION 1.

Section 5.18.020 of the Sacramento City Code is hereby amended to read as follows:

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.

“General bikeshare feed specification” or “GBFS” means an open data standard for availability of shared-rideables and other mobility devices such as mopeds, cars, or other vehicle types.

“Mobility data specification” or “MDS” means a data standard that enables communication between local governments and mobility companies such as shared-rideable businesses.

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

“Opportunity areas” means geographic areas identified by the city manager.

“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, including a franchise, that owns, manages, or makes 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 shared-rideable business.

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

SECTION 2.

Section 5.18.110 of the Sacramento City Code is hereby amended to read as follows:

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, telephone number, and email address; 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, title, telephone number, and email address of a local point of contact.
 4. The name, address, title, telephone number, and email address for the person responsible for managing parking citations issued to the shared-rideable business.

5. A copy of a valid business operations tax certificate issued pursuant to chapter 3.08.
6. Proof of compliance with the insurance requirements set forth in section 5.18.200.
7. 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 and KML formats; an education and incentive plan to educate customers of the requirement to park at racks; a process for passing on parking citation fines to the customer who illegally parked a shared-rideable and a customer-appeal process; and a privacy policy to safeguard customer data.
8. 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.
9. A right-of-way protection and rebalancing plan demonstrating that the shared-rideable business will ensure the right-of-way is unobstructed and shared-rideables are parked in approved locations, and shared-rideables are rebalanced to and from high use areas within peak operating hours and ensure compliance with section 5.18.220. The City may require the plan to include a plan for geofencing or otherwise designating, through the shared-rideable business's smartphone application, city-designated parking spaces, no-ride zones, speed zones, or areas where parking or riding restrictions may apply on a permanent or temporary basis.
10. A customer and community safety plan demonstrating that the shared-rideable business will educate customers and city residents about applicable local and state regulations, including how to safely and legally travel on the shared-rideable.
11. A community outreach plan and customer safety education plan demonstrating that the shared-rideable business will: educate customers on the prohibition against riding motorized scooters on sidewalks; and promote to city residents the use of, benefits of, and methods to access, shared-rideables. The plan must include a city-designated number of outreach events and digital education tools,

such as mandatory informational videos, trip-end photos, or pop-up notifications to educate riders about proper parking and citations.

12. A geographic distribution plan and map demonstrating that no less than 20% of the shared-rideable business's permitted shared-rideables will be distributed to opportunity areas each morning.
13. An equity plan that includes a strategy to promote the availability and use of its shared-rideables citywide among low-income communities, and a discounted, low-income customer plan available to any customer who resides in housing managed by SHRA, receives a rent subsidy from SHRA, or qualifies for: CalFresh; the PG&E Cares program; SMUD's low-income program; or the Women, Infant, and Children (WIC) program.
14. A data sharing plan providing real-time and archival data, using MDS and GBFS, for the entire Sacramento shared-rideable fleet, the API key, and related data requirements outlined in the business permit application.
15. An acknowledgment that parking citation fees must be passed on to customers to accomplish the goal of educating customers and changing behavior.
16. Such other information and material as the city manager may require to carry out the purposes of this chapter.
17. A nonrefundable shared-rideable business permit application fee and shared-rideable monitoring fee.

SECTION 3.

Section 5.18.130 of the Sacramento City Code is hereby amended to read as follows:

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 costs to monitor shared-rideables.
 4. Shared-rideable parking and infrastructure fee to provide for the acquisition and installation of parking spaces and other required infrastructure. This fee will be paid monthly based on actual shared-rideable trips taken in the previous month.

5. Shared-rideable storage fee.
- B. The amounts of the fees described in subsection A shall be established by resolution of the city council.

SECTION 4.

Section 5.18.140 of the Sacramento City Code is hereby amended to read as follows:

5.18.140 Fleet expansion.

- A. No shared-rideable business shall expand its fleet beyond the total permitted amount of shared-rideables until such expansion has been approved by the city manager.
- B. An application to expand a shared-rideable business's fleet beyond the total permitted amount 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. Upon the approval of the application, a shared-rideable monitoring fee.
- D. Notwithstanding any provision to the contrary in this chapter, the city manager may limit the number of shared-rideables to be operated by the shared-rideable business or otherwise deny an application for expansion, based on the projected impact to city streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

SECTION 5.

A. Subsection A of section 5.18.150 of the Sacramento City Code is hereby amended to read as follows:

- A. The city will only issue shared-rideable permits to shared-rideable businesses that demonstrate the ability to meet the needs of the city and its residents. The city manager may adopt administrative procedures to implement the provisions of this chapter, including additional permit application standards and requirements, geographic restrictions, and maximum and minimum numbers of shared-rideables a shared-rideable business is permitted to operate based on the projected impact to city streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic.

B. Except as amended by subsection A above, all provisions of section 5.18.150 remain unchanged and in full effect.

SECTION 6.

Section 5.18.220 of the Sacramento City Code is hereby amended to read as follows:

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 in an authorized parking space in an upright position;
- C. Parked in the same location for more than 48 hours;
- 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.

SECTION 7.

Section 5.18.230 of the Sacramento City Code is hereby amended to read as follows:

5.18.230 Shared-rideable standards.

A shared-rideable business shall only make available shared-rideables that 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, an integrated locking mechanism, and GPS equipment capable of providing real-time location data.
- E. Bear permanent markings in a visible location and in braille and raised text identifying the shared-rideable business name and telephone number and the shared-rideable's unique identification number.

- F. Bear permanent markings in a prominent and visible location on the device stating devices must be parked upright in authorized parking spaces.
- G. If the shared-rideable is a motorized scooter, it must bear permanent markings in a prominent and visible location on the device stating sidewalk riding is prohibited.

SECTION 8.

Section 5.18.240 of the Sacramento City Code is hereby amended to read as follows:

5.18.240 Permit Requirements.

A shared-rideable business's operations shall be consistent with the plans submitted pursuant to section 5.18.110, subsections A.7-through A.16.

SECTION 9.

Section 5.18.300 of the Sacramento City Code is hereby amended to read as follows:

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 5.18.400;
- F. The shared-rideable business engages in anti-competitive behavior toward another shared-rideable business, including falsifying data, moving devices, or sabotaging devices;

- G. The shared-rideable business violates any administrative procedure adopted by the city manager for the regulation of shared-rideable businesses;
- H. Circumstances that would have been grounds for denial of the permit application; or
- I. The shared-rideable business fails to notify the city of any changes to the shared rideable business’s ownership, corporate structure, or business model.

SECTION 10.

Article VI of the chapter 5.18 is hereby renumbered to article V.

Adopted by the City of Sacramento City Council on August 17, 2021, by the following vote:

Ayes: Members Ashby, Guerra, Harris, Jennings, Loloee, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2021.09.08 12:05:15 -07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: August 10, 2021

Published: August 13, 2021

Effective: September 16, 2021