ORDINANCE NO. 2038

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING A NEW CHAPTER 10.35 ("SHARED MOBILITY DEVICES") TO TITLE 10 ("VEHICLES AND TRAFFIC") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO REGULATE SHARED MOBILITY DEVICES, AND REPEALING ORDINANCE NO. 1995

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, consistent with the City's goals of enhancing mobility, easing traffic congestion, and promoting sustainability, this Chapter creates a permit program to facilitate shared mobility devices offered for public use;

WHEREAS, this permit program is needed to ensure the protection of public health and safety, including the safety of the public traveling by foot, bicycle, or vehicle on public sidewalks, streets, and other public rights-of-way;

WHEREAS, on December 20, 2019, Ordinance No. 1995 established a temporary moratorium on motorized scooter and bike share programs and expired on December 19, 2020; and,

WHEREAS, this Ordinance would repeal Ordinance No. 1995 as a moratorium on shared mobility programs will no longer be needed due to the creation of the shared mobility permit program and regulations.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: Ordinance No. 1995, which established a temporary moratorium on motorized scooter and bike share programs, is hereby repealed and shall have no legal effect as of the Effective date of this Ordinance.

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SECTION 2: A new Chapter 10.35 (entitled "Shared Mobility Devices") of Title 10 "Vehicles and Traffic" is added to the Code of the City of Santa Clara, California to read as follows:

Chapter 10.35

SHARED MOBILITY DEVICES

10.35.005 Purpose.

The purpose of this chapter is to protect public health, safety and welfare, including the safety and welfare of seniors, persons with disabilities, and other members of the public traveling by foot, wheelchair or other assistive device, bicycle, or vehicle, on public sidewalks, streets, and other public rights-of-way and to ensure that the use and parking of Shared Mobility Devices in the City do not present a barrier to access to sidewalks and paths of travel for persons with disabilities.

10.35.010 Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them herein. Whenever any words or phrases used in this chapter are not defined but are defined in the Vehicle Code of the State of California, and any amendments thereto, such definitions shall apply.

a) "City Manager" shall mean the City Manager or designee.

b) "Fleet" shall mean an inventory of a minimum number of bicycles (including electric bicycles) or motorized scooters required citywide per the Shared Mobility Device Administrative Regulations and managed by an Operator.

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c) "Operator" shall mean a person or entity, other than a government entity, that offers, makes available, or provides a shared mobility device in exchange for financial compensation or membership via a digital application or other electronic or digital platform.

d) "Permit" shall mean the authorization granted by the City to the Operator to maintain and operate a Fleet within the City.

e) "Shared Mobility Device" shall mean a motorized scooter as defined in Section 407.5 of the Vehicle Code, electric bicycle as defined in Section 312.5 of the Vehicle Code, bicycle as defined in Section 231 of the Vehicle Code, or other similar personal transportation device, except as provided in subdivision (b) of Section 415 of the Vehicle Code, that is made available to the public by a shared mobility operator for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform.

f) "Shared Mobility Device Permit Administrative Regulations" shall mean the Shared Mobility Device Permit Administrative Regulations adopted pursuant to Section 10.35.030.

10.35.020 Permit – Required.

It shall be unlawful for any person or entity to operate a Fleet of Shared Mobility Devices on any public or private property within the City, in exchange for financial compensation or membership via a digital application or other electronic or digital platform, without a current permit issued by the City of Santa Clara.

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10.35.030 Shared Mobility Device Permit Administrative Regulations.

The City Manager shall adopt and update Shared Mobility Device Permit Administrative Regulations as necessary to implement and augment the provisions of this Chapter, including, but not limited to, permit application procedures, permit standards and permit conditions, which may include regulations related to Shared Mobility Device requirements, the ratio of motorized scooters and bicycles, parking, shared parking areas, fleet management and balancing, customer service, maintenance, education and outreach, data sharing, Levi's Stadium and other special events, indemnification, enforcement, grounds for revocation, suspension or denial, permit costs and permit application procedures.

10.35.040 Maximum Number of Shared Mobility Devices Permitted.

(a) Except as otherwise provided in this Section, or in the Shared Mobility Device Permit Administrative Regulations, the maximum number of Shared Mobility Devices permitted in the City at any one time shall not exceed 3,000.

(b) Notwithstanding the foregoing, the City Manager has the authority to authorize temporary increases in the Citywide maximum of Shared Mobility Devices for special events, such as events at Levi's Stadium or Great America Theme Park.

10.35.050 Enforcement, Impounding and Fines.

(a) Operators shall monitor and manage Shared Mobility Devices in accordance with the parking requirements set forth in the Shared Mobility Device Permit Administrative Regulations. Operators shall comply with all applicable federal, state, and local laws and regulations. Consistent with these laws and regulations, at no time may a parked Shared Mobility Device obstruct a sidewalk, other pedestrian path of travel, or an accessibility feature designed for persons with disabilities.

(b) Operators shall be issued an administrative citation in the amount set forth in subdivision (c) of this section to improperly parked Shared Mobility Devices and for failure to comply with the Shared Mobility Device Administrative Regulations.

(c) For each instance where a Shared Mobility Device is not parked in accordance with the Shared Mobility Device Permit Administrative Regulations and the Operator fails to remove or remedy the deficiency within the time specified in these regulations, it shall be considered a single violation for which the Operator is subject to an administrative citation in the following amounts:

(1) $100 for the first violation

(2) $200 for the second violation

(3) $500 for third and subsequent violations

(d) Any Shared Mobility Devices that are not parked in accordance with the Shared Mobility Permit Administrative Regulations and are not removed or remedied are subject to City impounding and may be taken to a City facility for storage at the Operator's expense. The Operator shall pay an impound fee in an amount set by resolution of the City Council.

(e) Operator shall retrieve impounded Shared Mobility Devices from the City facility within the time specified in the Shared Mobility Device Permit Administrative Regulations, and the Operator's failure to timely retrieve the Shared Mobility Device shall constitute abandonment of the device on public lands and the City may, after written notice is provided, dispose of the property in accordance with the provisions of SCCC 2.105.350 and applicable state law. Furthermore, the City Manager is authorized to suspend or revoke an operator's permit based on failure to retrieve the Shared Mobility Device(s).

(f) The Chief of Police, or designee, shall have the authority to impound Shared Mobility Devices that are not parked in accordance with the Shared Mobility Device Permit Administrative Regulations.

10.35.060 Denial, Suspension, or Revocation of Operating Permit.

The City Manager may deny, suspend, or revoke an Operator's permit based on the grounds specified in the Shared Mobility Device Permit Administrative Regulations including that the operator:

a) Supplied the City Manager with incorrect information in the permit application;

b) Violated any conditions placed upon the permit; or

c) Otherwise failed to comply with the provisions of this chapter or any rules or regulations promulgated by the City Manager pursuant to this chapter.

10.35.065 Appeal of Permit Decisions.

The decision of the City Manager to deny, suspend, or revoke a Permit under this Chapter may be appealed under the procedures set forth in Chapter 2.115.

10.35.070 Prohibited Conduct.

Notwithstanding any other provision of this Code, no person shall fail to comply with the Administrative Regulations or any provision of this Chapter. Any violation of any Administrative Regulation or this Chapter shall constitute a violation of this Code.

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SECTION 3: **Savings clause**. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: **Environmental Determination**. This Ordinance does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is governmental organization or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 5: **Effective date**. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 7th day of December 2021, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

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FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 11TH day of JANUARY, 2022, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. DRAFT Shared Mobility Device Permit Administrative Regulations

City of Santa Clara

DRAFT Shared Mobility Device Permit Administrative Regulations

November 10, 2021

Purpose and Authority

Chapter 10.35 of the Santa Clara City Code sets forth the requirements and procedures for permits issued for the operation of Shared Mobility Devices in the City of Santa Clara. These regulations implement the provisions of Chapter 10.35 and are issued by the City Manager or Designee under the authorization granted by Section 10.35.030 of the Code. These regulations are not intended to be exhaustive and may be amended at any time by the City Manager.

These regulations shall be referred to as the "Shared Mobility Device Permit Administrative Regulations."

Definitions

The definitions set for in Chapter 10.35, and herein, shall govern the application and interpretation of these regulations.

Permit Requirements

The following requirements shall be incorporated into the Terms and Conditions of all Shared Mobility Device permits issued. By submitting an application, Operator agrees to comply with all requirements, unless a specific modification is noted in the application and approved by the City Manager in writing prior to issuance of permit.

Permit Issuance

1. Permit application period will be from February 1 to March 31 each year.
2. Permit will be valid for a one-year period, from July 1 to June 30.
3. The City Manager will review permit applications and issue permits by June 1.
4. Based on the content of the Permit Application, the City Manager may select up to three operators to grant permits based on criteria described in "Permit Application Contents" section.

Shared Mobility Device Requirements

1. All Shared Mobility Devices shall have, and clearly display, a unique, permanent identification number.
2. All Shared Mobility Devices shall be equipped with global positioning system (GPS) tracking or other similar means of continuously tracking locations of such Shared Mobility Devices.
3. All Shared Mobility Devices shall clearly display the operator's business name, customer service phone number, and email address. Information shall also be provided in Braille on each Shared Mobility Device.
4. All Shared Mobility Devices shall include headlights, taillights, reflectors, and comply with applicable California State Law, including the California Vehicle Code, and industry standards.

5. Operator shall provide a description of Mobility Device capabilities that will assist user in complying with state law, including the California Vehicle Code, regarding maximum scooter operating speeds and prohibited operation on sidewalks. Each Operator will be required to deploy "Geofencing" or other technology capable of preventing the use of Shared Mobility Devices or to limit the maximum speed of Shared Mobility Devices in designated areas of the City.

Parking

1. Operators will ensure that users of the Shared Mobility Devices including the Operator's agents responsible for fleet management and rebalancing are informed of all applicable laws and regulations, and the following parking rules and limitations, and ensure that users comply with these limitations.
2. All Shared Mobility Devices shall be upright when parked.
3. All Shared Mobility Devices shall not be parked in such a manner as to block or obstruct access to public facilities included but not limited to the following:

    - Pedestrian Clear Zone area of the sidewalk (The "Pedestrian Clear Zone" area of the sidewalk or pedestrian path of travel is defined as the area within the 48 inches of clear space on the sidewalk or pedestrian path for pedestrian travel.)
    - Any fire hydrant, call box, or other emergency facility (minimum 36-inch clearance)
    - Rail platforms, bus benches, bus stops, bus shelters, and passenger waiting areas, except at existing bicycle racks or designated parking areas for Shared Mobility Devices (minimum 36-inch clearance)
    - Utility poles or boxes (minimum 36-inch clearance)
    - All on- or off-street vehicle parking spaces (minimum 36-inch clearance to curb face), including but not limited to:
        i. Disabled parking zones
        ii. Loading zones
        iii. Time Limited Parking zones
    - Street furniture that requires pedestrian access, for example benches, receptacles, etc. (minimum 36-inch clearance)
    - Areas within 15 feet of Curb ramps
    - Areas within 10 feet of entryways, exits, and driveways
    - Vehicular traffic lanes including bicycle lanes and associated buffers

4. When a sidewalk includes a "furniture zone", Shared Mobility Devices shall be parked within the furniture zone. When a sidewalk lacks a "furniture zone", Shared Mobility Devices must not be parked in a way to deny meaningful access to City sidewalks and paths of travel for persons with disabilities. Towards this end, each Operator must give notice and training to the User and ensure that Shared Mobility Devices are parked so that (a) 48-inch clear spaces are provided on pedestrian rights-of-way, and (b) curb ramps, entryways, exits, and other accessible paths of travel are never blocked or

obstructed. "Furniture zone" shall refer to that section of the sidewalk between the curb and the pedestrian through zone in which street furniture and public amenities, such as lighting, benches, newspaper kiosks, utility poles, tree wells and bicycle racks are provided.

5. Any Shared Mobility Device that is parked incorrectly shall be reparked in a correct manner or shall be removed within two hours after Operator's customer service team receives notice of the report. The operator will be notified about parking violations directly through customer service communication via contact information provided on each Shared Mobility Device. In addition, City staff will forward notifications to operators during staffing hours that are received from the public, including but not limited to, through the City's My Santa Clara mobile application.
6. Operator must provide a feature within its mobile application that requires a user of a Shared Mobility Device to upload a photograph, or utilize other technology, to ensure the Shared Mobility Device is not obstructing the pedestrian pathway at the end of each ride.
7. Operator shall not place or attach any personal property, fixtures or structures to City property without the prior written consent of City including applicable permits.
8. Operator shall coordinate with, and obtain written approval from, the City Manager for all marked designated parking areas throughout the City.
9. Operator shall not deploy Shared Mobility Devices or install parking on private property without the consent of the property owner.
10. Designated on-street parking areas may be established at selected locations after review and approval by the City Manager.
11. Operator shall obtain an encroachment permit for any installation of infrastructure, signing or striping in the public right-of-way.
12. Operator shall be responsible for installation and removal of all approved infrastructure, signing and striping.
13. The City Manager reserves the right to designate "priority parking areas" in coordination with property owners. The purpose of these priority parking areas is to provide parking at designated locations within or adjacent to commercial centers and other destinations.
    - Operators shall be responsible for the cost of installation and maintenance of any necessary infrastructure, including construction of the new designated shared parking areas. These costs shall be shared equally among the Operators.
    - For any priority parking area, all operators that are issued a Shared Mobility Device permit shall have a plan for deployment of Shared Mobility Devices at the designated shared parking areas. The designated shared parking areas may be located at any of the following locations:
        1. Related Project (future)
        2. AMC Mercado
        3. Santa Clara Square
        4. Rivermark
        5. Santa Clara Convention Center
        6. Lawrence Station Area

7. Great America Theme Park
8. Levi's Stadium
9. Central Park Library
10. City Hall
11. Great America Train Station
12. Santa Clara Station
13. Santa Clara University
14. Mission College

Fleet Management and Balancing

1. Each Operator must provide a minimum of 60 shared mobility devices, whichever is applicable, to ensure service availability. The minimum number of Shared Mobility Devices may be amended by the City Manager.
2. The total size of the citywide fleet shall not exceed 3,000 Shared Mobility Devices with up to 1,000 bicycles (including electric bicycles) and 2,000 motorized scooters. Following the review of shared mobility permit applications, the number of Shared Mobility Devices will be allocated equally among the Operators based on the number of Operators that are permitted to operate Shared Mobility Devices and the number of Shared Mobility Devices desired for deployment by each permitted Operator. The City Manager has the discretion to periodically adjust the City-wide maximum number of Shared Mobility Devices.
3. Each operator must deploy 5% of the total number of Shared Mobility Devices in an area designated as an Equity Priority Community (formerly referred to as Community of Concern) as defined by the Metropolitan Transportation Commission.
4. All Shared Mobility Devices parked in a low-density residential zone shall be moved by the Operator out of the residential zone within 72 hours.
5. Any improperly parked Shared Mobility Devices that are not removed within 2 hours of notification of the Operator may be impounded and taken to a City facility for storage at the Operator's expense. Operator shall be required to pay the impounding fee.
6. Operator shall be responsible for retrieving the impounded Shared Mobility Devices from the city facility. Failure to retrieve Shared Mobility Devices from the city facility within two working days of notification of impoundment shall constitute abandonment of the property and the City may, after written notice is provided, dispose of the property in accordance with the surplus property provisions of the City Code. Furthermore, failure to retrieve the Shared Mobility Device(s) may lead to permit suspension or revocation.
7. Shared Mobility Devices must be re-parked/re-distributed daily to ensure compliance with the regulations and the Operator's plan of operation.
8. Operators shall ensure that users do not operate Shared Mobility Devices in City parks. Operators shall use geofencing or equivalent technology to prevent Shared Mobility Devices from being operated in City parks excluding the San Tomas Aquino/Saratoga Creek Trail. A complete list of City parks is available on the City's website at:

http://missioncity.maps.arcgis.com/apps/MapTour/index.html?appid=4c84d4f8913541cebd8a8ef3fc31a326&amp.

Customer Service

1. Operator shall maintain a 24-hour customer service telephone number with live operators for customers and members of the public to report safety concerns, complaints, or to ask questions. The customer service number shall be clearly displayed on all Shared Mobility Devices in service.
2. Operator shall provide options for customer service inquiries to be submitted via email and text message.
3. Operators shall provide email, text message or phone confirmation of any issues reported to originator if requested and follow up with the originator with status updates as appropriate.
4. Any Shared Mobility Device that is parked improperly (as described in "Parking" section above) shall be re-parked in a correct manner or shall be removed within two hours after notice has been provided to Operator.
5. Operator shall maintain a multilingual (English, Spanish and Chinese) website, call center and mobile app customer interface that are available 24 hours a day, seven days a week.
6. Mobile apps and other customer service interface technology must be fully accessible to persons with disabilities and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

Maintenance

1. Operator must ensure that all Shared Mobility Devices are in good working order, are clean, free of graffiti, and are safe to operate.
2. Any Shared Mobility Device that is reported by the City or any third party to be damaged, deficient, or otherwise unsafe to operate shall be immediately assessed and/or remotely disabled, as appropriate.
3. Any Shared Mobility Device that is reported to be damaged, deficient, or otherwise unsafe to operate shall be checked in person and removed within two hours after notice has been provided to Operator.
4. Operator must maintain a record of all maintenance performed for each Shared Mobility Device and make such record available to the City upon request.

Education and Outreach

1. Operator agrees to provide notice to users regarding federal, state and local laws applicable to riding, operating and parking a Shared Mobility Devices in the City, and to require users to acknowledge and comply with all of these applicable laws, including laws relating to accessibility, helmets, age, parking, driver's license requirements,

sidewalk riding, speed limits, use of bike lanes and streets where Shared Mobility Devices can operate with and without bike lanes, and other rules of the road.

2. Operator shall provide multiple public outreach/safety education events throughout the area of operation within the City including a kickoff event prior to deployment of the Shared Mobility Devices. City permit approval and costs associated with public outreach/safety education events shall be the responsibility of the operator.
3. Operator agrees to notify users by means of signage or visible language on Shared Mobility Devices as well as through its website and mobile applications that:
    a) All State of California laws shall be obeyed while riding a Shared Mobility Device, including laws related to age, driver's license requirements, and speed
    b) Shared Mobility Devices may not be used on sidewalks, and generally shall be operated as close as practicable to the right curb of any street except as otherwise specified in state law.
    c) At no time may a parked Shared Mobility Device obstruct a sidewalk, other pedestrian path of travel, or an accessibility feature designed for persons with disabilities.

Data Sharing

1. Operator agrees to provide the City with access to an Application Programming Interface (API) offering data about its fleet and all trip activity within the City, meeting the current requirements of the Mobility Data Specification (MDS) format developed by the Los Angeles Department of Transportation. This specification is detailed at: https://github.com/CityOfLosAngeles/mobility-data-specification
1. Operator agrees to provide City with access to a dashboard providing comprehensive anonymized data about the origins, destinations, distances, vehicle miles traveled (VMT), and times of all trip activity related to Shared Mobility Devices deployed in the City, as well as aggregate data and heat maps categorized by vehicle type and allowing analysis by day, week, or month, at no cost to the city.
2. Operator agrees to make real-time open data on system status and usage available in General Bike Share Feed Specification (GBFS) format.
3. In addition to the data required by the GBFS and MDS specifications, Operator shall provide a report of the following data on a monthly basis (or more frequently, if requested by the City Manager):
    a) Timestamped records of maintenance activities including device ID and maintenance performed.
    b) Timestamped records of customer service inquiry including nature of issue, time reported, and time resolved.
    c) Collision data received from users.
    d) Data related to age of members, low-income program membership, and the number of members divided by residents, surrounding area residents, and visitors from out of the area.
    e) Operators shall survey users every 6 months subsequently to provide information to the City for future planning, including asking questions about what mode of transportation was replaced for the use of a Shared Mobility Device. Survey

questions shall be consistent among Operators and determined in coordination with the City Manager.

4. Operator agrees to not sell or share confidential user data.

Membership and Enrollment

1. Operator agrees to comply with all relevant state and local regulations regarding age limits for use of Shared Mobility Devices.
2. Operator agrees to conduct outreach and to implement technology-based measures to verify ages of members during enrollment via mobile app and/or website.
3. Operator shall establish a low-income discount program that offers discounted memberships to individuals at or below 200% of the federal poverty level. Membership in public assistance programs such as SNAP, CalFresh, or Silicon Valley Power Rate Assistance Program (SVP RAP) may be used for discount eligibility, or some other metric consistent with this requirement and approved by the City Manager.

Levi's Stadium and Special Events

1. The maximum number of Shared Mobility Devices permitted in the City at any one time may not apply on Levi's Stadium and other large special event days at the Great America Theme Park. The City Manager may adopt a maximum cap for event days after review of Shared Mobility Device data.
2. The City Manager may implement operating procedures or prohibit use of devices specific to Levi's Stadium and Special Events.
3. Special event days will be identified on the City's Shared Mobility webpage. Operator shall comply with the number of permitted units by midnight of the second day following the event.
4. Operators shall comply with current and future requirements of the Levi's Stadium Transportation Management and Operations Plan (TMOP).

Performance Bond

1. Operator shall maintain in effect at all times a valid performance bond in the amount of $20,000 during the term of the annual permit starting with permit issuance.
2. The performance bond may be used for any public property repair and maintenance costs that may be incurred as a result of operator's Shared Mobility Devices, as well as removal and storage of Shared Mobility Devices that are not addressed within specified timeframes. The performance bond may be used to cover staff time associated with performing or facilitating these activities.
3. The performance bond may be used for any unpaid fines for violations issued to the Operator.

4. The performance bond may be used for any future costs incurred by the City related to the Shared Mobility permits.

Enforcement

Enforcement is designed to promote and achieve compliance with local law and the program guidelines. The Operators shall be required to pay fines per the schedule below related to improperly parked devices and failure to comply with the regulations.

1. Any improperly parked Shared Mobility Devices that are not removed or remedied within two (2) hours of providing notice to Operator may be impounded and taken to a City facility for storage at the Operator's expense. The Operator shall be required to pay the impounding fee.
2. In addition to the impounding fee, the Operator shall be cited for failure to remove the Shared Mobility Devices within two (2) hours of providing notice. The citation amount is listed in City Code 10.35.050.
3. Operator shall be responsible for retrieving the impounded devices from the City facility. Failure to retrieve Shared Mobility Devices from the City facility within two (2) working days of notification of impoundment may lead to disposal of the equipment and permit suspension or revocation.

Denial, Suspension, or Revocation of Operating Permit

1. An Operator's permit may be denied, suspended or revoked at the discretion of the City Manager based on any of the following grounds:

a) Consistent failure to address parking violations.
b) Failure to retrieve Shared Mobility Devices from the city facility within two (2) working days of notification of impoundment.
c) Transfer of an Operator permit to another party, including company mergers, without written approval by the City Manager.
d) The operator sells or shares confidential user data.
e) An applicant or Operator including its employees, managers, officers, principals, directors, owners, contractors, representatives, or agents has:
    - One or more false or misleading statements or material omissions on the permit application, during the application process.
    - Failed to provide information requested or required by the City
    - Operated or has proposed to operate in a manner that endangers public health or safety.
    - Failed to comply with any requirement imposed by the provisions of these regulations or the City Code, including any rule, regulation, conditions or standard adopted pursuant to the Ordinance, or any term or condition imposed on the permit for the operation of Shared Mobility Devices, or any provision of California law.
    - Conviction of the Operator, to include any of its officer, owners or principals, of

a criminal offense that is substantially related to the qualifications, functions or duties of the shared business or profession, including, but not limited to, any criminal conviction involving a violent or serious felony, fraud, deceit, or embezzlement.

2. If an Operator's permit is suspended or revoked during the annual permit period, the Operator shall be required to remove all devices deployed in the City at the Operator's cost. If Operator does not remove the devices within five (5) working days of notification of permit suspension or revocation, the City shall have the authority to remove the Shared Mobility Devices at Operator's cost and use the Performance Bond to cover the cost of removal of the Operator's devices.
3. If an Operator's permit is suspended, the minimum permit suspension period will be two (2) weeks. The Operator shall be required to provide a plan for corrective actions to demonstrate ability to comply with the regulations for resumption of the Operating permit. Any time spent by City staff on meeting with Operators to facilitate permit resumption will be reimbursed by the Operator on a time and materials basis.

Permit Costs

1. Application Fee: The applicant must pay the "Shared Mobility Device Permit, Application Fee" as identified in the latest City of Santa Clara Adopted Municipal Fee Schedule. The fee is non-refundable. Any application submitted without this fee shall be considered incomplete. The City will not accept or review any application that is submitted without payment of this fee.
2. Permit Fee: If the City approves the permit application, the applicant must pay an "Shared Mobility Device Permit, Annual Fee" as identified in the latest City of Santa Clara Adopted Municipal Fee Schedule. The City will not issue the permit until this fee is paid.
3. Device Fee: The applicant must pay a "Shared Mobility Device Permit, Device Fee" as identified in the latest City of Santa Clara Adopted Municipal Fee Schedule . The first 60 Shared Mobility Devices deployed per Operator will not be subject to this per-device fee. The City will not issue the permit until this fee is paid. If capacity exists, the applicant may apply to increase the number of devices deployed in the City after December 1 of the permit operating period. The applicant must then pay a "Shared Mobility Device Permit, Additional Device Fee" as identified in the latest City of Santa Clara Adopted Municipal Fee Schedule
4. Impoundment Fee: The applicant must pay a "Shared Mobility Device Permit, Impoundment Fee" as identified in the latest City of Santa Clara Adopted Municipal Fee Schedule to release a device from impoundment.
5. Operator shall also obtain a business license to operate in the City of Santa Clara.
6. All fees are non-refundable.

Permit Application Contents

1. A description of the proposed plan of operation, including, at a minimum, the applicant's plan to comply with the Administrative Regulations including Shared Mobility Device requirements, parking compliance, planned parking locations, fleet management and balancing, customer service, maintenance, data sharing, Levi's Stadium and other special events;
2. A detailed plan for the number and description of outreach and safety education events. Plan shall specify if events will be virtual or in-person. In-person events shall include proposed locations and if events will be stand-alone events or part of other community events/festivals. Operator shall include plan to advertise events.
3. Description of the number and mix of Shared Mobility Device that will be deployed: motorized scooters, bicycles, electric bicycles;
4. Shared Mobility Device capabilities including geofencing and other technology to comply with parking, speeding, and path of travel regulations.
5. A map of the proposed deployment area and parking locations.
6. The applicant's experience and demonstrated ability to comply with regulations in other jurisdictions;
7. The applicant's regulatory compliance program;
8. The applicant's history of and ability to comply with state and local law;
9. Any other requirements set forth by the Administrative Regulations.

Attachment 1: Indemnification and Insurance