

**ORDINANCE NO. \_\_\_\_\_**

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Ordinance No. 1995, which established a temporary moratorium on motorized scooter and bike share programs, is hereby repealed and shall have no legal effect as of the Effective date of this Ordinance.

**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:

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## **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.
- c) “Operator” shall mean a person or entity, other than a government entity, that offers, vehicle code 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.

#### **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
- a) 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 an 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.

**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.

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**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 7<sup>th</sup> day of December 2021, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Shared Mobility Permit Administrative Regulations