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## SALT LAKE CITY ORDINANCE

No. \_\_\_ of 2019

(Mobility Devices)

An ordinance enacting Chapter 5.67 of the Salt Lake City Code regarding the regulation of Mobility Devices.

WHEREAS, the use of motor assisted scooters and other mobility devices within the boundaries of Salt Lake City Corporation (the “City”) has increased significantly over the past year; and

WHEREAS, multiple companies that make motor assisted scooters and other shared mobility devices available for short term rentals have entered the Salt Lake City market during the past year; and

WHEREAS, the Utah Legislature recently passed legislation further refining the definitions of motor assisted scooters and updating regulations regarding the use of such scooters; and

WHEREAS, it is in the best interest of the City to have the flexibility to award contracts for the deployment and rental of motor assisted scooters and other shared mobility devices to the appropriate number of companies the City believes the market can support; and

Whereas, the City desires to provide additional regulations governing the use of motor assisted scooters and other mobility devices inside the City boundaries; and

Whereas, the Salt Lake City Council finds that the provisions of this ordinance further the health, safety, and welfare of City residents and visitors;

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NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That chapter 5.67 of the Salt Lake City Code shall be, and hereby is, enacted to read as follows:

## Chapter 5.67 Mobility Devices

### Article I. Definitions and General Regulation

#### **5.67.005: Definitions**

#### **5.67.010: Authority to Establish Rules and Regulations**

#### **5.67.005: DEFINITIONS:**

The following words and phrases, when used in this chapter, shall have the meanings defined and set forth in this section.

**BUSINESS:** A voluntary association legally formed and organized to carry on a Business in Utah in the legal name of the association, including without limitation a corporation, limited liability company, partnership, or sole proprietorship.

**CITY:** The governmental institution and landmass contained within the boundaries of Salt Lake City, Utah.

**CIVIL NOTICE:** A written notice of violation as provided under this chapter.

**CONCESSIONAIRE:** A person or entity with whom the City has contracted to provide dockless shared mobility device services.

**DEPARTMENT:** The Salt Lake City Department of Community and Neighborhoods or such other City department or division as may be designated by the Mayor to have responsibility for the enforcement of this chapter.

**DEPARTMENT DIRECTOR:** The director of the department designated by the Mayor to have responsibility for the enforcement of this chapter or the authorized designee of such director.

**DEPARTMENT CONTRACT:** A valid, existing, and current contract negotiated and approved by the department for providing dockless shared mobility device services within the corporate boundaries of Salt Lake City.

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**DEPARTMENT RULES AND REGULATIONS:** Rules and regulations developed and adopted by the department director to govern dockless shared mobility device services and businesses within the City.

**DOCKLESS SHARED MOBILITY DEVICE:** A shared mobility device that a customer is not required to return to a docking station at the conclusion of a ride.

**DOCKLESS SHARED MOBILITY DEVICE PROGRAM:** The offering of a dockless shared mobility device for hire.

**FARE:** That portion of the charge for rental of a dockless shared mobility device that is automatically calculated by an app or comparable technology through the operation of the mileage and/or time mechanism.

**IN-SERVICE:** A shared mobility device that is deployed for use on the streets of the City.

**MARKED DOCKING STATION:** A public place alongside the curb of a street, or elsewhere in the City, which has been designated for the exclusive deployment of shared mobility devices and has been marked in a manner that identifies such docking station as being set aside for that purpose.

**MOTOR ASSISTED SCOOTER:**

- A. A self-propelled device with:
  - (i) at least two wheels in contact with the ground;
  - (ii) a braking system capable of stopping the unit under typical operating conditions;
  - (iii) an electric motor not exceeding 2,000 watts or other motor providing equivalent power;
  - (iv) either
    - (A) handlebars and a deck design for a person to stand while operating the device; or
    - (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device; and
  - (v) a design for the ability to be propelled by human power alone; and
  - (vi) a maximum speed of 20 miles per hour on a paved level surface.
- B. Motor Assisted Scooter does not include
  - a. An electric assisted bicycle; or
  - b. A motor-driven cycle

**PERSON:** An individual, a corporation or other legal entity, a partnership, and any incorporated association.

**SHARED MOBILITY DEVICE:** A bicycle, electric bicycle or motor-assisted scooter made available to the public for hire.

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**SHARED MOBILITY DEVICE PROGRAM OPERATOR:** A person offering a shared mobility device for hire.

**5.67.010: AUTHORITY TO ESTABLISH RULES AND REGULATIONS:** To the extent authorized by the provisions of this chapter and consistent with other applicable provisions of this code, the department director, under guidance and direction from the Mayor, may enter into contracts deemed necessary or desirable and may establish rules and regulations necessary to administer the provisions of this chapter.

## Article II. Motor Assisted Scooters

**5.67.020: Traffic Laws**

**5.67.030: Sidewalk and Right-Of-Way Restrictions**

**5.67.040: Enforcement**

### 5.67.020: TRAFFIC LAWS:

A driver of a motor assisted scooter shall be subject to all laws that apply to the operation of a bicycle. Drivers are also prohibited from operating a motor assisted scooter while consuming any alcoholic beverage or while under the influence of alcohol or any drug to a degree that renders the driver incapable of safely driving a vehicle within the city as set forth in section 12.24.100 of the Salt Lake City Code or any successor section.

### 5.67.030: SIDEWALK AND RIGHT-OF-WAY RESTRICTIONS:

- A. Motor assisted scooters shall not be operated on any sidewalk on which a bicycle may not be operated;
- B. Motor assisted scooters may not be operated in a manner contrary to signs, traffic control devices, or other devices governing movement, traffic, or other activities.
- C. Any motor assisted scooter that is not in use must be secured to a permitted dock rack or corral or otherwise placed as required below:
  - a. Motor assisted scooters may not, at any time, for any reason, impede the free flow of pedestrian traffic.
  - b. Motor assisted scooters may not be temporarily placed or left in the following areas:
    - i. Any multi-use path;
    - ii. Any vehicle travel lane;
    - iii. Any vehicle parking space;
    - iv. Any UTA TRAX or FrontRunner boarding platform;
    - v. Anywhere that impedes safe access to or egress from a UTA bus;

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- vi. Within fifteen (15) feet of any building access or egress, including driveways;
  - vii. Within thirty (30) feet of any ADA ramp or access of any kind;
  - viii. Anywhere that impedes the use of an existing docking station or corral for motor assisted scooters or other mobility devices.
  - ix. Any areas in which leaving a motor assisted scooter is prohibited pursuant to regulations promulgated by the city transportation director.
- c. Motor assisted scooters placed or otherwise left in violation of the requirements of this section may be relocated or impounded at the motor assisted scooter owner's expense.

**5.67.040: ENFORCEMENT:** A person who violates the provisions of this article is guilty of an infraction.

## **Article III. Dockless Shared Mobility Device Programs**

### **PART 1. GENERAL REQUIREMENTS**

#### **5.67.050: Compliance Responsibility**

#### **5.67.060: Requirements for Operating a Dockless Shared Mobility Device Program:**

#### **5.67.070: Dockless Shared Mobility Devices – Required Equipment**

#### **5.67.080: Dockless Shared Mobility Device Program – Operating Requirements**

#### **5.67.050: COMPLIANCE RESPONSIBILITY:**

- A. All persons operating a dockless shared mobility device program shall comply with and operate under requirements of applicable law, including without limitation Federal, State, County and City laws and ordinances, and department rules and regulations.
- B. No dockless shared mobility device program shall be relieved of any responsibility for compliance with the provisions of this chapter, regardless of whether the dockless shared mobility device program operator pays salary, wages, or any other form of compensation.

#### **5.67.060: REQUIREMENTS FOR OPERATING A DOCKLESS SHARED MOBILITY DEVICE PROGRAM:**

- A. No person shall permit a dockless shared mobility device owned or controlled by such person to be in service for hire upon the streets of Salt Lake City unless such person is authorized to do so under a business license obtained from the City.

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- B. No person may operate a dockless shared mobility device program in the City unless the person is authorized to do so under a business license obtained from the City.
- C. Each dockless shared mobility device program operator shall pay to the City the applicable business licensing fees as set forth in Chapter 5.04 of the Salt Lake City Code and as further described in the Salt Lake City Consolidated Fee Schedule.
- D. Insurance.
  - a. Each dockless shared mobility device program operator shall provide, concurrent with the execution of this Agreement:
    - i. A comprehensive general liability insurance policy covering business operations with minimum limits of \$1,000,000 per occurrence with a \$5,000,000 general aggregate;
    - ii. Automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate;
    - iii. Umbrella or excess liability coverage with a limit of at least \$5,000,000 each occurrence and \$5,000,000 aggregate; and
    - iv. Workers' compensation insurance in an amount no less than required by law.
  - b. A current certificate of insurance, approved by the City Attorney, must be kept on file with the City Recorder verifying such continuing coverage and naming the City as an additional insured on a primary and non-contributory basis in comparison to all other insurance including City's own policy or policies of insurance. The certificate shall contain a special endorsement to the effect that the City will be notified at least thirty (30) days prior to cancellation or reduction in the limits. The City requires continuous coverage. Cancellation of insurance will result in the automatic suspension of the dockless shared mobility device program operator's ability to operate until the shared mobility device program operator provides proof of coverage in the amounts and manner specified above.
- E. Indemnification. Each dockless shared mobility device program operator shall indemnify, save harmless, and defend the City, its agents and employees, from all claims, liens, damages, demands, actions, costs, and charges, including attorney fees, arising out of negligent, reckless or intentional acts, errors or omissions of the dockless shared mobility device program operator, its officers, employees, and agents. If the City's tender of defense, based upon this indemnity provision, is rejected by the dockless shared mobility device program operator, and the dockless shared mobility device program operator is later found by a court of competent jurisdiction to have been required to indemnify the City, then in addition to any other remedies the City may have, the dockless shared mobility device program operator shall pay the City's reasonable costs, expenses, and

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attorney fees incurred in proving such indemnification, defending itself, or enforcing this provision. The dockless shared mobility device program operator shall not be liable for claims, demands, costs, losses, or damages that arise out of the City's negligence or willful misconduct.

- F. Data Sharing. Dockless shared mobility device program operators will share data with the city in accordance with the requirements set forth in Utah Code, in city code, and in any applicable state or local regulations.

## **5.67.070: DOCKLESS SHARED MOBILITY DEVICES - EQUIPMENT REQUIRED**

- A. Dockless shared mobility device program operators will comply with all applicable safety standards established by federal, state, or city law;
- B. Bicycles, electric bicycles and motor assisted scooters operated as dockless shared mobility devices will comply with the most recent applicable safety standards promulgated by the city.
- C. All dockless shared mobility devices will be equipped with Global Positioning Satellite ("GPS") systems.
- D. All dockless shared mobility devices will be regularly inspected and maintained by the dockless shared mobility device program operator.
- E. Dockless shared mobility device program operators must be able to remotely render inoperable any dockless shared mobility device that has been reported as being damaged or defective.
- F. Dockless shared mobility device program operators shall provide the City with a list individually identifying all dockless shared mobility devices.
- G. All dockless shared mobility devices must have an identification number prominently displayed on such device.
- H. A dockless shared mobility device program operator shall prominently display dockless shared mobility device program operator's contact information, including a toll-free phone number and an email address, on each dockless shared mobility device deployed within the City.

## **5.67.080: DOCKLESS SHARED MOBILITY DEVICE PROGRAM - OPERATING REQUIREMENTS:**

- A. Deployment of Dockless Shared Mobility Devices
  - a. A dockless shared mobility device program operator may not deploy dockless shared mobility devices within city-designated zones in

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quantities or allocations that violate the regulations promulgated by the city transportation director.

- B. Parked Dockless Shared Mobility Devices.
- a. Dockless shared mobility devices may not be parked in an undocked status in any of the following locations:
    - i. Within ten (10) feet of any Utah Transit Authority bus stop sign;
    - ii. Within fifteen (15) feet of any traffic signal pole;
    - iii. Within fifteen (15) feet of any utility box or other utility structures
    - iv. Any multi-use path;
    - v. Any vehicle travel lane;
    - vi. Any vehicle parking space;
    - vii. Any UTA TRAX or FrontRunner boarding platform;
    - viii. Anywhere that impedes safe access to or egress from a UTA bus;
    - ix. Within fifteen (15) feet of any building access or egress, including driveways;
    - x. Within thirty (30) feet of any ADA ramp or access of any kind;
    - xi. Anywhere that impedes the use of an existing docking station or corral for motor assisted scooters or other mobility devices.
    - xii. Any areas in which leaving a dockless shared mobility device is prohibited pursuant to regulations promulgated by the city transportation director.
  - b. Dockless shared mobility device program operators shall require dockless shared mobility device drivers to take a photograph of their properly-parked dockless shared mobility device, or otherwise verify that they have properly parked the dockless shared mobility device, as part of the process for completing a dockless shared mobility device program transaction.
  - c. Upon notification, a dockless shared mobility device program operator has two hours to move dockless shared mobility devices that have not been parked in accordance with the restrictions set forth in this Agreement. If not moved within two hours, the City may impound improperly parked dockless shared mobility devices at the dockless shared mobility device program operator's expense.

## PART 2. CONTRACT-BASED SYSTEM FOR PROVISION OF DOCKLESS SHARED MOBILITY DEVICE SERVICES.

### **5.67.090: Contract-Based System For Providing Dockless Shared Mobility Device Program Services**



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## **5.67.090: CONTRACT-BASED SYSTEM FOR PROVIDING DOCKLESS SHARED MOBILITY DEVICE PROGRAM SERVICES:**

- A. The city reserves the right to adopt a contract-based system to govern the provision of dockless shared mobility device program services within the city.
- B. If the City hereby adopts a contract-based system for provision of dockless shared mobility device programs, then only dockless shared mobility device program operators selected pursuant to a competitive request for proposals (RFP) process and who have entered into a department contract, as defined in Section 5.67.005, may operate a dockless shared mobility device program upon Salt Lake City streets.
- C. The Mayor, or the Mayor's designee, shall determine the number of dockless shared mobility device program operators that shall be awarded a department contract.
- D. The Mayor, or the Mayor's designee, shall determine the total number of dockless shared mobility devices authorized to operate in the City under all such department contracts.
- E. Department Contracts between the City and any selected dockless shared mobility device program operators may contain additional requirements and restrictions beyond those set forth in the Salt Lake City Code.

## **PART 3. VIOLATIONS AND ENFORCEMENT**

### **5.67.100: Violations – Dockless Shared Mobility Device Program Operators**

#### **5.67.100: VIOLATIONS – DOCKLESS SHARED MOBILITY DEVICE PROGRAM OPERATORS:**

- A. Except as otherwise set forth in this chapter, violations of this article or violations of Title 5 of the Salt Lake City Code shall be addressed pursuant to the processes and penalties set forth in Chapter 5.88 of the Salt Lake City Code.
- B. Dockless shared mobility device program operators shall work with the City, including the Department and the Salt Lake City Police Department to facilitate enforcement of this chapter with the most advanced and appropriate available technology. Such enforcement efforts will include facilitating the enforcement of permanent, semi-permanent, and temporary no-ride zones designated by the City.

SECTION 2. That this ordinance shall become effective immediately upon publication.

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Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_  
2019.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2019.  
Published: \_\_\_\_\_

<b>APPROVED AS TO FORM</b>
Date: _____
By: _____ Jaysen Oldroyd, Senior City Attorney

DRAFT Scooter\_Ordinance - 9-27-19 - Clean