

## Law and Legislation Committee Report

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Sacramento, CA 95814

[www.cityofsacramento.org](http://www.cityofsacramento.org)

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**File ID:** 2018-00016

January 23, 2018

**Discussion Item 03**

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**Title:** Regulating Bicycle Share Business and Operations

**Location:** Citywide

**Recommendation:** 1) Review an Ordinance adding Chapter 5.18 to the Sacramento City Code relating to Bicycle Share Business; and 2) pass a Motion forwarding the ordinance to City Council for consideration.

**Contact:** Jennifer Donlon Wyant, Active Transportation Program Specialist (916) 808-5913; Ryan Moore, Interim City Traffic Engineer (916) 808-6629, Department of Public Works.

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

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance (Redline)
- 3-Ordinance (Clean)
- 4-Application
- 5-Application Expansion

## Description/Analysis

**Issue Detail:** Bicycle-share businesses offer bicycles on a self-service rental basis. Bicycle-share programs should help achieve the city's goals of encouraging bicycling; reducing vehicle miles traveled and single occupancy vehicle trips; providing first and last mile solutions for existing transit; and providing adequate bicycle parking to meet the needs of customers. Bicycle-share businesses should also reduce the potential for bicycles 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.

The proposed ordinance includes a provision that will affect all bicycle users, not just bicycle-share users and is intended to ensure mobility safety. It prohibits individuals from leaving a bicycle lying on its side or parking in any other position that prevents pedestrians from using sidewalks or where signs prohibit such activity.

Without regulation, bicycle-share businesses pose a threat to the public health, safety, and welfare. Some bicycle-share bicycles may be self-locked anywhere within the city, making it difficult for the city to ensure that these bicycles are placed safely, upright, and out of the way of pedestrian walkways, bicycle paths, and roadways. Bicycle-share bicycles will also increase demand for the City's limited bicycle parking. In addition, derelict self-locking bicycles can become a major cause of blight in both residential and nonresidential neighborhoods.

For these reasons, staff proposes the attached ordinance, draft permit applications, and related fee structure.

**Policy Considerations:** The recommended changes to the City Code increase the prevalence of bicycles for use in the City, which helps achieve the Bicycle Master Plan (2016) goal of increasing ridership for commuters.

The recommended changes are also 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:** Not applicable.

**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 addition of new permit types will create additional revenue sources that will cover the financial costs of administering and regulating the Bicycle-share program.

**Local Business Enterprise (LBE):** Not applicable.

**Background:** Bicycle-share businesses offer bicycles for renting on a self-service basis. Bicycle-share programs provide a fleet of bicycles for short-term rentals, offering users the ability to pick up a bicycle in one location, and return it in a different location within the system's service area. The service is made available to registered users.

Bicycle-share is an area of mobility experiencing great growth and change in recent years, particularly in the past 12 months. Traditionally, bicycle-share programs used stations (also known as docks or hubs) to store the bicycles when not in use. In this "stationed" model, users check out a bicycle from one station and return it to another station. This model incorporated the needed technology in the stations and payment kiosks.

As technology has evolved, it is more common to have the computer technology housed in the bicycle rather than the station. The locking mechanism is also within the bicycle, not the station. A smart phone application allows users to locate bicycle-share bicycles via GPS and leave bicycles within the right-of-way, in some cases at stations or bike racks and in other cases anywhere within the right-of-way. As a result, more bicycles are being either locked to public bike racks or are not locked to anything.

Bicycle-share programs should help achieve the City's goals of encouraging bicycling; reducing vehicle miles traveled and single occupancy vehicle trips; providing first and last mile solutions for existing transit; and providing adequate bicycle parking to meet the needs of shoppers, visitors, employees, and residents. Bicycle-share should also reduce the potential for bicycles 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 may be self-locked anywhere within the city, making it difficult for the City to ensure that these bicycles are placed safely, upright, and out of the way of pedestrian walkways, bicycle paths, and roadways. Bicycle-share bicycles will increase demand for the City's limited bicycle parking. In addition, derelict self-locking bicycles can

become a major cause of blight in both residential and nonresidential neighborhoods if volume exceeds storage capacity. Without regulation, bicycle-share businesses pose a threat to the public health, safety, and welfare.

The proposed ordinance includes a provision that will affect all bicycle users, not just bicycle-share users and is intended to ensure mobility safety. It prohibits individuals from leaving a bicycle lying on its side or parking in any other position that prevents pedestrians from using sidewalks or where signs prohibit such activity.

SACOG has entered into a contract with a bicycle-share business to provide a bicycle-share program in the cities of Sacramento, West Sacramento, and Davis. This program is expected to begin permitting in late winter or early spring 2018 with operations commencing May 2018. The City of Sacramento has received inquiries from a number of other bicycle-share businesses and operators that seek to apply for bicycle-share permits.

Adopting the attached ordinance and permit fees shown on the following page will establish rules and regulations governing operation of bicycle-share businesses in the City, ensuring bicycle-share programs are consistent with the safety and well-being of bicyclists, pedestrians and other users of the public rights-of-way.

Also attached for reference is the draft business permit application, fees, and application for expansion of an existing program.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE ADDING CHAPTER 5.18 TO THE SACRAMENTO CITY CODE  
RELATING TO BICYCLE-SHARE BUSINESSES**

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

**SECTION 1.**

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

**Chapter 5.18 BICYCLE-SHARE BUSINESSES**

**ARTICLE I. General Provisions**

**5.18.010 Purpose and intent.**

The purpose of this chapter is to establish bicycle-share business requirements that achieve the city's goals of encouraging bicycling and providing adequate bicycle parking to meet the needs of shoppers, visitors, and residents while also reducing the potential for bicycles 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 may be self-locked anywhere within the city, making it difficult for the city to ensure that these bicycles are placed safely, upright, and out of the way of pedestrian walkways, bicycle paths, and roadways. In addition, self-locking bicycles can become a major cause of blight in both residential and nonresidential neighborhoods. Without regulation, bicycle-share businesses pose a threat to the public health, safety, and welfare.

The city council finds that regulations governing bicycle-share 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 businesses in the city;
- B. Protecting the public right-of-way from uncontrolled, unmanaged encroachment;
- C. Creating clear expectations for bicycle-share 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 parked in compliance with this chapter.

“Bicycle rack” or “rack” means a stationary fixture, including charging stations, intended to be used for securely attaching a bicycle to prevent movement or theft.

“Bicycle-share bicycle” means a bicycle available to persons for renting on a self-service basis.

“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 bicycle-share bicycle.

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

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

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

## **Article II. Bicycle-share Business Permit**

### **5.18.100 Bicycle-share business permit required.**

A. No person shall operate a bicycle-share business unless the person holds a valid bicycle-share business permit.

B. Bicycle-share business permits are the property of the city and are not transferable.

**5.18.110 Application for a bicycle-share business permit.**

A. An application for a bicycle-share 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 business;
2. Written evidence that the applicant is an owner or legal representative of the bicycle-share 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. Such other material as the city manager may require to carry out the purposes of this chapter.
7. A nonrefundable bicycle-share business permit application fee.

**5.18.120 Term of bicycle-share business permits.**

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

**5.18.130 Application, renewal, and fleet expansion fees.**

- A. The following fees are hereby established and imposed:
1. Bicycle-share business permit application fee;
  2. Bicycle-share business permit renewal application fee;
  3. 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 fleet expansion.**

A. No bicycle-share 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 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 fee.

D. Notwithstanding any provision to the contrary in this chapter, the city reserves the right to limit the number of bicycle-share bicycles to be operated by the bicycle-share 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 business permit renewal.**

A bicycle-share business permit is renewable upon the filing and approval of an application and payment of the nonrefundable permit renewal fee. 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 business permit.**

Except as provided in section 5.18.300, a bicycle-share business permit may be issued or renewed 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 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 operating a bicycle-share bicycle in lieu of conducting an inspection; and

B. Received a determination from the director of community development that the proposed bicycle-share business location and storage location, if within the city, complies with applicable zoning regulations and other applicable laws.

C. 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 business permit.**

The city manager may deny an application for a bicycle-share business permit or its renewal on the following grounds:

A. Application is incomplete.

B. The applicant is in violation of any provision of this chapter.

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-share business permit revoked within five years of the date the application was submitted.

E. Applicant's operation of a bicycle-share business would be a threat to the public, health, and welfare.

### **Article III. Operation of a Bicycle-Share Business**

#### **5.18.200 Insurance requirements.**

A. A bicycle-share 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.

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-share operator.

C. The bicycle-share 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 bicycle-share operator and the insurer.

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

#### **5.18.210 Bicycle parking spaces required.**

No person shall operate a bicycle-share business unless they have provided and maintain at least one and one-half bicycle 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.**

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

- A. Bicycle-share bicycles that are inoperable or not safe to operate, and parked in the public right-of-way;
- B. Bicycle-share bicycles that are not locked to a bicycle rack in an upright position;
- C. Bicycle-share bicycles with a battery or motor determined by the city to be unsafe for public use.
- D. Bicycle-share bicycles parked in violation of section 10.76.050.

**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 business permit issued pursuant to this chapter on any of the following grounds:

- A. That the permitted bicycle-share 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 business violates any condition of the permit or city approved application and plans;
- C. The bicycle-share business fails to pay any fines, penalties, fees or damages lawfully assessed upon it;
- D. The bicycle-share business violates any provision of this chapter or any other applicable law;
- E. The bicycle-share business fails to collect its bicycle-share bicycle 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 business permit.**

A. Any applicant or bicycle-share 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-share operator shall suspend its bicycle-share 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 shall impound a bicycle-share bicycle that is not retrieved by the bicycle-share business pursuant to section 5.18.220.
- B. If the city incurs any costs for impounding bicycle-share bicycles pursuant to this section, the bicycle-share business shall reimburse the city for the costs of impoundment, 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.
- C. In addition to the remedies provided in this section, the bicycle-share business shall be subject to a storage fee as set by resolution of the city council for each day the bicycle-share bicycle is within the city's possession; and their permit may be revoked for failure to collect the impounded bicycle-share bicycle after 30 calendar days from the city's written notice of impoundment.

### **5.18.520 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.

### **5.18.530 Customer use of bicycle-share bicycles.**

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

## **SECTION 2.**

Section 10.76.050 is added in chapter 10.76 of the Sacramento City Code to read as follows:

### **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 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.



**ORDINANCE NO.**

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE ADDING CHAPTER 5.18 TO THE SACRAMENTO CITY CODE  
RELATING TO BICYCLE-SHARE BUSINESSES**

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

**SECTION 1.**

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**ARTICLE I. General Provisions**

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The purpose of this chapter is to establish bicycle-share business requirements that achieve the city's goals of encouraging bicycling and providing adequate bicycle parking to meet the needs of shoppers, visitors, and residents while also reducing the potential for bicycles 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 may be self-locked anywhere within the city, making it difficult for the city to ensure that these bicycles are placed safely, upright, and out of the way of pedestrian walkways, bicycle paths, and roadways. In addition, self-locking bicycles can become a major cause of blight in both residential and nonresidential neighborhoods. Without regulation, bicycle-share businesses pose a threat to the public health, safety, and welfare.

The city council finds that regulations governing bicycle-share 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 businesses in the city;
- B. Protecting the public right-of-way from uncontrolled, unmanaged encroachment;
- C. Creating clear expectations for bicycle-share 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 parked in compliance with this chapter.

“Bicycle rack” or “rack” means a stationary fixture, including charging stations, intended to be used for securely attaching a bicycle to prevent movement or theft.

“Bicycle-share bicycle” means a bicycle available to persons for renting on a self-service basis.

“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 bicycle-share bicycle.

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

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

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

**Article II. Bicycle-share Business Permit**

**5.18.100 Bicycle-share business permit required.**

A. No person shall operate a bicycle-share business unless the person holds a valid bicycle-share business permit.

B. Bicycle-share business permits are the property of the city and are not transferable.

**5.18.110 Application for a bicycle-share business permit.**

A. An application for a bicycle-share 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 business;
2. Written evidence that the applicant is an owner or legal representative of the bicycle-share 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. Such other material as the city manager may require to carry out the purposes of this chapter.
7. A nonrefundable bicycle-share business permit application fee.

**5.18.120 Term of bicycle-share business permits.**

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

**5.18.130 Application, renewal, and fleet expansion fees.**

- A. The following fees are hereby established and imposed:
1. Bicycle-share business permit application fee;
  2. Bicycle-share business permit renewal application fee;
  3. 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 fleet expansion.**

A. No bicycle-share 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 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 fee.

D. Notwithstanding any provision to the contrary in this chapter, the city reserves the right to limit the number of bicycle-share bicycles to be operated by the bicycle-share 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 business permit renewal.**

A bicycle-share business permit is renewable upon the filing and approval of an application and payment of the nonrefundable permit renewal fee. 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 business permit.**

Except as provided in section 5.18.300, a bicycle-share business permit may be issued or renewed 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 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 operating a bicycle-share bicycle in lieu of conducting an inspection; and

B. Received a determination from the director of community development that the proposed bicycle-share business location and storage location, if within the city, complies with applicable zoning regulations and other applicable laws.

C. 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 business permit.**

The city manager may deny an application for a bicycle-share business permit or its renewal on the following grounds:

A. Application is incomplete.

B. The applicant is in violation of any provision of this chapter.

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-share business permit revoked within five years of the date the application was submitted.

E. Applicant's operation of a bicycle-share business would be a threat to the public, health, and welfare.

### **Article III. Operation of a Bicycle-Share Business**

#### **5.18.200 Insurance requirements.**

A. A bicycle-share 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.

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-share operator.

C. The bicycle-share 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 bicycle-share operator and the insurer.

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

#### **5.18.210 Bicycle parking spaces required.**

No person shall operate a bicycle-share business unless they have provided and maintain at least one and one-half bicycle 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.**

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

- A. Bicycle-share bicycles that are inoperable or not safe to operate, and parked in the public right-of-way;
- B. Bicycle-share bicycles that are not locked to a bicycle rack in an upright position;
- C. Bicycle-share bicycles with a battery or motor determined by the city to be unsafe for public use.
- D. Bicycle-share bicycles parked in violation of section 10.76.050.

**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 business permit issued pursuant to this chapter on any of the following grounds:

- A. That the permitted bicycle-share 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 business violates any condition of the permit or city approved application and plans;
- C. The bicycle-share business fails to pay any fines, penalties, fees or damages lawfully assessed upon it;
- D. The bicycle-share business violates any provision of this chapter or any other applicable law;
- E. The bicycle-share business fails to collect its bicycle-share bicycle 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 business permit.**

A. Any applicant or bicycle-share 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-share operator shall suspend its bicycle-share 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 shall impound a bicycle-share bicycle that is not retrieved by the bicycle-share business pursuant to section 5.18.220.
- B. If the city incurs any costs for impounding bicycle-share bicycles pursuant to this section, the bicycle-share business shall reimburse the city for the costs of impoundment, 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.
- C. In addition to the remedies provided in this section, the bicycle-share business shall be subject to a storage fee as set by resolution of the city council for each day the bicycle-share bicycle is within the city's possession; and their permit may be revoked for failure to collect the impounded bicycle-share bicycle after 30 calendar days from the city's written notice of impoundment.

### **5.18.520 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.

### **5.18.530 Customer use of bicycle-share bicycles.**

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

## **SECTION 2.**

Section 10.76.050 is added in chapter 10.76 of the Sacramento City Code to read as follows:

### **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 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.

City of  
**SACRAMENTO**  
Department of Finance

915 I Street, Sacramento, CA 95814

BICYCLE SHARE APPLICATION

**A. Information on Bicycle Share Business**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Alt. Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Email Contact: \_\_\_\_\_ Alt. Email \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Primary Phone No: \_\_\_\_\_ Alt. Phone No: \_\_\_\_\_

Email address: \_\_\_\_\_

Local Point of Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Primary Phone No: \_\_\_\_\_ Alt. Phone No: \_\_\_\_\_

Email address: \_\_\_\_\_

*This application form with any attachments must be submitted with a City of Sacramento Business Operation Tax (BOT) certificate issued pursuant to chapter 3.08 of the city code. No permit shall be approved or renewed if the applicant owes the city any unpaid required fees, fines, or penalties at the time of submitting the application. Other materials or documentation may be required to carry out the purposes of reviewing the application. After successful review, the applicant will receive conditional approval until the applicant has complied with section 5.18.210 of the city code.*

## B. Bicycle Standards

The applicant shall demonstrate, to the satisfaction of the city, that its bicycle fleet meets the following standards:

1. Be made of high quality, sturdily built, and meet the minimum standards of the United States Consumer Product Safety Commission;
2. Have adjustable seat height to accommodate a wide range of customers;
3. Comply with California Vehicle Code sections 21201 *et seq.* requirements including, but not limited to, reflectors and integrated front and rear lights, and any other applicable laws and regulations;
4. Electric bicycles shall comply with California Vehicle Code subsections 312.5(a), (a)(1), and (c) and section 24016; and any other applicable laws and regulations; notwithstanding the aforementioned, such electric bicycles shall be equipped with software or other mechanism to prevent them from providing assistance when the bicycle exceeds 15 miles per hour;
5. Built with tamper-resistant hardware;
6. Withstand the rigors of outdoor storage and constant use for at least five years;
7. Include a basket;
8. Equipped with hardware to allow the bicycle to be locked to a bicycle rack;
9. Bear a unique identification number made visible to customers;
10. Bear the bicycle-share business' name and telephone number in a visible location;
11. Equipped with a GPS capable of providing real-time location data;

## C. Business Plan

The applicant shall submit a business plan that demonstrates, to the satisfaction of the city, how the bike-share business will comply with the following requirements:

1. Bicycles shall be available to customers at an hourly rate, or smaller intervals, which are clearly and understandably communicated to the customer prior to the customer's use of the bicycle;
2. Bicycles must be operational for customers on a 24-hour, seven days per week basis;

3. Method for providing the city with anonymized, aggregated data for trip records and bicycle availability on a minimum of a monthly basis which include the following: trip start date, time, and location; trip end date, time, and location; trip duration and distance; payment method; and GPS coordinates;
4. An electronic payment system that complies with the Payment Card Industry Data Security Standards. Each transaction shall include the bicycle identification number corresponding to the make and model of the bicycle registered with the city;
5. A proposed service area map in ESRI shapefile format;
6. Bike rack inventory and location plan. A bicycle share operator shall install, a minimum of, one and a half (1.5) parking spaces in a bike rack for every bicycle share bicycle in service to ensure adequate bicycle parking, at no cost to the City. Instructions for required Revocable Permits, including associated plans and fees, are listed on the City's Public Works website: <https://www.cityofsacramento.org/Public-Works/Engineering-Services/Permits/Encroachment-Permits>
7. A plan for educating customers that bicycles not in use must be locked to a bicycle rack and incentivizing customers to lock bicycles to bicycle racks;
8. A bicycle parking impact projection that demonstrates the effect its bicycle fleet could have on the city's existing bicycle racks and infrastructure, such projection should, for example, identify the impacted areas, additional necessary infrastructure, and associated costs; and
9. A privacy policy that safeguards customers' personal, financial, and travel information, and usage including, but not limited to, trip origination and destination data.

#### D. Maintenance and Repair Plan

The applicant shall submit a maintenance and repair plan that demonstrates, to the satisfaction of the city, how the bike-share business will comply with the following requirements:

1. Routine maintenance inspections and cleaning performed by the bicycle share operator at least every six weeks or 200 miles;
2. A method for providing full-service maintenance for bicycles;
3. A method for customers to report issues with the bicycle-share bicycles including, but not limited to, a 24-hour customer service number;

#### E. Rebalancing and Relocation Plan

The applicant shall submit a rebalancing and relocation plan demonstrating, to the satisfaction of the city, how the bike-share business will comply with the following requirements:

1. Rebalancing the bicycle-share operator's bicycles to and from high use areas within peak operating hours;
2. Ensuring compliance with section 5.18.220 of the city code; and
3. Relocating or rebalancing bicycles within two hours in compliance with city code section 5.18.220.

### F. Community Outreach Plan

The applicant shall submit, to the city's satisfaction, a community outreach plan that:

1. Educates and promotes to city residents the proper use, benefits, and access to its bicycle-share bicycles.

### G. Application and Renewal Fees

Every application or renewal for a bicycle-share business permit shall be accompanied by a nonrefundable fee to cover the costs associated with reviewing, permitting, and administering the bicycle-share business program as outlined in the amounts below:

	System Size (# of Bicycles)				
	<500 bikes	500 - 1,500	1,500 - 2,500	2,500 - 3,500	> 3,500
First-time Permit	\$ 14,140	\$ 16,860	\$ 19,240	\$ 20,960	\$ 24,700
Annual Renewal Fee	\$ 11,865	\$ 14,585	\$ 16,965	\$ 18,685	\$ 22,425

### H. Required Submission Checklist

Please attach the following documents to your application:

Proof of compliance with the Bicycle Standards (Section B)

A list of the make, model, and unique identification number for each bicycle (Section B)

All listed plans: (Sections C – F)

Permit Fee (Non-Refundable): Based on the table provided in Section G.

Insurance Policy and Indemnification: The applicant's certificates of insurance, as outlined in city code section 5.95.200.

J. Applicant's Certification & Indemnification

I certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of the information contained in this application, and that the information contained herein is true and correct, and that I am fully authorized to sign and am signing this application on behalf of the bicycle-share business and to bind the bicycle-share business.

The applicant, shall indemnify and hold harmless the City and its officers, agents, and employees from, and, if requested, shall defend them against any and all loss, cost, damage, injury, liability, and claims thereof for injury to or death of a person, including employees of the applicant or loss of or damage to property, arising directly or indirectly from the applicant's performance of this permit, including, but not limited to, the bicycle-share business's use of facilities or equipment provided by City or others, regardless of the negligence of, and regardless of whether liability without fault is imposed or sought to be imposed on City, except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of this application, and except where such loss, damage, injury, liability or claim is the result of the active negligence or willful misconduct of the City and is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on the applicant or agent or employee. The foregoing indemnity shall include reasonable fees of attorneys, consultants, and experts and related costs and City's costs of investigating any claims against the City. In addition, the applicant specifically acknowledges and agrees that it has an immediate and independent obligation to defend City from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to the applicant by City and continues at all times thereafter. The applicant shall indemnify and hold City harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by the City, or any of its officers or agents, of articles or services to be supplied in the performance of this permit.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*The information contained in this document is subject to disclosure under the Public Records Act.*



City of  
**SACRAMENTO**  
Department of Finance

915 I Street, Sacramento, CA 95814

BICYCLE SHARE EXPANSION APPLICATION

**A. Information on Bicycle Share Business**

Business Name: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Contact: \_\_\_\_\_  
Email Contact: \_\_\_\_\_  
  
Applicant Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
Primary Phone No: \_\_\_\_\_ Alt. Phone No: \_\_\_\_\_  
Email address: \_\_\_\_\_

*This application form with any attachments must be submitted with a City of Sacramento Business Operation Tax (BOT) certificate issued pursuant to chapter 3.08 of city code. No permit shall be approved or renewed if the applicant owes the city any unpaid required fees, fines, or penalties at the time of submitting the application. Other materials or documentation may be required to carry out the purposes of the application review. After successful review, the applicant will receive pending approval until all encroachment permits are applied for and received.*

## B. Bicycle Standards

The applicant shall demonstrate the its fleet of bicycles meet the following standards:

1. Meet the same standards as those approved in the initial Bicycle-Share Permit Application.

## C. Business Plan

The applicant shall submit a business plan that demonstrates, to the satisfaction of the city, compliance with the following requirements:

1. The same standards as those approved in the initial Bicycle-Share Permit Application, as well as;
2. A proposed service area map in ESRI shapefile format, if modified from initial Bicycle Share Application;
3. Bike rack inventory. A bicycle share operator shall install one and a half (1.5) parking spaces in a bike rack for every bicycle share bicycle in service to ensure adequate bicycle parking, at no cost to the City. Instructions for required Revocable Permits, including associated plans and fees, are listed on the City's Public Works website:  
<https://www.cityofsacramento.org/Public-Works/Engineering-Services/Permits/Encroachment-Permits>
4. A bicycle parking impact projection that demonstrates the effect its bicycle fleet could have on the city's existing bicycle racks and infrastructure, such projection should, for example, identify the impacted areas, additional necessary infrastructure, and associated costs; and

## D. Maintenance and Repair Plan

The applicant shall submit a maintenance and repair plan that demonstrates, to the satisfaction of the city, compliance with the following requirements:

1. The same standards as those approved in the initial Bicycle-Share Permit Application.

## E. Rebalancing and Relocation Plan

The applicant shall submit a rebalancing and relocation plan demonstrating, to the satisfaction of the city, compliance with the following requirements:

1. The same methods as those approved in the initial Bicycle Share Permit Application, and
2. An updated plan for rebalancing the bicycle-share operator's bicycle new fleet to and from high use areas within peak operating hours.

## F. Community Outreach Plan

The applicant shall submit, to the city's satisfaction, a community outreach plan that:

1. Educates and promotes to city residents the proper use, benefits, and access to the continued use of bicycle-share bicycles.

## G. Application, Renewal and Expansion Fees

Every application or renewal for a bicycle share business permit shall be accompanied by a nonrefundable fee to cover the costs associated with the review, permitting, and administration of bicycle share as outlined in the amounts below:

	System Size (# of Bicycles)				
	<500 bikes	500 - 1,500	1,500 - 2,500	2,500 - 3,500	> 3,500
Annual Renewal Or Expansion Fee	\$12,380	\$15,100	\$17,480	\$19,200	\$22,940

## H. Required Submission Checklist

Please attach the following documents to your application:

Proof of City of Sacramento Business Operation Tax (BOT) Certificate

Proof of compliance with the Bicycle Standards (Section B)

All listed plans: (Sections C – F)

Permit Fee (Non-Refundable): Based on the table provided in Section G.

Insurance Policy and Indemnification: The applicant's certificate of insurance as outlined in city code section 5.95.200.

## J. Applicant's Certification

I certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of the information contained in this application, and that the information contained herein is true and correct, and that I am fully authorized to sign and am signing this application on behalf of myself and the bicycle-share business and to bind the bicycle-share business.

The applicant, shall indemnify and hold harmless the City and its officers, agents, and employees from, and, if requested, shall defend them against any and all loss, cost, damage, injury, liability, and claims

thereof for injury to or death of a person, including employees of the applicant or loss of or damage to property, arising directly or indirectly from the applicant's performance of this permit, including, but not limited to, the bicycle-share business's use of facilities or equipment provided by City or others, regardless of the negligence of, and regardless of whether liability without fault is imposed or sought to be imposed on City, except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of this application, and except where such loss, damage, injury, liability or claim is the result of the active negligence or willful misconduct of the City and is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on the applicant or agent or employee. The foregoing indemnity shall include reasonable fees of attorneys, consultants, and experts and related costs and City's costs of investigating any claims against the City. In addition, the applicant specifically acknowledges and agrees that it has an immediate and independent obligation to defend City from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to the applicant by City and continues at all times thereafter. The applicant shall indemnify and hold City harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by the City, or any of its officers or agents, of articles or services to be supplied in the performance of this permit.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*The information contained in this document is subject  
to disclosure under the Public Records Act.*