

First Amendment to Terms (09-18-20)

EMERGING BUSINESS PERMIT – CONDITIONS OF OPERATION

[Insert Company Name]

Pursuant to Section 4-4-022 of the Code, the Department has authorized the issuance of a Scooter Sharing EBP to **[Insert Company Name]** for the business operations window from August 12, 2020 to December 12, 2020.

Under subsection (e) of Section 4-4-022 of the MCC, the Commissioner of BACP has authority to “attach conditions to the emerging business permit as are reasonably required to protect the public health, safety and welfare.” The Commissioner is also authorized to “remove or modify conditions at any time during the term of the permit, upon reasonable notice to the permit holder.”

Therefore, the conditions of operations executed on **[insert date the conditions were signed]** are hereby amended by deleting the language struck through, by inserting the language underscored, as follows:

(Omitted parts of the conditions of operation are not affected by this amendment)

1. For purposes of this Scooter Sharing EBP, the following definitions shall apply:

(Omitted parts of the conditions of operation are not affected by this amendment)

“Lock-to scooter” means a scooter which has a mechanism that enables the scooter to be locked to a fixed physical object when the user ends a trip. ~~To qualify as a “lock-to scooter” the lock on the scooter must be engaged to end a ride.~~

(Omitted parts of the conditions of operation are not affected by this amendment)

“Priority ~~Sub-Area~~” means the geographic area within the ~~Second Phase Scooter Sharing Pilot Area~~ designated as a ~~sub-~~ priority area as shown in the attached Second Phase Scooter Sharing Pilot Area Map.

“Priority Sub-Areas” mean the 20 geographical sub-areas within the Priority Area designated as priority sub-areas in the attached Second Phase Scooter Sharing Pilot Area Map.

(Omitted parts of the conditions of operation are not affected by this amendment)

3. **[Insert Company Name]** certifies that all of its scooters operating in the City shall meet the requirements of a low-speed electric mobility device, as defined in Section 9-4-010 of the Code. Accordingly, each of **[Insert Company Name]**'s scooter: (i) shall not have operable pedals; (ii) shall not be more than 26 inches wide; and (iii) shall be powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no more than 15 miles per hour on a paved level surface. In addition, each of **[Insert Company Name]**'s scooter must be equipped with the following features and abilities: warning bell, a front white light, and rear red light visible from a distance of at least 500 feet and that stays illuminated for

at least 90 seconds after coming to a full stop, hand and foot brakes or front and rear brakes, and a unique identifier and contact information that comply with Paragraph 19. All **[Insert Company Name]**'s scooter used in the Second Phase Scooter Sharing Pilot program must be Lock-to Scooters.

(Omitted parts of the conditions of operation are not affected by this amendment)

28. **[Insert Company Name]** acknowledges that its scooters must be parked in compliance with Section 9-52-070 of the Code, which states that:

“No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk against a rack, parking meter or sign pole to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.”

Under the Code, scooters must be parked as a bicycle would be required to be parked. Scooters may also be parked in compliance with as otherwise specifically provided in Section 9-52-130 or other parts of the Code. **[Insert Company Name]** acknowledges that, in addition to compliance with Section 9-52-070 of the Code: (i) scooters must be parked upright and with a minimum of six (6) feet clearance between the scooter and all public way encumbrances; and (ii) scooters cannot be parked within ten (10) feet of street corners or intersections, or along building facades, or block fire hydrants, bus stops, loading zones, or building access points; and (iii) parked scooters must be locked to a fixed physical object allowed for ~~sure~~ such locking, including a rack, parking meter or sign pole. **[Insert Company Name]** is responsible for ensuring that riders comply with the scooter parking requirements of this Paragraph (28), including the requirement that scooters must be locked to a fixed physical object at the end of a ride. **[Insert Company Name]** must submit a written plan to the City including policies, processes and/or incentives to ensure that scooters are properly parked at the end of a ride.

(Omitted parts of the conditions of operation are not affected by this amendment)

26. **[Insert Company Name]** must have at least 50 percent (50%) of its scooters in the Priority Area and [Insert Company Name] must have at least 2.5 percent (2.5%) of its scooters in each of the 20 Priority Sub-Areas. [Insert Company Name] must rebalance scooter distribution in the Priority Area and the 20 Priority Sub-Areas, at least twice a day at 7 a.m. and 2 p.m. The City may check scooter rebalancing status at these times or at other times at its discretion.

(Omitted parts of the conditions of operation are not affected by this amendment)

_____	_____
[name of signatory]	Rosa Escareno
[title]	Commissioner
[XXXX]	Business Affairs and Consumer Protection
_____	_____

Date

Date

Attachment. Second Phase Scooter Sharing Pilot Area Map: Map showing the Pilot Area and Priority Sub-Areas as legend amended on [insert date].

