

ORDINANCE # 20-02

AN ORDINANCE ENACTING CHAPTER 10-9 OF THE SANDY CITY CODE REGULATING MOTOR ASSISTED SCOOTERS AND SCOOTER-SHARE PROGRAMS, AND MAKING CONFORMING AMENDMENTS TO CHAPTER 1-1-2, CHAPTER 13-2-3, CHAPTER 13-11-5, CHAPTER 14-4-2, AND CHAPTER 14-12-1

WHEREAS, the use of motor assisted scooters within the boundaries of Sandy City (the “City”) has increased over the past year;

WHEREAS, multiple companies that make motor assisted scooters available for short term rentals have expressed interest in entering the City and neighboring municipalities;

WHEREAS, the Utah Legislature has recently enacted legislation further refining the definitions of motor assisted scooters and updating regulations regarding the operation of motor assisted scooters;

WHEREAS, the City desires to enhance mobility and access, ease traffic congestion, and promote sustainability;

WHEREAS, the Utah Legislature has permitted cities to regulate the operation of motor assisted scooters and the City desires to provide additional regulations governing the operation of motor assisted scooters inside the City boundaries; and

WHEREAS, the Sandy City Council finds that the provisions of this ordinance further the health, safety, and welfare of City residents and visitors;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:

Section 1. Amendment. The Sandy City Code is hereby amended by enacting Chapter 10-9 in Title 10 as set forth in Exhibit “A” which is attached to and incorporated in this ordinance. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Sandy City Code hereby adopted are repealed.

Section 2. Amendment. Sandy City Code Chapter 1-1-2, Chapter 13-2-3, Chapter 13-11-5, Chapter 14-4-2, and Chapter 14-12-1 are hereby amended as set forth in Exhibit “B” which is attached to and incorporated in this ordinance. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Sandy City Code hereby adopted are repealed.

Section 2. Severable. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 3. Effective. This ordinance shall become effective upon publication of a

summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council this ____ day of _____, 2020.

Kris Nicholl, Chair
Sandy City Council

PRESENTED to the Mayor this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2020.

SUMMARY PUBLISHED this ____ day of _____, 2020.

EXHIBIT “A”

CHAPTER 10-9. MOTOR ASSISTED SCOOTERS

Sec. 10-9-1. Authority and Purpose.

Utah law authorizes the city councils generally to enact ordinances and regulations necessary and proper to provide for the safety, to preserve the health, and to improve the peace, good order, comfort, and convenience of the city and its inhabitants. Furthermore, Utah law permits cities to regulate the use of streets, sidewalks, crosswalks, bridges, parks, trails, and other public grounds, including the movement of pedestrian and vehicular traffic and other conduct that interferes with or impedes such traffic. Moreover, Utah law permits cities to regulate the operation of motor assisted scooters within its jurisdiction. Sandy City (the “City”) desires to enhance mobility and access, ease traffic congestion, and promote sustainability. Consistent with that desire, this Chapter establishes rules and regulations to facilitate the use of motor assisted scooters in the City, including scooter-share programs, while ensuring protection of the safety and well-being of pedestrians, users of other micro-mobility devices and other users of the public sidewalks, streets, other public rights-of-way and other public grounds.

Sec. 10-9-2. Scope.

This Chapter does not apply to motor vehicles, motorcycles, mopeds, motor driven cycles, electric personal assistive mobility devices, or low-profile motorized vehicles.

Sec. 10-9-3. Definitions.

The general definitions in Title 1, Chapter 1, Sec. 1-1-2 shall apply to this Chapter except to the extent they conflict with the following:

“*Abandon*” means leaving an item unattended for any length of time.

“*Fleet Manager*” means the person responsible for the daily operations of a scooter-share program, who must be based in the City.

“*Geo-fence or geo-fencing*” means a feature in a software program using a global positioning system (“GPS”) or radio frequency identification (“RIFD”) technology to define virtual geographical boundaries.

“*Handheld wireless communication device*” means a handheld device used for the transfer of information without the use of electrical conductors or wires, including a:

- (a) Wireless telephone;
- (b) Text messaging device;
- (c) Laptop;
- (d) Any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

“*Licensee*” means any scooter-share operator who obtains and holds a business licensee as required by this Chapter.

“*Motor Assisted Scooter*” (“e-Scooter”) means:

- (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
 - 1. handlebars and a deck design for a person to stand while operating the device; or
 - 2. handle bars 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. capable of a maximum speed of 20 miles per hour on a paved level surface; and
- (b) Does not include bicycles, motor assisted bicycles, motorcycles, mopeds, motor driven cycles, electric personal assistive mobility devices or low-profile motorized vehicles.

“*Park or parking*” means the process or result of stopping, standing, leaving unattended, or abandoning any e-Scooter.

“*Public right-of-way*” means any public alley, parkway, public transportation path, roadway, street, sidewalk, or trail owned, granted by easement, operated, or controlled by the City.

“*Scooter-share operator*” means a person offering a shared e-Scooter for hire.

“*Scooter-share program*” means the offering of a shared e-Scooter for hire.

“*Shared e-Scooter*” means an e-Scooter offered for hire.

Sec. 10-9-4. e-Scooters.

(a) *Required Equipment.*

- i. e-Scooters may not be operated at nighttime unless equipped with:
 - 1. A forward-facing lamp that emits a white light visible from a distance of at least five hundred (500) feet to the front.
 - 2. A rear facing red lamp that emits flashing or non-flashing light visible from a distance five hundred (500) feet to the rear.
 - 3. Reflective material of sufficient size and reflectivity to be visible or a lamp that emits light visible from both sides from a distance of at least five hundred (500) feet.

- ii. All e-Scooters shall be equipped with a working bell, horn, or other sound mechanism, but not with a siren or whistle.

(b) *Rules of Operation:*

- i. e-Scooters shall be operated in bikeways or multi-use trails, where available.
- ii. If bikeways or multi-use trails are not available, e-Scooters may be operated on sidewalks or within the shoulder of any street outside the striped travel lane, if available.
- iii. If sidewalks and shoulders of any street outside the striped travel lane are not available, e-Scooters may be operated on streets, but riders must stay to the right of vehicular travel lanes.
- iv. e-Scooters may not be operated in vehicular travel lanes on streets with a speed limit greater than thirty-five (35) miles per hour.
- v. In bikeways or on multi-use trails, e-Scooters shall yield the right of way to bicycles.
- vi. On sidewalks, e-Scooters shall yield the right of way to pedestrians.
- vii. e-Scooters shall yield to pedestrians under all circumstances.
- viii. e-Scooters shall be operated in accordance with rules applicable to pedestrians when crossing through crosswalks.
- ix. Helmets are strongly recommended for all riders.
- x. Riders shall ride responsibly and safely.
- xi. Riders shall be at least sixteen (16) years of age.
- xii. An owner of an e-Scooter shall not authorize or knowingly permit a person under the age of sixteen (16) to operate an e-Scooter.
- xiii. Riders shall obey all state traffic laws and city traffic and other local laws.
- xiv. Riders shall obey all traffic-control devices.
- xv. While operating an e-Scooter, riders shall not use a handheld wireless communication device or carry any package, bundle, or article which prevents the use of both hands in the control and operation of the e-Scooter.
- xvi. e-Scooters shall not be operated on private property without the permission of the owner of the property.
- xvii. A person shall not operate an e-Scooter while consuming an alcoholic beverage or while under the influence of alcohol or any drug to a degree that renders the operator incapable of safely operating a motor vehicle within the City as set forth in Utah Code Ann. § 41-6a-502.

(c) *Rules of Parking:*

Any e-Scooter that is not in use shall be secured to a permitted dock rack or corral or otherwise placed as required below:

- i. e-Scooters shall be parked upright on a hard surface.

- ii. e-Scooters shall not, at any time, be placed or left in such a way as to impede the normal operation or the free flow of pedestrian and vehicular traffic, including in the following areas:
 - 1. Any multi-use path.
 - 2. Any vehicle travel lane or bikeway.
 - 3. Any vehicle parking space.
 - 4. Any UTA TRAX or other public transit boarding platform.
 - 5. Anywhere that impedes safe access to or egress from a UTA bus.
 - 6. Within fifteen (15) feet of any building access or egress, including driveways.
 - 7. Within ten (10) feet of any Utah Transit Authority bus stop sign.
 - 8. Within thirty (30) feet of any ADA ramp or access of any kind.
 - 9. Anywhere that impedes the use of an existing permitted docking station or corral for e-Scooters or other mobility devices.
 - 10. Within (15) feet of any traffic signal pole.
 - 11. Within (20) feet of any existing dock, rack or corral used exclusively for dock-based shared mobility devices.
 - 12. Within landscape, planting or gardening beds.
 - 13. On private property without permission of the owner of the property.
 - 14. Within any other zone/spot where the City has determined parking is prohibited.
- iii. e-Scooters may be parked on blocks without sidewalks only if the paved shoulder is at least five (5) feet wide, the e-Scooter is not parked adjacent to a red-painted curb, and the e-Scooter does not impede pedestrian or vehicular traffic.

(d) *Enforcement.*

- i. A person who violates the provisions of this Chapter is guilty of an infraction.
- ii. e-Scooters placed or otherwise left in violation of the requirements of this section may be relocated or impounded at the owner's expense. The owner shall be assessed a relocation and storage fee as specified in section 10-9-6(c).

Sec. 10-9-5. Scooter-Share Programs.

(a) *License and Fees.*

- i. No person shall permit a shared e-Scooter owned or controlled by such person to be in service for hire upon the streets of the City unless such person is authorized to do so under a business license obtained from the City.
- ii. No person shall operate a scooter-share program in the City without first obtaining a business license as required in Title 15.

- iii. A license granted under this Chapter shall expire on December 31 each year, and is subject to annual or renewal, unless sooner revoked, suspended, or relinquished.
- iv. A license granted under this Chapter is non-transferable.
- v. Licensee shall pay the applicable business licensing fees required in Title 15, as established by resolution of the City Council.
- vi. In addition to the business licensing fees required in Title 15, City Council may require as fees the City's reasonable and necessary costs in administering scooter-share programs and a reasonable fee for the use of the City's rights-of-way.
- vii. Any such fee must be commensurate and proportional to fees charged for similar uses.

(b) Denial, Revocation & Suspension.

The City may deny, revoke, or suspend a license granted under this Chapter in accordance with the provisions of Business Licensing, Title 15. In addition to other provisions in Title 15, the City may deny, suspend, or revoke any license for the following reasons:

- i. Failure to provide the information requested or required by the City.
- ii. Operating or proposing to operate in a manner that endangers public health or safety.
- iii. Failure to comply with any provision of this Chapter (or successor provision or provisions) or any term or condition imposed on the Licensee.
- iv. Cancellation for any reason of any insurance policy issued to Licensee. The license is automatically suspended. To reinstate the license, the Licensee shall provide a new certificate and insurance policy to the City.

(c) License Application.

- i. To obtain a license, an applicant shall submit to the Business Licensing Division an application containing the following:
 - 1. The business name, street address, mailing address, email address, and telephone number of the applicant.
 - 2. The name, phone number and email address of the applicant's fleet manager. Any change in this information must be reported to the Business Licensing Division within twenty-four (24) hours of the change.
 - 3. A phone number, available 24 hours a day 7 days a week, for the public and the City to report improperly parked, abandoned, damaged or inoperable shared e-Scooters and other violations.
 - 4. The number and types of shared e-Scooters to be operated in the City;
 - 5. Proof of the applicant's business filing in compliance with State law, including applicant's Registered Agent information.

6. The applicant's proposed operations in the City including the plan for balanced shared e-Scooters for Citywide coverage, the plan for shared e-Scooter maintenance, plan for customer service, and levels of staff for operations and administration.
 7. The applicant's plans to educate users of shared e-Scooters about applicable State and City traffic laws, this Chapter and other applicable laws, regulations, and guidelines.
 8. The applicant's plans to implement safety programs, including a program by which the applicant will receive information about and notify users of inappropriate use and a deactivation program.
 9. The applicant's GPS enabled tracking system, or such other tracking system as may be acceptable to the City.
 10. The applicant's plans to regularly share accurate and reliable historical and survey data regarding ridership, maintenance, and safety issues concerning the applicant's fleet.
 11. The applicant's plans to comply with Federal, State, and local data privacy laws and otherwise to protect the privacy of personal information provided by users.
 12. Proof of insurance coverage as required by this Chapter.
 13. An agreement to indemnify the City as required by this Chapter.
- ii. An applicant shall notify the Business License Division within ten (10) days of any change in the information contained in the application. If the information includes an increase in the number of shared e-Scooters, any additional fees due must be submitted to the Business License Division simultaneously with the change in information.

(d) *Insurance.*

- i. A scooter-share operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:
 1. Is authorized to do business in the State of Utah with a Bests' rating of no less than A-, IX.
 2. Is acceptable to the City.
 3. Does not violate the ownership or operational control prohibition described in this section.
- ii. The insured provisions of the policy shall name the City and its elected and appointed officers, employees, and volunteers as additional insureds, and the coverage provisions shall provide coverage for any loss or damage that may arise

to any person or property because of, arising out of, or by reason of the operation of a scooter-share program.

- iii. The scooter-share operator's insurance coverage shall be a primary insurance as respects to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be in excess of the scooter-share operator's insurance and shall not contribute with it.
- iv. A scooter-share operator shall maintain the following insurance coverage dedicated exclusively for the operation of shared e-Scooters:
 1. Commercial general liability insurance coverage with a limit of \$1,000,000 each occurrence and \$5,000,000 aggregate.
 2. Automobile insurance coverage with a limit of \$1,000,000 each occurrence and \$1,000,000 aggregate.
 3. Umbrella or excess liability coverage with a limit of \$5,000,000 each occurrence and \$5,000,000 aggregate.
 4. Workers' compensation coverage of no less than required by Utah law.
- v. Insurance required under this section shall:
 1. Include a cancellation provision in which the insurance company is required to notify the Business Licensing Division in writing not fewer than thirty (30) days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage.
 2. Include a cancellation provision in which the insurance company is required to notify the Business Licensing Division in writing not fewer than ten (10) days before cancelling for nonpayment.
 3. If any insurance policy is cancelled for any reason, the license granted under this Chapter is automatically suspended. To reinstate the license, the Licensee shall provide a new certificate and policy of insurance to the City.
 4. Cover all shared e-Scooters during the times that the shared e-Scooters are deployed or operating in furtherance of the scooter-share program.
 5. Include a provision requiring the insurance company to pay every covered claim on a first-dollar basis.
 6. Comply with all Federal, State, and local laws.
- vi. No person who has a twenty (20) percent or greater ownership interest in the scooter share program may have an interest in the insurance company.
- vii. A scooter-share operator may not be self-insured.
- viii. Proof of the insurance coverage required in this section shall be on file with and approved by the City prior to issuance of a license to operate and must remain in effect during the term of the license and any renewal of the license.

(e) *Indemnification.*

- i. To the fullest extent permitted by law, a scooter-share operator shall indemnify, save harmless, and defend the City and its elected and appointed officers, employees, volunteers, and other representatives, individually and collectively, from and against any and all actions, claims, demands, liability, liens, damages, losses, expenses, fees, fines, penalties, costs, including attorneys' fees, and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage made upon the City directly or indirectly arising out of, resulting from, or related to the City's issuance of a license, the decision to approve a scooter-share license, the process used by the City in making its decision to issue a license, the negligent or reckless operation of a scooter-share program, the negligent or reckless operation of shared e-Scooters, or the negligent, reckless, or intentional acts, errors or omissions of the scooter-share operator, its officers, employees, and agents.
- ii. If the City's tender of defense, based on this indemnity provision, is rejected by the scooter-share operator, and the scooter-share 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 scooter-share operator shall pay the City's reasonable costs, expenses, and attorneys' fees incurred in providing such indemnification, defending itself, or enforcing this provision.
- iii. The indemnity in this section shall not apply to any liability resulting from the City's negligence or willful misconduct.
- iv. The City shall have the right, at its option, to participate in such defense, including retention of separate advisory legal counsel, without relieving the scooter-share operator of any of its obligations under this indemnity.

(f) *Limitations on City Liability.*

- i. The City does not assume any liability whatsoever with respect to having issued a license under this Chapter or otherwise approving the operation of any scooter-share program.
- ii. The City is not responsible to educate users on how to ride, safely operate, where and how to park, or use safety equipment.
- iii. The City is not responsible for providing security at any location where Licensee's shared e-Scooters are stored, located, parked or abandoned by Licensee or its users.

(g) *Licensees' Responsibility.*

The licensee shall:

- i. Provide a local fleet manager, or another designated representative, who shall be available to respond in a timely manner to all safety concerns, complaints, questions, relocation requests or any other issues.
- ii. Maintain a twenty-four (24) hour customer service toll-free phone number and email address for City employees, riders, and the public to report safety concerns, complaints, or to ask questions.
- iii. Implement a marketing and targeted community outreach plan at its own cost or, at City's request Licensee shall pay an in-lieu fee to City to provide these services, to promote the proper and safe use of shared e-Scooters citywide.
- iv. Provide City with a list individually identifying all shared e-Scooters in Licensee's fleet.
- v. Make any shared e-Scooter unavailable to riders for which a safety or maintenance concern is reported and remove the shared e-Scooter from City's rights-of-way usually within two (2) hours, but not later than four (4) hours, of receiving notice.
- vi. Regularly inspect, clean and repair all shared e-Scooters.
- vii. Respond to requests for rebalancing or reports of incorrectly parked or unsafe/inoperable shared e-Scooters by relocating, re-parking, or removing the shared e-Scooters as appropriate, usually within two (2) hours, but not later than four (4) hours, of receiving notice.
- viii. Operate all motor vehicles for pickup and deployment of shared e-Scooters only on public roads, streets, alleys, and other rights-of-way specifically designated for use by motor vehicles.
- ix. Remove all shared e-Scooters from City's rights-of-way during times that a storm warning or weather advisory is in effect for the Sandy, Utah area or when snow is on the City's rights-of-way.
- x. Educate all riders by means of signage and through a mobile or web application regarding the laws applicable to riding, operating, and parking shared e-Scooters, including the Rules of Operation and Parking in section 10-9-4(b) and (c).
- xi. Include language in Licensee's end user agreement indicating that its riders are responsible to comply with the operating and parking regulations in this Chapter and all applicable State and City laws.
- xii. Require riders to take a photo of the parked shared e-Scooter with the unique identification number readily visible and submit the photo to Licensee when the riders park their shared e-Scooter at the end of the ride.
- xiii. Collaborate with City to address areas where e-Scooters are observed to routinely either be in violation of this Chapter or where the use of e-Scooters for other reasons shows the need for additional operational changes.
- xiv. Repair, replace or otherwise restore any part of City's real or personal property that is damaged, lost or destroyed arising out of, resulting from, caused by, or related to Licensee's or its customers' use of City property.

(h) *Required Equipment:*

In addition to the equipment required in section 10-9-4(a), all shared e-Scooters shall:

- i. Comply with the most recent applicable safety standards established by Federal, State, or City law.
- ii. Be consistent with current industry standards for dockless e-scooters. Licensee shall comply with an e-scooter standard or regulation enacted or adopted by the State of Utah or federal agency.
- iii. Be equipped with Global Positioning Satellite (“GPS”) systems and geofencing technology to prevent their use outside the permitted operating hours and to be remotely rendered inoperable if reported as damaged, defective, or otherwise unsafe.
- iv. Have a unique identification number prominently displayed and readily visible to riders, City employees and any member of the public.
- v. Prominently display readily visible contact information, including toll-free phone number and e-mail address.
- vi. Not display any 3rd party advertising.

(i) *Deployment and Placement Regulations.*

- i. All shared e-Scooters shall comply with the Rules of Parking in section 10-9-4(c).
- ii. Licensee shall conduct its daily deployment of e-Scooters in groupings of not more than ten (10) e-Scooters.
- iii. To the extent Licensee desires to deploy or have its riders park shared e-Scooters in areas other than the public rights-of-way (e.g., parks, plazas, parking lots, private property, or transit stations), Licensee shall first obtain the right to do so from the appropriate City department, other public agency, or property owner, and shall communicate this right to riders through signage or other notification approved by the respective department and/or through a mobile or web application.

(j) *Data Sharing.*

- i. At least monthly, Licensee shall provide City’s Transportation Engineer with accurate and complete fleet and ride activity data, in an anonymized fashion, for completed trips starting and/or ending within City on a shared e-Scooter owned by Licensee or of any person or company controlled by, controlling, or under common control with Licensee. Such trip data shall include, but not be limited to, origin and destination, distance traveled per use, path traveled, operating speed, and daily initial deployment locations. To ensure individual privacy:

1. The trip data shall be provided via an application programming interface, subject to Licensee's license agreement for such interface, in compliance with a national data format specification.
 2. The trip data provided shall be treated as trade secret and proprietary business information, provided Licensee makes a written request therefor as required by Utah's Government Records Access and Management Act ("GRMA") 63G-2-305(2), and may not be disclosed to third parties without Licensee's consent, and may not be treated as owned by City to the extent allowed by Utah law.
 3. The trip data shall be considered private information, and, pursuant to Utah Code Ann. § 41-6a-1115.1, may not be disclosed under Title 63G, Chapter 2, GRAMA, pursuant to a public records request received by City without prior aggregation or obfuscation to protect individual privacy.
- ii. At its sole expense, Licensee may take any lawful actions to prevent disclosure of the information shared with City.
 - iii. Licensee shall keep true, accurate and complete records showing all trip activity and data within City.

(k) *Fleet Size.*

Licensee shall begin operations with a fleet size of not more than 200 shared e-Scooters. Licensee may increase its fleet size if it can demonstrate to City's satisfaction an upward trend in rides per day. Two weeks before deployment, Licensee shall notify City of its proposed plan to increase its fleet size. City may require Licensee to reduce its fleet size if its fleet provides on average less than one rider per shared e-Scooter per day.

Sec. 10-9-6. ENFORCEMENT.

- (a) City may, with or without notice, inspect any shared e-Scooter operating under this Chapter to ensure compliance with scooter-share operator's license, this Chapter and other applicable laws.
- (b) City may remove e-Scooters temporarily for the purpose of:
 - i. Street maintenance;
 - ii. Avoiding construction conflicts; and
 - iii. Avoiding conflicts with special events.
- (c) Unlawfully parked, inoperable, damaged, or abandoned e-Scooters, if not relocated, re-parked, or removed as required in this Chapter or has been parked in one location for more than seventy-two hours without moving, are declared a nuisance and may be

immediately impounded by the City and stored in a City facility at the expense of the scooter-share operator and/or owner.

- i. The City shall assess a one-time relocation and storage fee of \$35.00 for each e-Scooter the City relocates and stores pursuant to this section. The fee is intended to cover the City's labor and storage costs.
 - ii. No person shall retrieve any impounded e-Scooter except upon demonstrating proper proof of ownership of the device and payment of applicable impound fees.
- (d) If a scooter-share operator fails to repair, replace or restore City property as required by this Chapter, the scooter-share operator shall pay promptly City's costs in making such repairs, replacements or restorations within thirty (30) days upon receiving written notice of the costs.
- (e) City shall have the right at reasonable times to view a scooter-share operator's data as it relates to the number of trips taken within City's limits. If City's audit reveals a deficiency in any payment of fees due from the scooter-share operator based on the number of trips taken, then the deficiency shall become and is immediately due and payable.
- (f) All amounts due or that become due under this Chapter shall be considered delinquent fifteen (15) days after the due date and shall be assessed a late fee in the amount of twenty-five percent (25%) per year from the date of delinquency.

Sec. 10-9-7. INCONSISTENT CITY CODE PROVISIONS.

This Chapter controls over any previously enacted ordinance or provision of the City Code to the extent there is any conflict.

EXHIBIT “B”

Sec. 1-1-2. - General Definitions and Rules of Construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

- (1) *Generally.* When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the City Council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.
- (2) *Bribe.* The term "bribe" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in the person's action, vote, or opinion in any public or official capacity.
- (3) *City.* The term "City" means the Sandy City Corporation.
- (4) *City Council or Council.* The term "City Council" or "Council" means the City Council of the Sandy City Corporation.
- (5) *Code.* The term "Code" means the Sandy City Code, as designated in Section 1-1-1.
- (6) *Computation of time.* In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. When a person must act within a specified time from service of a notice and service is made only by mail, three days shall be added to the time within which the act must be done.
- (7) *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows, except that, in appropriate cases, the terms "and" and "or" are interchangeable:
 - a. The term "and" indicates that all the connected terms, conditions, provisions or events apply.
 - b. The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
 - c. The term "either...or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- (8) *Corruptly.* The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.
- (9) *County.* The term "County" means Salt Lake County, Utah.
- (10) *Delegation of authority.* A provision that authorizes or requires a City officer or City employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
- (11) *Gender.* Words of one gender include all other genders.
- (12) *Highway, roads.* The terms "highway" and "roads" include public bridges, and may be held equivalent to the terms "county way," "county road," "common road," "state road" and "street."
- (13) *Includes and including.* The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.
- (14) *Joint authority.* A grant of authority to three or more persons as a public body confers the authority to a majority of the number of members, as fixed by statute or ordinance.

- (15) *Knowingly*. The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.
- (16) *May*. The term "may" creates discretionary authority or grants permission or a power.
- (17) *May not*. The term "may not" imposes a prohibition.
- (18) *Month*. The term "month" means a calendar month.
- (19) *Motor Vehicle*. Unless specified otherwise, the term "motor vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.
- (1920) *Must*. The term "must" imposes a duty.
- (2021) *Must not*. The term "must not" imposes a prohibition.
- (2122) *Neglect, negligent, negligence, and negligently*. The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- (2223) *Number*. The singular includes the plural and the plural includes the singular.
- (2324) *Oath*. The term "oath" includes an affirmation.
- (2425) *Officers, departments, etc.* References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.
- (2526) *Owner*. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.
- (2627) *Person* includes an individual, firm, partnership, corporation, association, business, trust or other form of business entity or enterprise, including a receiver, trustee and the plural as well as the singular in number, unless the intent gives a more limited meaning that is disclosed by the context.
- (2728) *Personal property*. The term "personal property" means any property other than real property.
- (2829) *Premises*. The term "premises," as applied to real property, includes lands and structures.
- (2930) *Property*. The term "property" means real and personal property.
- (3031) *Real property*. The term "real property" includes lands, tenements and hereditaments.
- (3132) *Shall*. The term "shall" imposes a duty.
- (3233) *Shall not*. The term "shall not" imposes a prohibition.
- (3334) *Sidewalk*. The term "sidewalk" means that portion of the street between the curb or lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.
- (3435) *Signature*. The term "signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.
- (3536) *State*. The term "State" means the State of Utah.
- (3637) *State statutes*. The abbreviation "U.C.A. 1953" means the Utah Code Annotated, 1953, as now or hereafter amended, as in effect at any given time. References to state acts are to so such acts as now or hereafter amended.
- (3738) *Street*. The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

- (~~38~~39) *Swear*. The term "swear" includes the term "affirm."
- (~~39~~40) *Tenant, occupant*. The term "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or any part of such building or land, either alone or with others.
- (~~40~~41) *Tense*. The present tense includes the past and future tenses. The future tense includes the present tense.
- (42) *Vehicle*. Unless specified otherwise, the term "vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.
- (~~41~~43) *Week*. The term "week" means a period of seven consecutive days.
- (~~42~~44) *Willfully*. The term "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, to ensure another or to acquire any advantage.
- (~~43~~45) *Written*. The term "written" includes any form of words, letters, symbols or figures.
- (~~44~~46) *Year*. The term "year" means 12 consecutive months.

(Revised Ords. 1978, § 1-1-4)

Sec. 13-2-3. - Definitions and Standards.

All terminology used in this chapter and not defined in this section shall be in conformance with applicable American National Standards Institute Publications, including, but not limited to, SI.1-1960, R 171, or those from its successor publications or bodies. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *A-weighted sound pressure level* means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.
- (2) *Ambient sound pressure level* means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. Ambient sound pressure level is also the A-weighted sound pressure level exceeded 90 percent of the time based on a measurement period which shall not be less than ten minutes.
- (3) *Continuous sound* means any sound which exists essentially without interruption, for a period of ten minutes or more.
- (4) *Cyclically varying noise* means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.
- (5) *Decibel* means logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. The term "decibel" is denoted dB.
- (6) *Device* means any mechanism which is intended to produce or which actually produces noise when operated or handled.
- (7) *Dynamic braking device (commonly referred to as Jacobs brake)* means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- (8) *Emergency vehicle* means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- (9) *Emergency work* means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
- (10) *Impulsive noise* means a noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristics.
- (11) *Motor vehicle* means any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobile and racing vehicles, **but does not include "motor assisted scooters" as defined in Title 10, Chapter 9.**
- (12) *Muffler* means an apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (13) *Noise* means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (14) *Noise disturbance* means any sound which annoys or disturbs any reasonable person with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
- (15) *Percentile sound pressure level.*
 - a. *Tenth percentile noise level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten minute period) and is denoted L10.

- b. *Ninetieth Percentile Noise Level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten minute period) and is denoted L90.
- (16) *Person* means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.
- (17) *Plainly audible noise* means any noise for which the information content of that noise is unambiguously transferred to the listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- (18) *Property boundary* means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by any other person.
- (19) *Public right-of-way* means any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.
- (20) *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of 500 Hz and above, by eight dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz.
- (21) *Repetitive impulse noise* means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).
- (22) *Sound* means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.
- (23) *Sound level meter* means an instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute Publication S1.4-1971 or its successor publication.
- (24) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.
- (25) *Sound pressure level* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals, denoted LP or SPL.
- (26) *Stationary noise source* means any device, fixed or movable, which is located or used on property other than a public right-of-way.
- (27) *Steady noise* means a sound pressure level which remains essentially constant during the period of observation (i.e., does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter).
- (28) *Use district* means those land use districts as established by the Land Development Code or, in those cases in which the actual use differs from the use as established by the Land Development Code, the land use to which the land in question is actually subjected.

(Revised Ords. 1978, § 7-2-3)

Sec. 13-11-5. - Motor Vehicle Restrictions.

- (a) *Speeding.* It is unlawful to operate or drive a motor vehicle within any recreational facility at a speed in excess of that posted on the particular road, trail or pathway in the facility. If no speed is posted, then no motor vehicle shall be operated at a speed in excess of seven miles per hour. Nothing in this subsection shall be construed to allow operation of a motor vehicle outside of parking lots and roads unless otherwise permitted by a sign posted by the City.
- (b) *Careless, Reckless or Hazardous Operation.* No motor vehicle, even operated within the permissible speed limit or within areas designated for such vehicle's use, shall be operated in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property.
- (c) *Drive Only Where Allowed.* No motor vehicle, as defined in Section 13-2-3(11), may be driven within a facility other than those in areas specifically designated and posted by the City for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used by on-duty City or County employees or emergency personnel for transportation, maintenance or service of facilities, or in performance of their duties.
- (d) *Definition of Motor Vehicle.* A motor vehicle is any vehicle within the definition of the term "motor vehicle" contained in U.C.A. 1953, § ~~41-6-1(20)~~ 41-6a-102(39).

(Revised Ords. 1978, § 7-12-5)

CHAPTER 14-12. - ~~MOTOR ASSISTED SCOOTERS, MOTORCYCLES, MOTOR-DRIVEN CYCLE, ALL-TERRAIN~~
TYPE I VEHICLES¹⁰

Footnotes:

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State Law reference— ~~Motor assisted scooters similar vehicles, U.C.A. 1953, § 41-6a-1115 et seq.;~~
motorcycles and special vehicles, U.C.A. 1953, § 41-6a-1501 et seq.

14-12-1. - Low Profile Motorized Vehicles Prohibited on Public Property.

- (a) For purposes of this section, the term "low profile motorized vehicle" means any motorized vehicle that is less than 36 inches in height when in its normal operation position, notwithstanding any flag, antenna, or other attachment or modification made thereto, and includes, but is not limited to, pocket bikes, miniature motorcycles and go-carts.
- (b) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City, including, but not limited to, sidewalks, parks, and parking lots.
- (c) It is unlawful for any person to operate a low profile motorized vehicle on the City roadways that is not lawfully registered and insured or otherwise permitted on the roadways by the law of the State of Utah.
- (d) It is unlawful for an owner to knowingly permit the operation of a low profile motorized vehicle in violation of Subsections (b) and (c) of this section.
- (e) Penalty. A violation of this section is a Class C misdemeanor.

(Traffic Code, § 342)

Sec. 14-4-2. - Driving on New Pavement.

No person may operate or cause to be operated any animal, or ride, drive or propel, or cause to be ridden, driven or propelled, any vehicle, **including motor assisted scooters**, over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over or near which there is a person or a sign warning persons not to drive over or across such pavement, or a sign stating that the street is closed.

(Traffic Code, § 106)

14-12-1. - Low Profile Motorized Vehicles Prohibited on Public Property.

- (a) For purposes of this section, the term "low profile motorized vehicle" means any motorized vehicle that is less than 36 inches in height when in its normal operation position, notwithstanding any flag, antenna, or other attachment or modification made thereto, and includes, but is not limited to, pocket bikes, miniature motorcycles and go-carts. The term "low profile motorized vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.
- (b) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City, including, but not limited to, sidewalks, parks, and parking lots.
- (c) It is unlawful for any person to operate a low profile motorized vehicle on the City roadways that is not lawfully registered and insured or otherwise permitted on the roadways by the law of the State of Utah.
- (d) It is unlawful for an owner to knowingly permit the operation of a low profile motorized vehicle in violation of Subsections (b) and (c) of this section.
- (e) Penalty. A violation of this section is a Class C misdemeanor.

(Traffic Code, § 342)