



# **DOCKLESS SHARED MOBILITY DEVICES REPORT**

**PREPARED FOR:  
COUNTY BOARD OF SUPERVISORS**

**PREPARED BY:  
COUNTY OF SANTA BARBARA  
DEPARTMENT OF PUBLIC WORKS – TRANSPORTATION DIVISION  
Christopher Sneddon, Deputy Director  
April 2, 2019**

# DOCKLESS SHARED MOBILITY DEVICES REPORT

## TABLE OF CONTENTS

### 1. INTRODUCTION AND BACKGROUND

### 2. REPORT

- Board Approved Zones
- Maximum number of Scooters
- Companies Participating
- Summary of Violations/Complaints
- Report Summary

### 3. EXHIBITS

- A. Public Works Board Letter, Resolution, and Action Summary dated December 11, 2018
  - B. Zone Maps
  - C. Scooter Permit Conditions
-

## **1. INTRODUCTION AND BACKGROUND**

### Introduction

This Dockless Shared Mobility Devices (SMD) Report was prepared at the request of the County Board of Supervisors (Board) to provide information regarding scooter activity. This report summarizes the impacts to the community after the Shared Mobility Devices Ordinance and Encroachment Permit Regulations were put into effect. Although the SMD Ordinances cover other types of vehicles, this report is limited to implementation of the scooter permits portion of the SMD program because the other share programs were running prior to implementation of the program and their operations have not changed significantly with the new ordinances and program.

### Background

The legal and oversight framework for Shared Mobility Devices “rules of the road”, laws, regulations, and conditions for operation include:

California Vehicle Code: provides rules of the road, traffic, safety, and parking laws that can be enforced.  
Santa Barbara County Code: provides additional laws and creates a program that includes permitting for SMD business.

Santa Barbara County Road Commissioner: implements the program, provides conditions for issuance of a permit, issues and monitors for permit compliance, and adjusts conditions and permits to improve the program.

California Vehicle Code sections 21220-21235 were added to the California Vehicle Code to address the introduction of motorized scooters onto public roadways. The codes define vehicles that fall under this section, set forth rules of the road, codify laws that cannot be superseded by local agencies, and leaves items for local jurisdictions to create rules.

On November 6, 2018, the Board amended Chapters 9, 23, and 28 of the Santa Barbara County Code to better regulate SMD businesses operating in the public right of way. On December 11, 2018 the Board approved a resolution authorizing the collection of fees for issuance of Annual Business Purposes Encroachment Permits, and provided input to the County Road Commissioner on encroachment permit conditions. The Board also directed staff to return to the Board within a few months for an update report on scooters (Exhibit A).

In September 2018, these devices appeared in Isla Vista without local regulations or a permit process. Ordinances passed by the County created a local framework for permitting, monitoring, and regulating use of County right of way for SMD operations.

## **2. REPORT**

### SMD Zones and Enrollment

Public Works established six (6) Zones (Exhibit B) for SMD regulation. At this time SMD businesses have only applied for deployment in Zone 2 (Isla Vista).

Each year, the Department will accept permit applications until June 30<sup>th</sup> for the annual permit cycle of July 1<sup>st</sup> - June 30<sup>th</sup>. At that time, the Road Commissioner will evaluate and adjust any permit conditions and fleet sizes.

---

Maximum number of Scooters – Zone 2 (Isla Vista)

The County Road Commissioner made the initial determination to allow 450 scooters maximum in Zone 2 (Isla Vista).

Scooter Companies Currently Participating – Zone 2 (Isla Vista)

Currently there are three (3) scooter businesses that have deployed scooters in Zone 2.

<b>Company Name</b>	<b># Allowed Scooters</b>	<b>Date Deployed w/Permit</b>
LIME	150	12/20/2018
BIRD	150	12/19/2018
SPIN	150	2/6/2019

Effective March 1, 2019 BIRD requested to cancel their permit and cease operations in the Isla Vista area. This request was granted.

Other Companies Currently Participating – Zone 2 (Isla Vista)

Currently there is one carshare company (ZipCar) and one bike share company (CycleHop- HOPR) operating in Isla Vista.

Summary of Violations / Complaints

Public Works collected data on the following high volume scooter usage roads:

- **Del Playa Drive** (Camino Corto-El Embarcadero)
- **El Embarcadero**
- **Embarcadero Del Norte** (El Embarcadero–Pardall)
- **Pardall Road**
- **Embarcadero Del Mar** (El Embarcadero–Pardall Road)
- **Sueno Road** (Camino Pescadero – Camino Corto)
- **Camino Corto** (Sueno Road-Del Playa)
- **Abrego Road** (Camino Pescadero –Camino Corto)

Staff conducted physical counts of violations on December 12, 2018 and again on February 11, 2019. Staff conducted the counts of violations before the Permit regulations were in place, and again after the Permit regulations were implemented.

Violations were categorized into two types: Scooter Parking Violations and Scooter Riding Violations.

**Scooter Parking Violations:**

Parking violations include blocking sidewalks, scooters lying down in the roadway, and scooters placed somewhere other than designated area.

- The number of Parking Violations decreased from 91 to 6 after permit regulations were implemented.

**Scooter Riding Violations:**

Riding violations include riding without a helmet, underage riders, riding double, and riding on sidewalks.

- The number of Riding Violations decreased from 32 to 11 after permit regulations were implemented.

NOTE: SPIN was deployed on 2/6/2019 for only one day so they do not have a large impact on the number of violations.

**Complaints**

<u>Citizen Complaints since 12-19-2018</u>	Number of Complaints:	
	<u>County</u>	<u>Company Reported</u>
Scooter deployed blocking a sidewalk or pedestrian ramp	0	11
Scooter operator complaints	2	0
SPIN – scooters parked on UCSB Campus out of bounds	0	5

Since the implementation of a Board approved Ordinance that allowed regulatory encroachment permits, staff has observed a substantial decrease in violations of parked scooters based on data collected when staff performed physical counts on December 12, 2018, and again on February 11, 2019. The number of complaints received are included in this report as well.

In summary, it is Public Works’ opinion that the current regulatory permits have significantly reduced the negative impacts from scooter programs. Two primary reasons are:

- 1) The reduction in number of allowed scooters, reducing oversaturation and clutter. Prior to implementation of the program, there were over 1,000, possibly up to 1,500-2,000 scooters in the IV and Eastern Goleta Valley area. Isla Vista was oversaturated. A successful program balances the need to avoid oversaturation with the need to provide a service that is ubiquitous enough to make it a viable, reliably-available method of transportation. The current number of 450 could potentially be increased to provide greater service. The department set up a period from July 1<sup>st</sup> to June 30<sup>th</sup> each year as the analysis period for determining if adjustments to fleet sizes could be implemented for the next year to address this.
- 2) Monitoring and compliance requirements. Prior to implementation of the program, there was less incentive for SMD businesses to monitor and adjust their devices to the needs of the community. Proactive monitoring and responding quickly to concerns has improved the orderliness and reduced the nuisance caused when businesses do not maintain and adjust their fleets daily to avoid negative impacts.

Public Works will continue to monitor and enforce permit compliance. Adjustments will be made to the program as needed and incorporated into the program for the July 1, 2019 through June 30, 2020 cycle.

**3. EXHIBITS**

- A. Public Works Board Letter, Resolution, and Action Summary dated December 11, 2018
  - B. Zone Maps
  - C. Scooter Permit Conditions
-

**EXHIBIT A**

**Public Works Board Letter, Resolution, and Action Summary  
Dated December 11, 2018**





BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** December 11, 2018  
**Placement:** Departmental  
**Estimated Tme:** 45 Minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Department, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064  
**SUBJECT:** **Adopt Fees for Shared Mobility Devices and Use of Road Right-of-Way for Business Purposes, All Supervisorial Districts**

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Adopt the attached Resolution authorizing the collection of fees for issuance of Annual Business Purposes Encroachment Permits, All Supervisorial Districts;
- b) Receive a report on implementing enforcement options and provide direction;
- c) Receive and file a report on draft permit conditions for shared mobility businesses Annual Business Purposes Encroachment Permits; and
- d) Determine this Resolution is not a project under the California Environmental Quality Act pursuant to Section 14 CCR 15378 (b) (2) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

**Summary Text:**

Pursuant to County Code Chapters 9, 23, and 28 Article X, this item is on the agenda to establish fees for various businesses receiving the specific benefit of operating in the public road right-of-way, including shared mobility devices (SMD) such as car share, scooter share, and bicycle share. It also includes fees for the specific benefit of allowing businesses to operate dining and other services in the road right-of-way. These fees cover the reasonable costs of the governmental activity to oversee compliance with, and to issue and administer encroachment permits to businesses using the right-of-way, pursuant to County Code Chapters 9, 23, and 28 Article X.

**ADOPT**

All fees established shall be through December 31, 2019, and are based on costs to administer and maintain these programs, and to improve operations within the right-of-way. These costs were determined after conducting an analysis of estimated staffing and resource costs in relation to the anticipated fleets,

compliance issues, and creation of designated spaces. The fee structure may be updated annually by the Public Works Director, consistent with changes in the Consumer Price Index (Los Angeles area– all items, September to September).

Outdoor dining fees: \$1.00 per gross square foot, per month.

Car Share exclusive use space fee: \$75 per space, per month.

Shared Mobility Devices (bike share, scooters, etc) fees:

- Annual permit applications fee: \$500
- Monthly fee: \$5 per scooter per month
- Monthly bike fee: \$1 per bike per month
- Exclusive parking areas in the road right-of-way: \$5 per gross square foot, per month
- Impoundment due to safety or nuisance: \$300 per SMD impounded

**Background:**

On November 13, 2018, your Board approved changes to Chapters 9, 23, and 28 Article X of County Code to regulate use of road right-of-way for business purposes, including shared mobility devices, outdoor dining and other services through issuance of encroachment permits. The authority to issue encroachment permits is vested by statute in the Road Commissioner. (Sts. & Hys. Code § 1460.) Prior to issuing an encroachment permit, every permit is measured against the standards governing permissible uses of a public right-of-way. These standards include, but are not limited to, determining if the use serves as a means, or is incident to a means, for the transport or transmission of people; serves either the public interest or a private interest without interfering with the public’s use rights; and, whether the use unduly endangers or interferes with use of the abutting property. Upon issuance of an encroachment permit the Road Commissioner may include terms and conditions. (Sts. & Hys. Code §§ 1460, 1461.) A draft of the conditions is attached as an example of conditions that may apply to SMD businesses that are issued an annual business purposes encroachment permit.

The proposed actions are not a project under the California Environmental Quality Act pursuant to Section 14 CCR 15378 (b) (2) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

This action will allow for recovery of costs incurred to administer permits and to monitor compliance of new County Code sections.

**Narrative:**

Funds generated will be deposited in Fund 0015.

**Special Instructions:**

1. Please provide a certified, stamped Minute Order and a copy of the executed Resolution to each:
  - Gail Ocheltree, Public Works Transportation, 123 E. Anapamu Street, Santa Barbara, x3094
  - Michelle Garcia, Public Works Transportation, 4417 Cathedral Oaks Road, Santa Barbara, x4990
2. Public Works will publish a Notice of Public Meeting twice in the Santa Barbara Newspress, starting 10 days prior to the Board meeting, and return a Proof of Publication to the Clerk of the Board.



**Attachments:**

Attachment A: Resolution establishing fees and procedures for the use of County right-of-way for  
business purposes

Attachment B: Draft Permit Conditions

**Authored by:**

Chris Sneddon, Public Works, Deputy Director - Transportation, x3064

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SANTA BARBARA,  
STATE OF CALIFORNIA**

IN THE MATTER OF ESTABLISHING FEES AND PROCEDURES FOR THE USE OF  
COUNTY RIGHT OF WAY FOR BUSINESS PURPOSES PURSUANT TO COUNTY CODE  
CHAPTERS 9, 23, and 28 ARTICLE X

RESOLUTION NO. 18-321

**WHEREAS**, on November 10, 2009, the Santa Barbara County Board of Supervisors approved and adopted Ordinance No. 3894 establishing parameters of the use of County road right of way for conducting business; and

**WHEREAS**, use of the public right of way for business purposes requires oversight to regulate safe and appropriate use of the right of way; and

**WHEREAS**, fees for use of County sidewalks and rights-of-way for business purposes provides recovery of costs for oversight and to address the specific benefit of allowing businesses to use the public right-of-way; and

**WHEREAS**, the fee determination is based on anticipated costs for administering permits and specific benefit to the businesses for use of the public right of way; and

**WHEREAS**, Chapter 9 of County Code and California Vehicle Code Section 21210 and 22651 allow for regulation of shared mobility and other vehicles, and impoundment of improperly parked vehicles; and

**WHEREAS**, County Code Section 23-11.12 allows establishment of permit procedures by resolution of the Board of Supervisors; and

**WHEREAS**, Santa Barbara County Code has been amended to add Chapter 28, Article X: consisting of new sections 28-124 through 28-133, entitled "Use Of County Sidewalks And Rights-Of-Way For Business Purposes" to allow for the use of public space to while placing conditions on businesses for safer and more uniform operations.

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

- a. The above recitations are found to be true and correct.
- b. The fees set hereunder are user fees, not a tax or special assessment.
- c. Businesses using County road right of way for operating shall apply for, and meet conditions of, an Annual Business Purposes Encroachment Permit each year prior to commencing operations for the year.

- d. The non-refundable application fee for an Annual Business Purposes Encroachment Permit shall be \$500. The fee structure may be annually updated by the Public Works Director consistent with the changes to staff costs for review, approval, administration, and monitoring of permit activities.
- e. The fee for use of public right of way for outdoor dining shall be \$1.00 per gross square foot of right of way per month through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- f. The fee for use of public right of way for exclusive car share spaces shall be \$75 per space, per month through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- g. The fee for use of public right of way for bicycle sharing shall be \$5.00 per gross square foot of right of way per month for any exclusive designated parking areas in the right of way, plus \$1.00 per vehicle for all vehicles operating in the unincorporated County, through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- h. The fee for use of public right of way for scooters and other on demand personal mobility vehicles shall be \$5.00 per gross square foot of right of way per month for any designated parking areas in the right of way, plus \$5.00 per vehicle for all vehicles operating in the unincorporated County, through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- i. The impoundment fee for equipment or for each vehicle in the right of way that does not conform to Chapters 9 and 28 of the County Code shall be \$300.00.
- j. This resolution shall be operative as of December 13, 2018.

**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County Santa Barbara, State of California, on this 11th day of December, 2018 by the following vote:

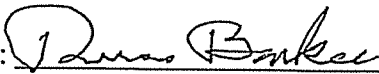
- AYES:** Supervisors Williams, Hartmann, Adam, and Lavagnino
- NAYS:** Supervisor Wolf
- ABSENT:** None
- ABSTAIN:** None

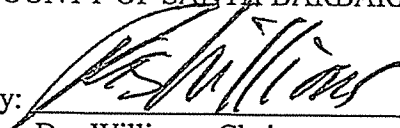
ATTEST:

MONA MIYASATO  
COUNTY EXECUTIVE OFFICE

CLERK OF THE BOARD

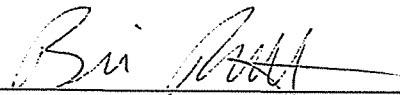
COUNTY OF SANTA BARBARA

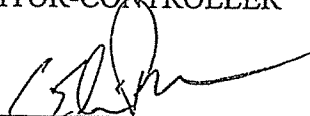
By:   
Deputy Clerk

By:   
Das Williams, Chair  
Board of Supervisors

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
THEODORE A. FALLATI, CPA  
AUDITOR-CONTROLLER

By:   
Deputy County Counsel

By:   
Deputy



**County of Santa Barbara**  
**BOARD OF SUPERVISORS**  
**Minute Order**

**December 11, 2018**

---

**Present:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

PUBLIC WORKS

File Reference No. 18-00969

**RE:** HEARING - Consider recommendations regarding the adoption of fees for Shared Mobility Devices and use of road right-of-way for business purposes, as follows: (EST. TIME: 45 MIN.)

- a) Adopt a Resolution authorizing the collection of fees for issuance of Annual Business Purposes Encroachment Permits;
- b) Receive a report on implementing enforcement options and provide direction;
- c) Receive and file a report on draft permit conditions for shared mobility businesses Annual Business Purposes Encroachment Permits; and
- d) Determine this Resolution is not a project under the California Environmental Quality Act pursuant to Section 14 CCR 15378 (b) (2) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

*HEARING TIME: 2:37 PM - 3:50 PM (1 HR. 13 MIN.)*

**Received and filed staff presentation and conducted public hearing.**

**A motion was made by Supervisor Wolf, seconded by Supervisor Adam, that this matter be acted on as follows:**

a) **Adopted.**

**RESOLUTION NO. 18-321**

b) **Received and filed. Directed staff to rely on the Road Commissioner; to decrease the number of scooters from 100 to 50 in Zone 2A and that deployment and parking of scooters shall be restricted to commercial zones only.**

c) **Approved.**

**The motion failed by the following vote:**

**Ayes:** 2 - Supervisor Wolf, and Supervisor Adam

**Noes:** 3 - Supervisor Williams, Supervisor Hartmann, and Supervisor Lavagnino



# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

December 11, 2018

---

A motion was made by Supervisor Hartmann, seconded by Supervisor Lavagnino, that this matter be acted on as follows:

a) Adopted.

RESOLUTION NO. 18-321

b) Received and filed. Directed staff to return to the Board with a status report within 60 days; and

c) Approved.

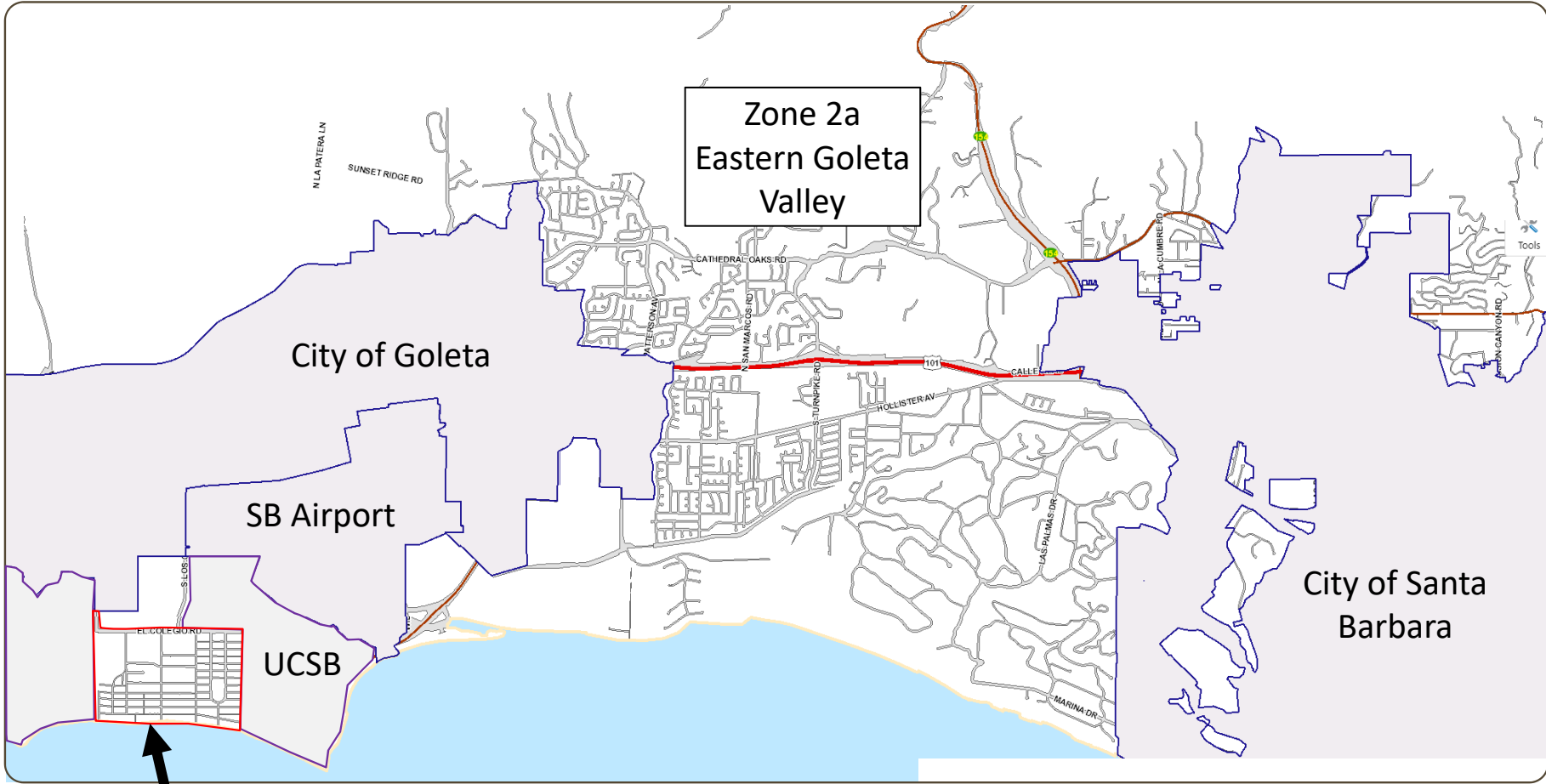
The motion carried by the following vote:

**Ayes:** 4 - Supervisor Williams, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**Noes:** 1 - Supervisor Wolf

**EXHIBIT B**  
**ZONE MAPS**





Zone 2  
Isla Vista



**EXHIBIT C**

**SCOOTER PERMIT CONDITIONS**



## **Permit Conditions for Shared Mobility Devices**

**December 14, 2018 (edited for Bikes too)**

### **Definitions**

For purposes of these conditions the following definitions apply:

“Shared Mobility Device” (“SMD”) has the same meaning as defined in Chapter 9 of the County Code.

“Deploy” or “Deployed” means placing shared mobility devices for rental in the road right of way in a manner to comply with the California Streets and Highways Code and Vehicle Code, including but not limited to, Vehicle Code § 21235(j) no scooter may be left lying on its side or parked in such a way that there is not an adequate path for pedestrian traffic (minimum 48” wide, ADA-compliant path).

“Park” or “Parked” means the location the shared mobility device is left by a user after use.

“Shared Mobility Business” (Permittee) has the same meaning in Chapter 9 of the County Code and includes the permit applicant and/or Shared Mobility Businesses operating a SMD business.

“User” means an individual using a SMDs.

Road Commissioner means Santa Barbara County Road Commissioner or their designee.

### **Scooter fleet size, location and data sharing**

- 1) The total scooter fleet size for the unincorporated County shall be set by the Road Commissioner.
- 2) Fleet size limits are established by Zone as delineated on Exhibit 1.
- 3) Total initial allowed fleet size for each Zone, inclusive of all Permittees, and all scooters for all Permittees for each Zone are as follows:

Zone 1: 200

Zone 2: 450

Zone 2a: 50

Zone 3: 200

Zone 4: 200

Zone 5: 200

### **Bike shared fleet, location and data sharing**

Zone 2 – determined by Road Commissioner

- 4) For permit applications outside the Zones delineated in Exhibit 1, the Road Commissioner shall determine the allotment of scooters for the Zone.
- 5) Fleet size limits for non-scooter SMDs shall be determined by the Road Commissioner.
- 6) Individual Shared Mobility Businesses allotted fleet size will be in proportion to the number of Permittees. Fleet size will be adjusted if or when permits are issued, abandoned, or are not renewed so as to maintain proportional distribution. Based on the number of permits issued, individual fleet sizes will increase or decrease. Public Works will notify the Permittee of changes in individual fleet size allotments. The Permittee will have 14 days to comply with fleet size adjustment conditions.
- 7) The current contact phone number for SMD Customer Service line shall be prominently displayed on all SMDs.
- 8) A unique identification number shall be prominently displayed on each SMD.

- 9) Real time data must be available to the County at any time, including fleet size by Zone, deployment locations with photos, location of individual SMDs, and information gathered on user compliance with parking regulations. If Software is required to provide this information, the software and any needed training shall be provided to the County.

### **Safe Riding and Storage of Scooters/Bikes**

- 10) Permittee shall be responsible for educating their employees and SMDs users regarding state and local laws governing the safe operation and parking of SMDs. This shall include providing notification about key laws governing operation on each scooter, including areas where local agencies have prohibited scooter companies from operating.
- 11) If the Road Commissioner determines, in their sole discretion, that the Permittee's users' failure to comply with applicable laws governing the safe operation and parking of scooters, including but not limited to, laws governing the use of helmets, operation on sidewalks, parking requirements, etc., has created a threat to public health and safety, such determination shall be grounds for permit suspension or revocation..
- 12) Scooters shall be parked standing upright and outside the path of travel for vehicles and pedestrians. The Permittee shall instruct customers how to park a Powered Scooter properly.

### **SMD Deployment**

- 13) SMDs shall only be deployed along collector or higher (arterial, etc.) classification roads, based on California Road System Maps designation, except where approved by the Road Commissioner. Scooters may not be placed on roads or areas where scooter use is not allowed per CVC 21235(b) or other applicable codes. To not unduly endanger or interfere with the use of an abutting property, absent unusual circumstances, SMDs may not be deployed in residential areas.
- 14) SMDs shall be deployed in a designated preferred staging location if one is identified by the County within 250 feet of the Permittee's desired location.
- 15) Permittee shall stop deploying SMDs or allowing contractors to place SMDs in front of any location as determined and directed by the County.

### **SMD complaint response, retrieval, and redeployment**

- 16) The Permittee is responsible for immediate correction of improperly deployed or parked SMDs. Permittee must have a local contact monitoring operations continuously and making corrections and operational improvements as needed to comply with permit conditions, laws, and codes.
- 17) Retrieval and redeployment:
  - SMDs parking or deployment in violation of CVC or other codes shall be corrected immediately.
  - SMDs parked in areas where deployment is not allowed shall be retrieved or redeployed to an allowed location within 2 hours of a notification or 10PM, whichever is sooner.
- 18) Permittee shall provide monthly reports of all calls and emails received through their customer service hotline and contact email including telephone wait times, email response times, and the nature of the customer inquiry.

### **Indemnification and Insurance**

- 19) Permittee is responsible for ensuring users follow California Vehicle Code and other applicable laws and safety measures when using their SMDs.

- 20) Permittee agrees to indemnify, defend (with counsel reasonably approved by COUNTY) and hold harmless COUNTY and its officers, officials, employees, agents and volunteers from and against any and all claims, actions, losses, damages, judgments and/or liabilities arising out of this Agreement from any cause whatsoever, including the acts, errors or omissions of any person or entity and for any costs or expenses (including but not limited to attorneys' fees) incurred by COUNTY on account of any claim except where such indemnification is prohibited by law. Shared Mobility Businesses' indemnification obligation applies to COUNTY's active as well as passive negligence but does not apply to COUNTY's sole negligence or willful misconduct.
- 21) Insurance requirements shall be met prior to issuance of a permit and operation, and are attached as Exhibit 2.

### **Renewal and Revocation**

- 22) Annual permit applications shall be submitted along with all fees no later than 30 days prior to the new permit year. Monthly fees shall be paid prior to the start of each month, and include a summary of SMDs planned to be in operation, as well as the square footage of space for fee-by-area payments. Any SMD operated for one or more days in a month shall be included in the fees. If the number of SMDs is adjusted upward during the month, Permittee shall submit a notice of adjustments and fees for any increased numbers. There will be no adjustment in fees for SMDs removed during the month.
- 23) A late fee of not more than a ten percent (10%) of the total amount owed will be applied to permits that are delinquent or incomplete or do not include all fees due at the deadlines stated above.
- 24) Notwithstanding other statutes, regulations, or County Code allowing revocation or suspension, per Streets and Highways Code 1463, the Road Commissioner may decide not renew or may revoke encroachment permits for SMD businesses that do not comply with these conditions, County Code requirements, and State Law. Permits are revocable with five days' notice and upon such notice of permit revocation, all SMD's under the permit must be removed within 10 days.