I. Call to Order

PRESENT: McLean, Clegg, Sánchez, Thomson, Woodings, Bieter
ABSENT: Ludwig

II. Work Session Items

1. **E-Scooter Ordinance Amendments (20 min)**
   Presenter: Craig Croner, Department of Finance and Administration
   RESULT: DISCUSSED

2. **Police Micro District Project Update (20 min)**
   Presenter: Rob Bousfield, Public Works Department
   RESULT: DISCUSSED

III. Adjournment
TO: Mayor and Council 
FROM: Craig Croner, Administrative Services Manager 
CC: Jade Riley, Amanda Brown, Stephanie Matlock Allen, Jennifer Pitino, Lynda Lowry, Jamie Heinzerling 
DATE: July 12, 2019 
RE: E-Scooter Ordinance Update

The Boise City Clerk’s Office has provided Council with several updates on e-scooter usage in the City of Boise and recommended ordinance changes since early 2019, including the last update in May.

The Boise City Clerk’s Office and the Legal Department have been working to develop the attached draft Ordinances in accordance with Council direction and industry standards.

Staff is seeking Council’s direction on finalizing the draft ordinance, conducting stakeholder outreach, and setting a reading calendar for adoption of the ordinances.

The main components of the Ordinance changes include:

- Creating a Dynamic Cap system by which the City can increase or decrease the number of devices a licensee may deploy based on utilization rates.
- Requiring rebalancing of the e-scooter fleet before 6 am each day.
- Requiring a unique ID number to be placed on each device that is clearly visible and readable from 30 feet.
- Requiring a motor governor on each device to regulate speed in designated geofenced areas.
- Requiring additional reporting for the safety history from other jurisdictions, as well as the City of Boise, including notice of data breeches.
- Updating the per device deposit methodology to bonding requirements.
- Requiring additional insurance indemnification, including customer notification releasing the city of liability.
- Requiring additional data privacy notifications for customers and the ability for customers to easily opt out of having personal information shared/sold.
- Enhanced enforcement ability to immediately abate devices that impede ADA accessibility.
- Enhanced enforcement (misdemeanor) for individuals purposely or knowingly defacing public or private property with e-scooters.
• Updating terminology and re-organizing the structure of the code for ease of readability.

Concerns with the age of e-scooter riders and number of individuals on an e-scooter have been raised. E-Scooter companies have age requirements; however, these are challenging to enforce due to multiple reasons, including but not limited to, the driving age in Idaho, parents creating accounts for minors, etc. Boise City Code addresses the number of users per device and law enforcement has the ability to enforce.
Chapter 14

STATIONLESS BICYCLE SHARED MOBILITY PROGRAMS

3-14-1: LEGAL AUTHORITY:
3-14-2: PURPOSE:
3-14-3: SCOPE:
3-14-4: GENERAL LICENSING PROVISIONS INCORPORATED BY REFERENCE:
3-14-5: DEFINITIONS:
3-14-6: SIZE OF FLEET AND DYNAMIC CAP: DISTRIBUTION, AND REBALANCING:
3-14-7: FLEET DISTRIBUTION; LICENSEE CORRECTION OF IMPROPERLY PARKED DEVICES; DAILY REBALANCING OF FLEET:
3-14-8: APPLICATION FOR LICENSE AND RENEWAL:
3-14-9: ACTION ON APPLICATION:
3-14-10: TERM OF LICENSE, AREA OF OPERATION, AND GEO-FENCING:
3-14-11: APPLICATION AND RENEWAL FEES, OTHER LICENSING FEES, AND PERFORMANCE SECURITY AND SECURITY DEPOSIT:
3-14-12: USER RELEASE, INSURANCE AND INDEMNIFICATION:
3-14-13: FARES, DATA PRIVACY, DIGITAL PLATFORMS, USER-OPT OUT; DATA BREACHES; AND DATA SHARING:
3-14-14: PARKING VIOLATIONS, IMMEDIATE ABATEMENT; OUT-OF-SERVICE, AND NOTICE TO ABATEMENT FEES AND IMPOUNDMENT:
3-14-15: UNLAWFUL ACTS:
3-14-16: DENIAL, SUSPENSION, AND REVOCATION:
3-14-17: ENFORCEMENT:
3-14-18: PENALTIES:
3-14-19: MANDATORY REVIEW:

3-14-1: LEGAL AUTHORITY:

Idaho Code sections 50-301, 50-307, and 50-314 authorize the City of Boise City, State of Idaho (the "City") to regulate occupations and businesses and to regulate and control traffic, encroachments, and obstructions on streets, public places, and sidewalks within the City. (Ord. 31-18, 8-21-2018)

3-14-2: PURPOSE:

The City finds that public health, safety, and welfare require that certain occupations and businesses operating in the City, including but not limited to, emerging forms of alternative transportation like stationless bicycle shared mobility programs, be regulated without restraining, burdening, or over regulating the businesses or occupations in order to afford basic protections to the public. (Ord. 31-18, 8-21-2018)

3-14-3: SCOPE:

This chapter sets forth policies, standards, requirements, and procedures applicable to stationless bicycle shared mobility programs licensed pursuant to this chapter. (Ord. 31-18, 8-21-2018)
3-14-4: GENERAL LICENSING PROVISIONS INCORPORATED BY REFERENCE:

To the extent they are not inconsistent with this chapter, all the provisions, definitions, paragraphs, and sections set forth in chapter 1, article A of this title are hereby adopted and incorporated by reference as if fully set forth in this chapter. (Ord. 31-18, 8-21-2018)

3-14-5: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words and derivations have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein, shall have their plain, ordinary and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

BICYCLE: Every vehicle having two (2) tandem wheels, or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, propelled exclusively by human power upon which any person may ride, except scooters and similar devices.

DESIGNATED AREA: Any part of the public right-of-way designated by the Clerk's Office for the parking of bicycles, E-bikes, E-scooters, or any part thereof in a stationless bicycle shared mobility program.

DEVICE OR DEVICES: A bicycle, E-bike, or E-scooter, or any part or any combination thereof.

DYNAMIC CAP: A system by which the City increases or decreases the number of devices a licensee may deploy within the City's jurisdiction based on the licensee's utilization rates.

ELECTRIC POWER-ASSISTED BICYCLE (E-BIKE): A vehicle having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, that is designed to be operated by human power with the assistance of an electric motor that has a power output of not more than seven hundred fifty (750) watts that: a) is incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour; and b) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a motor vehicle for purposes of this chapter.

ELECTRIC POWER-ASSISTED SCOOTER (E-SCOOTER): A two (2) wheeled vehicle that has handlebars, a floorboard that is designed to be stood upon when riding, and is powered by an electric motor that has a power output of not more than three hundred (300) watts that: a) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; and b) disengages or ceases to function when the vehicle's brakes are applied. An E-scooter is not a motor vehicle for purposes of this chapter.

GEO-FENCE OR GEO-FENCING: A virtual geographical boundary around an area defined by a global positioning system ("GPS") or radio frequency identification ("RFID") technology, that enables software to trigger a response when a device enters or leaves the area.

PARK OR PARKING: The process or result of stopping, standing, or leaving unattended any vehicle or device.
RESTRICTED AREA: Any part of the public right-of-way restricted by the Clerk’s Office for the parking of devices in a stationless bicycle-shared mobility program.

STATIONLESS BICYCLE-SHARED MOBILITY PROGRAM OPERATOR: A person who owns, manages, or operates a stationless bicycle-shared mobility program.

STATIONLESS BICYCLE-SHARED MOBILITY PROGRAM: A system of self-service bicycles, e-bikes, e-scooters, or any combination thereof, for hire, operated by a stationless bicycle shared mobility program operator, which does not require either a bicycle rack or bicycle sharing station, or other object. (Ord. 31-18, 8-21-2018)

MINIMUM UTILIZATION RATE (“MUR”): A minimum average number of daily rides per device that a licensee must achieve in order to maintain the size of its deployed fleet.

UTILIZATION RATE: A calculation used to determine the average number of daily rides on a licensee’s devices in relation to that licensee’s total deployed fleet size over a certain timeframe. Utilization is calculated by dividing the sum total daily rides within the City’s jurisdiction over a two-week period, by the number of total devices deployed daily during the same timeframe.

3-14-6: SIZE OF FLEET AND DYNAMIC CAP: DISTRIBUTION, AND REBALANCING:

A. Each licensee’s fleet of deployed devices may contain any combination of bicycles, e-bikes, or e-scooters. The number of devices a licensee may deploy within the City’s jurisdiction at anytime shall be determined by the Clerk’s Office using a Dynamic Capping system.

B. All devices used as a part of a licensee’s fleet pursuant to a license issued under this Chapter shall be fully owned by the licensee. No devices used in licensee’s fleet may be owned by a subcontractor or any other party.

C. Dynamic Capping System. The Clerk’s Office shall adjust each licensee’s total number of deployed devices pursuant to the following provisions:

1. Each licensee shall maintain a minimum of fifty (50) devices deployed in its fleet.

2. The maximum number of devices each licensee may deploy is five hundred (500) as permitted under this dynamic capping system.

3. The total combined number of permitted devices, in all the stationless shared mobility programs licensed by the City pursuant to this chapter, shall not exceed one thousand five hundred (1,500) total devices at any given time, regardless of the number of licensed stationless shared mobility operators, or stationless shared mobility programs.

4. The Clerk’s Office shall calculate each licensee’s device utilization rate on the 1st and 15th day of each month.

5. When determining whether to increase or decrease the size of a licensee’s deployed fleet, the Clerk’s Office shall consider utilization rates, the total number of devices deployed within the City, the market needs, the licensee’s performance, public safety, seasonal and environmental conditions, and special events.
D. **Decreases to Licensee Fleet Cap.** A licensee must demonstrate a MUR of two (2) rides for each deployed device per day. If a licensee’s utilization is below the MUR, the City may direct the licensee to reduce its fleet size by the number the City Clerk’s Office estimates is necessary to achieve the MUR.

1. The City Clerk’s Office shall issue written notice of a decrease in a licensee’s fleet cap to the licensee.

2. Licensee must comply with the required fleet reduction within forty-eight (48) hours of receipt of notice to decrease fleet cap.

E. **Increases to Licensee Fleet Cap.** A licensee with a sustained utilization rate between three (3) and four (4) rides per device per day may submit a written request to the Clerk’s Office for an increase to the number of devices deployed in its fleet.

1. The Clerk’s Office shall issue a decision on a licensee’s request to increase its fleet cap within five (5) business days of receipt of the request.

2. The licensee shall not increase its deployed fleet cap until it has received the City's decision.

3. Licensees must pay all fees for each added device under an increase to its fleet cap prior to deployment of such devices.

4. Licensee must redeem all impounded devices and become current on all abatement fees prior to deployment of additional devices under a fleet cap increase.

A. To be eligible for consideration as a licensee pursuant to this chapter and chapter 1, article A of this title, an applicant shall have a minimum fleet of fifty (50) devices that may contain any combination of bicycles, E-bikes, or E-scooters. If an applicant is licensed pursuant to this chapter, the licensee’s maximum total number of devices shall not exceed two hundred fifty (250).

B. Devices must show a minimum utilization rate of two (2) rides per day to remain in service. If a device fails to meet minimum utilization requirements, the City Clerk’s Office may require underutilized devices in a bicycle share program to be removed or relocated.

C. The total combined number of permitted devices, in all the stationless bicycle share programs licensed by the City pursuant to this chapter, shall not exceed seven hundred fifty (750) total devices at any given time, regardless of the number of licensees, stationless bicycle share operators, or bicycle share programs.

**3-14-7: FLEET DISTRIBUTION; LICENSEE CORRECTION OF IMPROPERLY PARKED DEVICES; DAILY REBALANCING OF FLEET:**

A. Licensees are responsible for monitoring the deployment and distribution of devices according to the terms and conditions of their respective license permit.

B. The City Clerk’s Office may require a licensee to redistribute, relocate, or reduce its number of authorized devices from certain locations based on the overall number of devices within that area of the City, the market needs, the licensee’s performance, public safety, seasonal and environmental conditions, and special events.
C. A licensee shall provide the Director with direct contact information for a licensee's local staff who are responsible and capable of rebalancing, relocating, and removing devices.

D. Redistribution, relocation, reduction of fleet. Upon notice from the City Clerk's Office the licensee shall rebalance, relocate, or reduce its number of devices within a certain area, pursuant to the following guidelines:

1. Complete such action within four (4) hours of receipt of notice on weekdays, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., excluding holidays.

2. Complete such action within ten (10) hours of receipt of notice at all other times.

3. Licensee's failure to timely comply may result in the abatement of devices, including the imposition of abatement fees or impoundment of devices.

E. Licensees are responsible for ensuring that their devices are not improperly parked in violation of the provisions of this Chapter.

F. Correction of improperly parked devices. Upon notice from the City Clerk's Office the licensee shall remove, relocate, or abate the improperly parked device pursuant to the following guidelines:

1. Complete such action within two (2) hours of receipt of notice on weekdays, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., excluding holidays.

2. Complete such action within ten (10) hours of receipt of notice at all other times.

3. Licensee's failure to timely comply may result in the abatement of devices, including the imposition of abatement fees or impoundment of devices.

G. Daily Rebalancing of Fleet. Each licensee shall remove all of its deployed devices from the public right-of-way every twenty-four (24) hour period prior to six o'clock (6:00) A.M. to ensure its fleet is properly rebalanced and deployed.

D. Licensees are responsible for monitoring the distribution of devices according to the terms and conditions of their respective permit. The City Clerk's Office may require a reduction in a licensee's number of authorized devices based on the overall number of devices within a specific area of the City. Licensees shall reduce the number of devices according to the following guidelines:

1. Within four (4) hours of receipt of notice on weekdays, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., not including holidays.

2. At all other times, within ten (10) hours of receipt of notice.

E. A licensee shall provide the Director with direct contact information for a licensee's local staff who are responsible and capable of rebalancing and removing devices. Licensees shall remove, relocate, or rebalance devices as follows:

1. Within four (4) hours of receipt of notice on weekdays, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., not including holidays.
2. At all other times, within ten (10) hours of receipt of notice. (Ord. 31-18, 8-21-2018)

3-14-87: APPLICATION FOR LICENSE AND RENEWAL:

A. In addition to meeting all the minimum licensing requirements and qualifications set forth in chapter 1, article A of this title, applicants and licensees must also comply with the following requirements and qualifications:

1. Have a minimum fleet of fifty (50) devices that may contain any combination of bicycles, E-bikes, or E-scooters.

2. Maintain a local agent who is responsible for responding to license permit issues in a timely manner.

3. Provide proof of insurance in the amounts specified by this chapter and as set forth in the terms and conditions of the license permit.

4. Provide credible evidence to the satisfaction of the City Clerk's Office that all bicycles, E-bikes, and E-scooters in a licensee's stationless bicycle-shared mobility program:
   a. Are each labeled with a unique identification number that is clearly visible and readable from a distance of at least thirty feet (30') to identify each separate device and that such numbers are submitted to the City Clerk's Office and regularly updated;
   b. Are labeled with current contact information for the stationless bicycle-shared mobility licensee, including the make, model, and unique identifying number of each such device;
   c. Are of high quality, sturdily built, with tamper-resistant hardware to accommodate a wide range of users;
   d. Are able to stand upright when parked and capable of being locked to a bike rack and equipped with haptic technology that indicates to the user if he has parked in a prohibited, restricted, or designated area;
   e. Comply with Idaho Code requirements, if any, and can withstand the rigors of outdoor storage and constant use for a period of at least five (5) years;
   f. Are equipped with an on-board GPS unit or equivalent that will provide real-time location data to the City Clerk's Office, including a continuous feed of all required data as set forth in this chapter and the terms and conditions of the permit;
   g. Are available to customers on an hourly basis, or in smaller intervals, and at rates that vary by duration of usage or by duration of usage and distance but are clearly and understandably communicated to customers prior to use;
   h. Have a maintenance, cleaning, and repair schedule and plan that is approved by the City Clerk's Office;
   i. Are available for pick-up and drop-off by customers on a twenty-four (24) hour, seven (7) days per week basis; and
j. Have a mechanism by which customers can notify the local agent of the licensee to report safety and maintenance issues with a device or the service; and

k. Are equipped with a motor governor or some other mechanism by which the licensee can program an automatic reduction in the speed of devices when traveling in designated areas.

54. Maintain a multilingual website, mobile application, and call center in languages determined by the City Clerk's Office, and with customer interface that is available twenty-four (24) hours a day, seven (7) days a week. The website, mobile application, and call center shall also meet the requirements of section 508 of the Rehabilitation Act and section 255 of the Communications Act that apply to information and communication technology.

56. Maintain a privacy policy that meets industry standards to the satisfaction of the City Clerk's Office, that safeguards customers' personal, financial, and travel information and usage, including but not limited to, trip origination and destination data.

76. Provide a plan to share with the City Clerk's Office or a City-identified third-party researcher or contractor the aggregate customer demographic data, that does not identify individual customers, payment methods, or individual trip history, on a daily monthly basis in a mutually agreed upon form. Such customer demographic data shall include, but not be limited to, the following:

   a. The number of bikes, E-bikes, and E-scooters in circulation;

   b. The number of daily, weekly and monthly active riders;

   c. The aggregate breakdown of customers by gender and age;

   d. Usage data, including the number and duration of rides per day per device;

   e. A summary of device distribution and GPS based natural movement; specific and statistical data regarding device theft and vandalism and the repair times;

   f. Specific customer comments and complaints and the licensee's resolution thereof;

87. Provide a map of the proposed service area;

98. Provide and maintain an electronic payment system that is compliant with the payment card industry data security standards. Each transaction shall include the bicycle, E-bike, or E-scooter's identification number that corresponds to the make and model of the device registered with the City Clerk's Office; and

109. Provide a mechanism to inform customers on how to properly park a bicycle, E-bike, or E-scooter in a manner that is approved by the City; and

11. Provide proof that licensee has incorporated all geo-fenced and restricted zones within the proposed service area into licensee's data control system prior to being licensed and maintain such information throughout the license period.

12. Provide the City with a safety history report from all other cities in which the applicant provides or has provided stationless shared mobility programs. The report must include
information on crashes, injuries, and scooter placement or rider conduct that reduces safety or impedes access for individuals with disabilities using the right-of-way.

13. Provide the City with data regarding the projected life span of a device and a sustainable recycling plan for devices that are removed from the licensee’s fleet, which must be approved by the City’s Public Works Department prior to licensure.

14. Provide a data breach history from all other cities in which the applicant provides or has provided stationless shared mobility programs. This report shall include the date, location, and type of data accessed during the time the applicant has provided stationless share mobility programs.

15. Printouts of each of the user-facing page of mobile and web applications notifications:
   a. All user parking and safety notifications;
   b. Pricing and rates;
   c. User data privacy terms and conditions;
   d. User data sharing opt-in/opt-out; and
   e. User release of liability.

B. A licensee must be capable of remotely disabling the use of any device should it be reported or be found to have a safety, maintenance, or other hazardous condition.

C. Every person licensed under this chapter understands and agrees that the City is not responsible for educating customers and users on how to ride, safely operate, or use safety equipment, such as helmets. Licensees agree to educate customers and users on the applicable rules of the road and to instruct users to use helmets and otherwise comply with the applicable laws. (Ord. 31-18, 8-21-2018)

3-14-98: ACTION ON APPLICATION:

A. The Director shall determine all license terms, conditions, and any other standard or special requirements.

B. In considering an application for a license, the City Clerk’s Office shall consider all the legal requirements, the availability of parking, and the anticipated effects of the proposed stationless bicycle-shared mobility program on public transit, pedestrian and vehicular traffic, and access to or from residences and businesses.

C. Notwithstanding any other requirement, the City Clerk’s Office may deny an application filed pursuant to this chapter on the basis that such license issuance or renewal would:

1. Conflict with existing permits or contracts;

2. Lead to an over-concentration or over-saturation of stationless bicycle-shared mobility program devices in the City;
3. Cause an imbalance in the geographical distribution of stationless bicycle-shared mobility program devices; or

4. Otherwise adversely impact an existing or proposed stationless bicycle-shared mobility program. (Ord. 31-18, 8-21-2018)

3-14-109: TERM OF LICENSE, AREA OF OPERATION, AND GEO-FENCING:

A. A license issued by the City pursuant to this chapter is valid for one year from the date of issuance or renewal, unless sooner revoked, suspended, or relinquished.

B. All licenses issued by the City pursuant to this chapter are non-transferrable.

C. A license issued pursuant to this chapter is only valid for operations within the designated public right-of-way within the City's jurisdiction. Additional zones of operation, including, but not limited to, public park locations, publicly accessed plazas, on-street parking spaces, off-street parking lots and garages, may be established or deleted by the City as it deems appropriate. The City reserves the right to create geo-fenced areas within the City. (Ord. 31-18, 8-21-2018)

3-14-1110: APPLICATION AND RENEWAL FEES, OTHER LICENSING FEES, AND PERFORMANCE SECURITY AND SECURITY DEPOSIT:

A. Fees Required: Every application for a license shall be accompanied by a nonrefundable application fee, licensing fee, processing fee, and all other required costs and fees in the amounts established by the Boise City Council and listed on the most current fee schedule.

B. Performance Security. Prior to licensing, each applicant shall provide to the City performance security in the form of cash or letter of credit of twenty dollars ($20) per fleet device as a performance bond to ensure adherence to licensing requirements and to provide reimbursement funds to the City if needed. Security Deposit: Every licensee shall pay to the City Clerk's Office a public property repair, maintenance, and security cash deposit (“security deposit”), as established by the Boise City Council and listed on the most current fee schedule. The deposit shall be assessed in an amount to ensure adequate funds are available to reimburse the City for future public property repairs and maintenance costs that may be incurred, including but not limited to, any costs of repairing or maintaining damaged public property by a licensee or his customers, removing and storing bicycles, E-bikes, or E-scooters improperly parked or left unattended on public property, and addressing and abating any other violation. The security deposit will be held in trust by the City for so long as the stationless bicycle shared mobility licensee is licensed by the City pursuant to this chapter.

1. A licensee’s security deposit must not be depleted lower than the minimum amount as established by the City Council and listed on the most current fee schedule. If a security deposit is depleted below the required minimum amount, a licensee shall replenish the security deposit to its full amount within thirty (30) calendar days. Licensees shall also annually replenish the security deposit to its full amount upon application for a license renewal.

2. Failure to maintain minimum security deposit balance or failure to replenish the security deposit as required by this chapter is grounds for immediate revocation of license. (Ord. 31-18, 8-21-2018)
3-14-1244: USER RELEASE, INSURANCE AND INDEMNIFICATION:

A. User Release. Licensees must include the following release in their system’s user sign-up process and each user registered in their system must affirmatively sign or check a box within the application notating consent to the release. If a user registered in licensee’s system prior to the adoption of this section, Licensees shall require such users to review and affirmatively accept the user release as set forth below. Any user refusing to consent to the user release of the City agreement shall not be permitted to rent or use licensees’ devices.

1. “User Release of the City. For and in consider of rental and use of this E-scooter or E-Bike, I, the user and/or rider, for myself and on behalf of my heirs, executors, administrators and assigns, forever releases and relinquishes and discharges the City of Boise and its elected and appointed officials, officers, employees, agents, contractors, and volunteers (Collectively the “City”) from any and all claims, demands, disputes, losses, liabilities, debts, liens, charges, penalties, proceedings, causes of action and damages including for personal injury, wrongful death, property damage, and injury to myself or to third parties (Collectively “Claims”), including unknown or unanticipated claims, which arise from or are related directly or indirectly to this agreement or the rental, maintenance, design, placement, use and/or operation of [Company’s Name’s] equipment, including an E-scooter, E-bike, or [Company’s name’s] website, including any and all claims related to the sole or partial negligence of the City or any other party. I hereby expressly waive any claims against the City which I did not know or suspect to exist in my favor at the time of renting an E-scooter or E-bicycle, and expressly waive my rights under any statutes that purport to preserve my unknown claims. Additionally, I hereby freely and voluntarily assume all the risks inherent in using an E-scooter or E-bike. My use of an E-scooter or E-bike upon City rights-of-way is done at my own risk without any warranty from the City regarding the condition or suitability.”

B. Minimum Insurance Requirements. Every stationless bicycle shared mobility program licensed pursuant to this chapter shall be continuously insured and shall carry all the following types of insurance issued by an insurance carrier duly authorized to do business in the State of Idaho:

1. Workers’ compensation, in statutory amounts, with employers’ liability limits not less than one million dollars ($1,000,000.00) per each accident, injury, or illness;

2. Commercial general liability insurance with minimum limits not less than five hundred thousand dollars ($500,000.00) per each occurrence and one million dollars ($1,000,000.00) general aggregate for bodily injury and property damage, including contractual liability, personal injury, products and completed operations;

3. Commercial automobile liability insurance with limits not less than five hundred thousand dollars ($500,000.00) each occurrence, “combined single limit” for bodily injury and property damage, including owned, non-owned, and hired auto coverage, as applicable;

4. Professional liability insurance, applicable to licensee’s profession, with minimum limits not less than five hundred thousand dollars ($500,000.00) per each claim with respect to negligent acts, errors, or omissions in the delivery of products, services, and/or program from any activity conducted pursuant to the license issued pursuant to this chapter, and which shall include any and all claims and losses with respect to data, network security, and infringement of intellectual property rights;

5. Cyber and privacy insurance with limits of not less than five hundred thousand dollars ($500,000.00) per claim. Such insurance shall include coverage for liability arising from theft,
dissemination, or use of confidential information, including but not limited to, bank and credit card account information or personal information, such as name, address, social security numbers, protected health information, or other personally identifying information, stored or transmitted in electronic form.

C. Required Separation of Insured Provision; Cross-Liability Exclusion and Other Endorsements Prohibited. Licensee's insurance policy shall include a “separation of insureds” or “severability” clause that applies coverage separately to each insured and additional insured, except with respect to the limits of the insurer’s liability. Licensee's insurance policy shall not contain any provision, exclusion, or endorsement that limits, bars, or effectively precludes the City from coverage or asserting a claim under the licensee's insurance policy on the bases that the coverage or claim brought by an insured or additional insured against an insured or additional insured under the policy. Licensee's failure to comply with any of the requisite insurance provisions shall be a material breach of, and grounds for, the immediate revocation of license with the City.

BD. Evidence of Insurance. Every stationless bicycle-shared mobility program shall tender to the City Clerk's Office the certificates of insurance certifying that insurance of the types and in the amounts required by this chapter are in full force and effect at all times. All insurers must have a rating comparable to A, VIII or higher and shall be authorized to do business in the State of Idaho. The certificates shall list the City separately as an additional insured. Said certificates of insurance shall specify as the certificate holder the City of Boise, P.O. Box 500, 150 N. Capitol Blvd., Boise, Idaho 83701-0500. The insurance policies required by this chapter shall be the primary insurance to any other insurance available to the additional insureds, with respect to any claims arising out of a license issued pursuant to this chapter, and that insurance applies separately to each insured against whom claim is made or suit is brought.

GE. Insurance Subject to City Approval. No stationless bicycle-shared mobility program shall commence business, deploy devices, or provide services in the City prior to furnishing to the City all certificates of insurance and additional insured policy endorsements to the City's satisfaction and in form evidencing all coverages set forth above. Approval of the insurance policy by the City shall not relieve or decrease a licensee's liability hereunder. All workers' compensation policies shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the licensee, its employees, agents and subcontractors.

DF. Notice of Cancellation or Modification. Every insurance policy required by this chapter shall be endorsed to provide thirty (30) calendar days' advance written notice to the City of cancellation for any reason, intended non-renewal, or reduction in coverages. If any insurer desires to be released from any insurance policy required by this chapter, the licensee must give written notice to the City Clerk's Office within two (2) business days of such desire, cancellation, or change. If any policy of insurance required by this chapter is cancelled or expires and no new certificate of insurance is filed by the licensee with the City Clerk's Office before the cancellation or expiration of the original insurance, such license shall automatically be suspended, and the licensee shall discontinue operations within the City. If a proper replacement certificate of insurance is not provided to the City Clerk's Office on or before the tenth (10th) business day after the date of termination or cancellation of the policy, the license shall be automatically revoked.

G. Insurer's A.M. Best's Rating. Each insurance policy shall be issued by an insurer rated A-: VII or higher in the A.M. Best's Key Rating Guide, unless a surplus lines placement by a licensed Idaho State surplus lines broker, or as may otherwise be approved by the City.
HE. Every stationless bicycle–shared mobility program and operator licensed pursuant to this chapter, agrees to the maximum extent permitted by law to defend, indemnify, and hold harmless the City, and all of its respective departments, commissions, boards, officers, employees, and agents from and against any and all claims, demands, suits, damages, actions, or causes of action, costs and expenses to persons or property, whether public or private, that may arise out of, or be occasioned by, the operation of a stationless bicycle–shared mobility program on the public right-of-way or other property, or any act, omission, or misconduct of the licensee, or his employees, agents, subcontractors, representatives arising, arisen, or to arise out of the licensee's operations. (Ord. 31-18, 8-21-2018)

3-14-1312: FARES, DATA PRIVACY/DIGITAL PLATFORMS, USER-OPT OUT; DATA BREACHES; AND DATA SHARING:

A. Fares. Fares charged by a licensee shall be no greater than those agreed upon by the customer and the licensee. Fares, rates, and fees must be specified in sufficient detail to allow customers to make an informed decision about the total fare, rate, or fee to be paid prior to service. Any additional fares, rates, or fees and the circumstances under which such fees, fares, or rates may be assessed must be made known to and available to the customer prior to service.

B. Data Privacy. Licensees are required to follow all local, state and federal laws and regulations with respect to personally identifiable information and credit card information. Licensees shall implement administrative, physical and technical safeguards that meet industry best practice standards to protect personally identifiable information. Each licensee shall clearly and transparently communicate to its users whether licensee shares users personally identifiable information with any third-parties. Licensees must obtain explicit affirmative consent from users to allow their personally identifiable information with any third-parties. A licensee shall not require a user to grant location services to use the licensee's devices. All other private data belonging to the user, including but not limited to, contacts, photos, and files, shall not be required to be shared in order to use the licensee's devices.

C. User Opt-out. If a Licensee sells its user's personal information, it is required to: a) clearly and transparently communicate that practice with the users; and b) provide users with a clear means of opting out of having their personal information sold. A licensee shall not require a user to share his private data with third parties in order to use the licensee's devices.

D. Notice of Data Breaches. In the event of a breach or suspected breach of a Licensee's system, website, database or storage medium or facility, Licensee shall notify the City in writing as promptly as is reasonably possible, but in no case later than five (5) business days. A licensee may allow a user to opt-in to providing access to his contacts, photos, files, other private data and third-party data only with clear notice to the customer.

E. A licensee shall provide the City Clerk's Office with updates to the terms of service, including but not limited to, the privacy policy, terms and conditions of use, and the end user license agreement published on the licensee's website and app, and agrees to provide all customers and the City Clerk's Office of any changes to the terms of service immediately upon adoption.

F. Failure to submit complete or accurate data to the City Clerk's Office, will result in immediate revocation of a license issued pursuant to this chapter. (Ord. 31-18, 8-21-2018)

3-14-1413: PARKING VIOLATIONS, IMMEDIATE ABATEMENT; OUT-OF-SERVICE, AND NOTICE TO ABATEMENT FEES AND IMPOUNDMENT:
All devices in a stationless bicycle-shared mobility program shall be parked upright on hard surfaces in the pedestrian zone of the sidewalk, or at a public bicycle rack. In no case shall the placement of a device in a stationless bicycle-shared mobility program reduce the width of pedestrian zone to less than six feet (6’). The City Clerk’s Office may further designate, restrict, or prohibit areas by geofencing, marked parking boxes, or other methods.

A. No bicycle, E-bike, or E-scooter in a stationless bicycle-shared mobility program shall be parked or left unattended:

1. So as to obstruct or impede pedestrian or vehicular traffic;
2. On any City block without sidewalks;
3. On street furniture such as benches and pay stations;
4. In any vehicular travel lane or bike lane;
5. In any parklets or sidewalk dining areas;
6. In any area within or immediately adjacent to ADA accommodations, including but not limited to, curb ramps, railings, and signal push buttons;
7. In transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
8. In loading zones;
9. In on-street parking spaces, including accessible parking zones and associated loading zones;
10. On curb ramps, and other ingress and egress curb cuts;
11. In entryways and exits, including but not limited to, fire escapes, or any other building evacuation exit ways;
12. On driveways;
13. Within thirty (30’) feet of docked bikeshare stations; or
14. In the same location for more than twenty-four (24) consecutive hours.

B. The City reserves the right to determine certain areas where stationless bicycle-shared mobility parking is designated, restricted, or prohibited.

C. Stationless bicycle-shared mobility licensees shall inform customers on how to properly park bicycles, E-bikes, and E-scooters.

D. The City Clerk’s Office may determine upon its own initiative or upon complaint of any person that a licensee’s authorized service is being provided in an unsafe or unreliable manner.
E. Immediate Abatement. Licensees are responsible to ensure that their devices are not deployed, parked, or left unattended in the public right-of-way in a manner that impedes ADA accessibility. Devices that are impeding ADA accessibility, regardless of the cause, may be immediately abated by the City and written notice provided to the licensees thereafter. Upon notification to a licensee by the City that a bicycle, E-bike, or E-scooter is improperly parked, the licensee shall remove, relocate, or abate the device within two (2) hours of the City’s notification during weekdays, six o’clock (6:00) A.M. to six o’clock (6:00) P.M., excluding holidays, and within ten (10) hours of receipt of notice at all other times. If a licensee fails to remove, relocate, or abate the device within the applicable time allowed, the City may immediately remove and impound such device at the licensee’s sole expense.

F. Abatement of Devices. The City may abate licensee’s devices that are in violation of the provisions set forth in this Chapter or the terms and conditions of the license. The City in its discretion, may abate noncompliant devices by taking corrective action and imposing an administrative fee as established by City Council and set forth on the current City fee schedule or by the removal and impoundment of devices at the licensee’s sole expense.

G. Abatement Fees and Costs. The City shall charge the licensee abatement, impound fees, as established by City Council and set forth on the current City fee schedule, for each abatement of a licensee’s devices that the City or its designee perform under the provisions of this chapter. In addition to impound fees for abatement of devices, the City may charge licensees any additional costs incurred as a result of violations of this chapter, including, but not limited to, the repair and maintenance of public property.

1. The City shall invoice a licensee regularly for any impound fees or other costs and licensee shall reimburse the City within thirty (30) business days from invoice of such fees and costs.
2. If the licensee fails to reimburse the City within thirty (30) business days, the City may suspend licensee’s license until payment in full is received. is authorized to deduct such costs from the applicable security deposit held in trust by the City Clerk’s Office. (Ord. 31-18, 8-21-2018)

H. Impounded Devices. On any given day, a licensee’s authorized fleet size shall be reduced automatically by the number of licensee’s devices that are impounded by the City under abatement actions. Licensee’s fleet shall remain reduced until licensee pays for all abatement and storage fees and physically redeems its impounded devices from the City. A licensee’s fleet size shall be reduced permanently by the number of licensee’s devices that remain impounded by the City for thirty (30) calendar days or more. Permanent reduction to a licensee’s fleet for failure to timely redeem its device from City impound does not relieve a licensee from outstanding abatement and storage fees imposed on the same device. A licensee that repeatedly fails to timely redeem its devices from impound may have its license suspended or revoked.

3-14-1514: UNLAWFUL ACTS:

A. In addition to the unlawful acts set forth in chapter 1, article A of this title, it shall also be unlawful for any licensee to:

1. Charge any customer a fare, fee, or rate in excess of the fare, fee, or rates agreed upon between the customer and the licensee;

2. Wholly or in part, engage in or operate a regulated business without first obtaining a license issued by the City. Each day a person fails to obtain a required license shall constitute a separate violation;
3. For any stationless bicycle-shared mobility program permitted, licensed, or authorized by another jurisdiction to initiate for hire services within the City without being issued a license pursuant to this chapter;

4. Refuse to provide services or to publicly disclose by any means, including but not limited to, an internet-enabled application or digital platform, information or comments regarding a customer on the basis of the customer's race, color, ethnicity, religion, sex, national origin, age, familial status, marital status, military status, sexual orientation, gender identity, pregnancy or disability; or

5. Violate any of the provisions of this chapter or the terms and conditions of the permit. (Ord. 31-18, 8-21-2018)

3-14-1645: DENIAL, SUSPENSION, AND REVOCATION:

A. Every civil license penalty imposed by the Director shall be proportional to the type and severity of the violation.

B. The Director shall have the authority to issue any license required by this chapter with limitations or restrictions relative to the nature of the license issued, to ensure protection of the public's health, safety, and welfare. In addition to the penalties prescribed for a violation of license limitations or restrictions, every licensee who violates the license limitations or restrictions imposed upon them by the City Clerk's Office shall have their license revoked, pursuant to the procedures for revocation in chapter 1, article A of this title.

C. In the event the Director determines that an applicant fails to qualify for a license or license renewal governed by this chapter, the Director may deny a license to such applicant by following the procedures set forth in chapter 1, article A of this title.

D. Upon a finding that licensee committed any of the following violations or those set forth in chapter 1, article A of this title, the Director shall follow the procedures set forth in chapter 1, article A of this title, as applicable, in suspending or revoking an affected license governed by this chapter.

1. If the Director determines that a licensee failed to continue to have and maintain all of the qualifications and none of the disqualifications provided in this chapter throughout the license period, the City Clerk's Office may revoke the affected license. Such revocation shall prevent the licensee from obtaining or reinstating any such license until the licensee qualifies for the license and applies anew for said license.

2. In the event the Director determines that a licensee has pled guilty to, has been found guilty of, or has received a withheld judgment for, or has been sentenced for a violation of this chapter, in addition to the criminal penalties prescribed therefor, the licensee may have the affected license governed by this chapter revoked, or be ineligible for reapplication, reinstatement, or issuance of any license governed by this chapter for a period of up to five (5) years.

3. A third (3rd) license suspension within one license term shall be deemed a revocation.

4. A person whose license is revoked shall be required to re-apply for a new license, rather than apply for reinstatement of the revoked license.
5. The Director may address a rule violation or violation of the terms and conditions of a permit by amending, suspending, or completely revoking a license issued pursuant to this chapter. The Director may require a licensee to reduce fleet size or to completely remove devices from the public right-of-way for revocation or during a period of suspension. A licensee shall remove any and all devices from the public right-of-way within ten (10) calendar days of receiving notice from the Director. (Ord. 31-18, 8-21-2018)

3-14-1716: ENFORCEMENT:

The Director is authorized to carry out the policies and procedures herein described, and may enforce the provisions of this title and chapter by imposing administrative license penalties, including suspension or revocation of the licenses, by initiating criminal charges by serving an Idaho Uniform Citation or by referring a written report to the Boise City Attorney's Office for review and filing of a complaint and summons or warrant in the Magistrate's Division of the District Court, or by both such administrative license penalties and criminal penalties. (Ord. 31-18, 8-21-2018)

3-14-1817: PENALTIES:

The violation of any of the provisions of this chapter is punishable as a general misdemeanor and upon conviction subject to the penalty as provided in section 1-4-1 of this Code. In addition to a criminal penalty, the violation of any of the provisions of this chapter may result in either the suspension or revocation of the stationless bicycle shared mobility program. (Ord. 31-18, 8-21-2018; amd. 2019 Code)

3-14-1918: MANDATORY REVIEW:

The Director shall conduct a comprehensive review of stationless bicycle shared mobility programs and individual stationless bicycle shared mobility licensees within six (6) months of the effective date of this chapter or within three (3) months of the deployment of any device by a bicycle share operator licensed pursuant to this chapter, whichever occurs first. Thereafter, a comprehensive review by the Director shall be conducted every six (6) months, until directed otherwise by City Council. Results of each comprehensive review shall be shared with Mayor and Council. (Ord. 31-18, 8-21-2018)
ARTICLE A. BUSINESS LICENSES GENERALLY

3-1A-1: LEGAL AUTHORITY:

Idaho Code sections 50-301 and 50-307 authorize the City to regulate occupations and businesses within the City. (Ord. 39-15, 8-25-2015)

3-1A-2: PURPOSE:

The City finds that public health, safety and welfare require that certain occupations and businesses

3-1A-3: SCOPE:

3-1A-4: DEFINITIONS:

3-1A-5: LICENSE REQUIRED:

3-1A-6: APPLICATION FOR LICENSE AND RENEWAL:

3-1A-7: DISPOSITION OF APPLICATION AND RENEWAL:

3-1A-8: TERM OF LICENSE:

3-1A-9: FAILURE TO DISCLOSE INFORMATION; CHANGE OF INFORMATION:

3-1A-10: DISQUALIFYING CRIMES OR CIRCUMSTANCES:

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3-1A-10-3: TIER 3 BUSINESSES:

3-1A-10-4: DRIVING BUSINESSES AND OTHER REQUIREMENTS:

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3-1A-18: STAY OF SUSPENSION OR REVOCATION:

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3-1A-21: REQUEST FOR INFORMAL REVIEW BY CITY CLERK’S OFFICE:

3-1A-22: INFORMAL REVIEW:

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3-1A-25: REVIEW OF DIRECTOR’S DECISION:

3-1A-26: AUTHORITY OF HEARING OFFICER:

3-1A-27: WRITTEN REPORT:

3-1A-28: UNLAWFUL ACTS:

3-1A-29: RESPONSIBILITIES OF LICENSEES:

3-1A-30: PENALTY:
within the City be regulated without restraining, burdening or over regulating the businesses or occupations. The City issues a license pursuant to this article and the regulated business' pertinent licensing in this title, to assure, as is reasonably practicable, that each person and business licensed in accordance with this title is in substantial compliance with these minimum standards and procedures. The issuance of a license pursuant to this article, however, does not constitute a representation of any affirmance to any person who transacts business with a person or business licensed pursuant to this article that said licensee is free from risk. The City shall not be liable for nor shall a cause of action exist for any loss or damage based upon the failure of any person or business licensed under this article to meet the standards contained herein. (Ord. 39-15, 8-25-2015)

3-1A-3: SCOPE:

This article sets forth policies, standards, requirements, and procedures applicable to all of the following persons, businesses, trades and occupations licensed or regulated by the City:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Code Reference</th>
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<tbody>
<tr>
<td>Alarm installer and alarm installation service</td>
<td>Title 3, chapter 12</td>
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<tr>
<td>Alcohol beverage catering</td>
<td>Title 3, chapter 3</td>
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<tr>
<td>Alcoholic beverage</td>
<td>Title 3, chapter 3</td>
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<tr>
<td>Auction house, auction sale, and auctioneer</td>
<td>Title 3, chapter 8</td>
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<td>Child care facility</td>
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<td>Child care worker</td>
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<td>Commercial driver</td>
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<tr>
<td>Commercial vehicle</td>
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<tr>
<td>Eating and drinking</td>
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<td>Going out of business sale</td>
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<td>Immobilization agent</td>
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<td>Immobilization service</td>
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<td>Massage establishment</td>
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<td>Non-aerial fireworks and public fireworks display</td>
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<td>Non-commercial kennel</td>
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<td>Precious metal dealers</td>
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(Ord. 21-18, 6-26-2018)

3-1A-4: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein, shall have their plain, ordinary and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

APPLICANT: A person who applies for a license to engage in or operate a regulated business within the City.

CITY: The City of Boise City, Idaho.

CITY CLERK’S OFFICE: The Office of the City Clerk of the City or its designee.

CONVICTION: An individual is considered to have been convicted of a criminal offense for purposes of this title when:
A. A judgment of conviction, adjudication, or withheld judgment has been entered against the individual by any Federal, State, military, or local court;

B. There has been a finding of guilt against the individual by any Federal, State, military, or local court;

C. A plea of guilty or no contest by the individual has been accepted by any Federal, State, military, or local court; or

D. The individual has entered into or participated in first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld. This includes when the individual has entered into participation in a drug court, mental health court, domestic violence court, or other specialty court.

DIRECTOR: The Director of the Department of Finance and Administration or the Director’s designee, who must be an employee of the City.

DISQUALIFYING CRIME: A conviction for a crime that results in a denial, revocation, or suspension of a license to an applicant or licensee.

DRIVING BUSINESS: A business where the primary nature of the business requires the applicant or licensee, his employees or agents to drive a motor vehicle in order to engage in or operate the business. The term "driving business" includes chapter 13, article B, "Commercial Transportation Vehicles"; chapter 16, "Nonconsent Towing Services"; chapter 13, article A, "Taxicabs"; and chapter 11, "Downtown Valet Parking", of this title.

GOOD CAUSE: A substantial reason that affords a legal excuse.

LICENSE: Written permission from the City to engage in or operate a business regulated by the City pursuant to this Code. The term "license" includes the word "permit".

LICENSEE: A person holding a valid license issued by the City Clerk's Office pursuant to this article.

LICENSING OFFICE OR OFFICER: The City Clerk's Office or its designee, who must be an employee of the City.

PERSON: Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity, including the State of Idaho and every political subdivision thereof.

PERTINENT LICENSE CHAPTER: The chapters in this Code specifically addressing the additional requirements, disqualifications, and substantive rules governing each regulated business listed in section 3-1A:3 of this article.

REGULATED BUSINESS: A business, trade, or occupation for which a license is required by this article.

REVOCATION: The permanent removal of a license.

SATISFACTORY DRIVING RECORD: A driving record that includes, but is not limited to, less than eight (8) points within twelve (12) months of applying for or renewing a license, and no suspensions or revocations of a driver's license within three (3) years of applying for or renewing a license.
STATIONLESS BICYCLE SHARE OPERATOR: A person who owns, manages, or operates a Stationless Bicycle Share Program.

STATIONLESS BICYCLE SHARE PROGRAM: A for hire system of self-service bicycles, E-bikes, or motorized scooters that does not require either a rack or sharing station, or other stationary object.

SUSPENSION: The temporary removal of a license.

TIER 1 BUSINESS: The following are tier 1 businesses:

A. Alcoholic beverage;
B. Alcohol beverage catering;
C. Auction house, auction sale, and auctioneer;
D. Eating and drinking;
E. Going out of business sale;
F. Non-aerial fireworks, and public fireworks display;
G. Non-commercial kennel;
H. Sidewalk cafe permit;
I. Special events; and
J. Tree pruning and tree removal.

TIER 2 BUSINESS: The following are tier 2 businesses:

A. Immobilization agent;
B. Immobilization service;
C. Pawnbroker;
D. Precious metal dealers;
E. Non-consent towing services;
F. Temporary merchant;
G. Temporary merchant, seasonal; and
H. Vendor.

TIER 3 BUSINESS: The following are tier 3 businesses:

A. Alarm installer and alarm installation service;
B. Child care facility;
C. Child care worker;
D. Commercial driver;
E. Commercial vehicle;
F. Massage establishment;
G. Private patrol agent;
H. Private security service;
I. Solicitor;
J. Stationless bicycle-shared mobility programs;
K. Taxicab business;
L. Taxicab vehicle;
M. Taxicab driver; and
N. Valet, both regular and special event. (Ord. 21-18, 6-26-2018)

3-1A-5: LICENSE REQUIRED:

No person shall, wholly or in part, engage in or operate a regulated business within the City without first obtaining and maintaining, in full force and effect, all licenses required by the City in accordance with this Code. Every applicant or licensee must meet all of the qualifications and none of the disqualifications set forth in this article and in the pertinent license chapter or article. In the event of a conflict between this article and the pertinent license chapter or article, the stricter requirements shall govern. (Ord. 39-15, 8-25-2015)

3-1A-6: APPLICATION FOR LICENSE AND RENEWAL:

A. Manner, Form: Application for a license and application for renewal for a regulated business shall be made to the City Clerk's Office in such form and manner as may be prescribed.

B. Included Information: The written application for a license and application for renewal thereof shall include, at a minimum, the following:

1. The name and address of the applicant or licensee; and if a partnership, the name and address of the general partner; and if a corporation or association, the name and address of the agent for service of process; the name, physical and mailing address, e-mail address and phone number of the operating manager; and such other information as may be required.

2. The license desired, together with a description of the business, trade, occupation or profession.
3. Whether the applicant or licensee has had a similar license denied, suspended or revoked within the past five (5) years by the City, the State, or by any other city, county or state.

4. Whether the applicant or licensee has been convicted of any disqualifying crime, the type of offense, the location of the offense and the date of conviction.

5. The legal name of the proposed business, trade or occupation and any trade names, and the street address, if any, where the regulated business is to be undertaken.

6. Any other relevant information required by the pertinent license chapter or article and any other relevant information required by the City Clerk's Office.

7. A statement signed and sworn by the applicant or licensee, under penalty of perjury, that all information submitted is true and correct to the best of his knowledge.

8. Proof that the applicant or licensee is eighteen (18) years or older, unless otherwise specified in the pertinent license chapter or article.

9. If the proposed applicant or licensee is a corporation, proof that the corporation is registered and in good standing in the State.

C. Investigation: Upon receipt of an application for a license or application for renewal thereof, the City Clerk's Office shall cause an investigation to be made to the extent necessary to determine whether the applicant or licensee is qualified to be licensed in accordance with State law, this article and the pertinent license chapter or article.

D. Background Check: Persons who apply for a license included within a tier 2 or tier 3 business, as defined and set forth in section 3-1A-4 of this article, shall submit to a background check, which shall include fingerprinting. Pursuant to Idaho Code section 67-3008, the City Clerk shall forward fingerprints through the Idaho State Police to the Federal Bureau of Investigation (FBI) to conduct a national background investigation and criminal history check. Unless otherwise provided by law, criminal history records and the results of the background investigation received from the FBI are confidential and shall not be disseminated to any private person or entity. The criminal history and national background check may also include a check of the Idaho Department of Transportation driving records, and other states and jurisdiction records and findings. Criminal history checks on those persons under the age of eighteen (18) years of age shall include a check of the juvenile justice records of adjudications of the Magistrate Division of the District Court, County Probation Services, the Department of Health and Welfare and other records as may be required by the pertinent licensing chapter or article. The cost of taking and processing such fingerprints shall be borne by the applicant or licensee and is nonrefundable.

E. Change In Information: Every applicant or licensee must notify the City Clerk's Office in writing within ten (10) business days of any material change in information contained in his application for a license or application for renewal thereof, including, but not limited to, change of name, address, telephone number, employer, location of business office, registered agent, or addition or deletion of vehicles; provided, however, that if any of the individuals identified in sections 3-1A-10-1 through 3-1A-10-4 of this article is convicted of a disqualifying crime, the applicant or licensee shall notify the City Clerk's Office in writing within two (2) days of entry of such conviction.
F. Nonrefundable License Fee: Every application for a license required by this article or renewal thereof shall be accompanied by a nonrefundable license fee in an amount established by the City Council and listed on the most current City Clerk license fee schedule. The required license fee, and all other required costs and fees, shall be paid at the time of application for such license. (Ord. 39-15, 8-25-2015)

3-1A-7: DISPOSITION OF APPLICATION AND RENEWAL:

The City Clerk's Office shall take action to approve or deny an application for a license, or application for renewal thereof, within sixty (60) days of the receipt of a completed application or completed application for renewal. (Ord. 39-15, 8-25-2015)

3-1A-8: TERM OF LICENSE:

A license issued by the City pursuant to this article is valid for one year from the date of issuance or renewal, unless stated otherwise in the pertinent license chapter or article, or on the license, or unless sooner revoked, suspended or relinquished. (Ord. 39-15, 8-25-2015)

3-1A-9: FAILURE TO DISCLOSE INFORMATION; CHANGE OF INFORMATION:

An applicant or licensee who knowingly omits, misrepresents or fails to provide any required information, or who fails to sign the application for a license or application for renewal, or who fails to disclose any material change in information, may be subject to denial, suspension or revocation of a license, or prosecution under this article, or a combination of any of the above. (Ord. 39-15, 8-25-2015)

3-1A-10: DISQUALIFYING CRIMES OR CIRCUMSTANCES:

3-1A-10-1: TIER 1 BUSINESSES:

No applicant or licensee will be issued or renewed a license to engage in or operate a tier 1 business unless the applicant or licensee, or any of his employees, meets all of the qualifications and none of the disqualifications set forth in the pertinent license chapter or this article. (Ord. 39-15, 8-25-2015)

3-1A-10-2: TIER 2 BUSINESSES:

No applicant or licensee will be issued or renewed a license to engage in or operate a tier 2 business if, in addition to the disqualifiers listed in section 3-1A-10-1 of this article, the applicant or licensee, or any of his employees:

A. Revocation Of License: Has, within the five (5) years immediately preceding the date of application, had any license of the same or similar kind revoked by the City, the State or by any other city, county or state;

B. Warrant: Has an outstanding warrant for his arrest, detention, extradition or deportment;

C. Felony Conviction: Has, within five (5) years prior to the date of making application for such license or application for renewal, been convicted of any felony; provided, however, that any applicant,
licensee or any of his affiliates or employees, who has not had a prior conviction within the past five (5) years solely because he has been incarcerated shall be disqualified;

D. Specific Misdemeanors: Has, within the three (3) years immediately preceding the date of the application for such license or application for renewal, been convicted of any misdemeanor criminal violation involving theft, larceny or other dishonest act, including, but not limited to, misdemeanor forgery of and fraudulent use of a financial transaction card, misdemeanor forgery and counterfeiting, misdemeanor identity theft, misdemeanor insurance fraud, misdemeanor public assistance fraud in the State or in any other city or jurisdiction; provided, however, that any applicant, licensee or any of his affiliates or employees, who has not had a prior conviction within the past three (3) years solely because he has been incarcerated shall be disqualified; or

E. Probation, Parole: At the time of application is currently serving any term of felony probation or parole. (Ord. 39-15, 8-25-2015)

3-1A-10-3: TIER 3 BUSINESSES:

No applicant or licensee will be issued or renewed a license to engage in or operate a tier 3 business if, in addition to the disqualifiers listed in sections 3-1A-10-1 and 3-1A-10-2 of this article, the applicant or licensee, or his employees:

A. Sex Offender: Is required to register as a sex offender, pursuant to the Sexual Offender Registration Notification and Community Right-to-Know Act, Idaho Code section 18-8301 et seq., or the Juvenile Sex Offender Registration Notification and Community Right-to-Know Act, Idaho Code section 18-8401 et seq.;

B. Specific Misdemeanors: Has, within three (3) years prior to the date of making application for such license or application for renewal, been convicted of any misdemeanor involving: the use of force against the person or property of another; the threat of force against the person of another; stalking, telephone harassment, or violations of protection orders or no contact orders; theft or larceny; the use, possession or sale of illicit drugs or drug paraphernalia; possession of a concealed weapon; or illicit sexual activity. Provided, however, that any applicant, licensee or any of his affiliates, or employees who has not had a prior conviction within the past three (3) years solely because he has been incarcerated shall be disqualified;

C. Specific Sexual Offenses: Has a conviction, whether felony or misdemeanor, involving the sexual battery of any person, sexual exploitation or sexual abuse of a minor or vulnerable adult, enticement of a minor, child pornography, kidnapping, lewd conduct with a minor, prostitution, rape or homicide; or

D. Domestic Violence: Is a respondent in a domestic violence protection order entered pursuant to Idaho Code title 39, chapter 63 after receiving notice of and an opportunity for hearing; provided, entry of an ex parte order pursuant to Idaho Code section 39-6301 et seq., shall not apply herein. (Ord. 39-15, 8-25-2015)

3-1A-10-4: DRIVING BUSINESSES AND OTHER REQUIREMENTS:
A. Suspended Or Invalid License: In addition to those disqualifications included within a license's tier, no applicant or licensee will be issued or renewed a license to engage in or operate a driving business while the applicant or licensee's driver's license is suspended or invalid.

B. Copy Of License And Driving Record: Each applicant or licensee must submit a copy of a valid State driver's license and a copy of that applicant's or licensee's driving record showing that the applicant or licensee has a satisfactory driving record. The driving record shall be dated not more than ten (10) days prior to the date the application is submitted.

C. Medical Certificate: Every two (2) years, each applicant or licensee for a driving business shall submit with the application a Department of Transportation medical card stating that the applicant or licensee has sufficient hearing, vision and general health such that the applicant or licensee is physically and mentally fit for the safe operation of a driving business. The medical card must be valid for at least eleven (11) months after the date the applicant or licensee submits his application.

D. Proof Of Insurance: No applicant or licensee shall be issued a license to operate a driving business until the applicant or licensee has provided proof of insurance as provided in the pertinent license chapter or article. (Ord. 39-15, 8-25-2015)

3-1A-11: REQUEST FOR EXEMPTION REVIEW:

A. Written Request: An applicant or licensee who is denied a license or whose license is not renewed may submit a written request for an exemption review.

B. Filing Time Limit: The request for an exemption review must be based upon good cause and filed with the City Clerk's Office at the time of application or within seven (7) business days upon denial of such application.

C. Information Required: The written request for an exemption review must state the applicant's or licensee's name, address and phone number, the remedy requested and must contain a concise written statement of the facts, circumstances and grounds for the requested exemption, and any supplemental information establishing suitability for licensure. Any decision to grant an exemption shall not be considered as precedent or be given any force or effect in any other proceedings. A request for an exemption review may be renewed annually.

D. Consideration: The City Clerk's Office shall consider the following factors or evidence in determining whether the applicant or licensee has shown good cause for granting an exemption:

1. The severity or nature of the crime or disqualifying circumstance;
2. The period of time that has passed since the crime or disqualifying circumstance under review;
3. The number or pattern of crimes or disqualifying circumstance or other similar incidents;
4. The circumstances surrounding the crime or disqualifying circumstance that would help determine the risk of repetition;

5. The relationship of the crime or disqualifying circumstance to the license;

6. The applicant's or licensee's activities since the crime or disqualifying circumstance under review, such as employment, education, participation in treatment, or any other factors which may be evidence of current rehabilitation;

7. The falsification or omission of information on the application form and other supplemental forms submitted; and

8. Any other information regarding rehabilitation or mitigating circumstances.

E. Applicant Bears Burden: The applicant or licensee shall bear the burden of establishing good cause for an exemption and his current suitability for a licensure.

F. Restrictions, Stipulations: When such an exemption is granted, the license may be issued with restrictions and stipulations. If the licensee does not fully comply with the restrictions, the license may be revoked or suspended. (Ord. 39-15, 8-25-2015)

3-1A-12: NOTICE OF INABILITY TO PROCEED:

If, at the time of initial application or renewal, an applicant or licensee has a pending criminal action for a disqualifying crime or an outstanding warrant for his arrest, detainment, extradition or deportation, the City Clerk's Office shall issue a notice of inability to proceed. The applicant or licensee may submit documentation that the matter has been resolved and that the applicant or licensee qualifies for the license within sixty (60) days of notification. If the applicant or licensee fails to provide such notice, the application or renewal shall be deemed denied and the applicant must apply anew for the license. (Ord. 39-15, 8-25-2015)

3-1A-13: TRANSFERABILITY:

A. Approval Required: A license to engage in or operate a regulated business shall not be transferred or leased without the written approval of the City Clerk's Office or unless authorized by the pertinent license chapter or article.

B. Nonrefundable Application Fee: A nonrefundable application fee in an amount established by the City Council and listed on the most current City Clerk license fee schedule shall accompany the application for each transfer requested. (Ord. 39-15, 8-25-2015)

3-1A-14: CONSENT TO COMPLIANCE INSPECTIONS:

Every licensee consents to reasonable compliance inspections during its regular hours of business by the City Clerk's Office, Chief of Police or their respective designees to enter, free of charge, any place of business or to stop, in accordance with the law, any vehicle for which a license is required. The compliance inspections are solely for the purpose of determining whether the activity is being carried on in compliance with Federal and State laws and Municipal ordinances and to promote the public health, safety and welfare. (Ord. 39-15, 8-25-2015)
3-1A-15: NOTICE OF VIOLATION:

A. Issuance: Upon determining that a licensee is in violation of any Federal, State or local law, rule or regulation, but that the licensee does not pose an immediate threat of harm to the public health, safety or welfare, the City Clerk's Office may issue a notice of violation.

B. Notice Requirements: Every notice of violation issued pursuant to this article shall:

   1. Conform to the same notice and service requirements as a notice of denial, suspension or revocation;
   2. Include all of the information listed in a notice of denial, suspension or revocation;
   3. Identify the corrective action that shall be taken to address the basis for the notice of violation;
   4. State the date and time by which the required corrective action shall be completed;
   5. State the date on which the license suspension or revocation will begin, and the length and terms of such a suspension, should the licensee fail to complete the required corrective action by the date and time specified in the notice of violation; and
   6. Explain the licensee's opportunity to request an informal review, an administrative review hearing by the Director and a review hearing by a Hearing Officer to contest the proposed decision or action.

C. Failure To Correct; Suspension, Revocation: In the event a licensee, having received a notice of violation, fails to complete the corrective action stated in the notice of violation, his affected license shall be suspended or revoked as stated in the notice of violation without any further notice or action. The notice of suspension or revocation contained within the notice of violation shall suffice to provide notice of suspension or revocation.

D. Proof Of Completion: It shall be the duty of the licensee to provide proof of completion of the corrective action to the Licensing Officer. Failure to do so shall result in license suspension or revocation as stated in the notice of violation.

E. Rescind: Upon receipt of satisfactory proof of completion of the correction action, the Licensing Officer shall provide the licensee with written notice rescinding the possibility of the suspension or revocation as stated in the notice of violation. (Ord. 39-15, 8-25-2015)

3-1A-16: NOTICE OF DENIAL, REVOCATION OR SUSPENSION:

A. Registered, Certified Letter: If an application for a license is denied, suspended or revoked, a letter will be sent by registered or certified mail to the applicant's or licensee's address on file in the City Clerk's Office.
B. Included Information: Every notice of denial, suspension or revocation shall include a statement or
description explaining:

1. The proposed decision or action, and if for suspension or revocation, the effective date of the
proposed decision or action, which date shall not be less than ten (10) business days after the
date of the notice unless the license is being suspended or revoked pursuant to section 3-1A-19 of
this article; and for suspension, the time period for the suspension, which shall be no longer than
six (6) months;

2. The reasons why the license is being denied, suspended or revoked;

3. That the applicant or licensee has the opportunity to request an informal review, an
administrative review hearing by the Director and a review hearing by a Hearing Officer to contest
the proposed decision or action;

4. If the applicant or licensee fails to request an informal review within ten (10) business days of
the date of the notice, the licensee or applicant waives his opportunity to contest the proposed
decision or action, and the action shall become final on the notice’s effective date. (Ord. 39-15, 8-25-2015)

3-1A-17: DENIAL, REVOCATION OR SUSPENSION OF LICENSE:

In addition to any other penalty provided by this article, the pertinent license chapter or article, or by
law, any license issued in accordance with this article may be denied, revoked or suspended for any
of the following reasons:

A. Disqualifying Status; Driving Violations: Any one of the individuals identified in sections 3-1A-10-
1 through 3-1A-10-4 of this article is convicted of a disqualifying crime; or any individual identified
in section 3-1A-10-4 of this article fails to maintain a satisfactory driving record, fails to submit the
required medical certificate, or fails to maintain and show proof of the requisite insurance
coverages;

B. Failure To Comply: The licensee or applicant, or any of his partners, affiliates or employees fails to
comply with any of the minimum standards, requirements, policies, or procedures set forth in this
article or the pertinent license chapter or article;

C. Fraud Or Misrepresentation: The licensee obtained his license by fraud or misrepresentation;

D. Failure To Take Corrective Action: The licensee fails to take corrective action within the time frame
specified in a notice of violation;

E. Contrary Use: The license is being or has been exercised contrary to the terms or conditions of the
license;

F. Failure To Pay Fee: The licensee or applicant fails to pay any applicable fee imposed pursuant to
this article or the pertinent license chapter or article;
G. Operation Detrimental: The licensee is operating the regulated business in such a manner as to be detrimental to the public health, safety and welfare. (Ord. 39-15, 8-25-2015)

3-1A-18: STAY OF SUSPENSION OR REVOCATION:

A. Effective Date: Absent an emergency as set forth in section 3-1A-19 of this article, the effective date of a proposed suspension or revocation shall be not less than ten (10) business days after the date of the notice, unless otherwise mutually agreed to between the City Clerk's Office and the licensee.

B. Denial: The decision of the City Clerk's Office to deny or not renew a license shall result in no stay and the decision shall become effective immediately. (Ord. 39-15, 8-25-2015)

3-1A-19: EMERGENCY SUSPENSION OR REVOCATION:

A. Authority: Notwithstanding any other provision of this article, when, in the opinion of the City Clerk's Office, there is a clear and immediate threat to the health, safety or welfare of the public, there shall be no stay of the suspension or revocation. The City Clerk's Office shall prepare a written notice of suspension or revocation that includes a statement of the decision or action, an explanation of the reasons for the decision or action, the Code sections relied upon for the decision or action and an explanation of the licensee's rights to request an administrative review hearing from the Director and a review hearing by a Hearing Officer.

B. Administrative Review Hearing Request: The licensee shall have the right to request an administrative review hearing within ten (10) days of the emergency suspension or revocation. (Ord. 39-15, 8-25-2015)

3-1A-20: WAITING PERIOD BEFORE BECOMING ELIGIBLE TO REAPPLY AFTER REVOCATION:

A licensee whose license was revoked may not reapply for a license until one year has elapsed from the date of notice of the revocation, the informal review, the written decision in an administrative review or the written decision following a hearing before a Hearing Officer, whichever is latest; such waiting period shall also apply to any applicant that is a partnership, association or corporation that includes a previously revoked licensee holding a ten percent (10%) or more interest in the partnership, association or corporation. A licensee’s failure to accept, acknowledge or receive notice shall not invalidate the waiting period. (Ord. 39-15, 8-25-2015)

3-1A-21: REQUEST FOR INFORMAL REVIEW BY CITY CLERK’S OFFICE:

A. Time For Filing: Upon receipt of a notice of denial, suspension, revocation or violation, an applicant or licensee may request an informal review by the City Clerk's Office within ten (10) business days after the date the decision is mailed or otherwise delivered to the applicant or licensee.

B. Information Required: A request for an informal review shall contain the following information:

1. The name of applicant or licensee;
2. If an existing licensee, the City applicant or license number; and

3. The reasons for which the review is requested set forth with specificity. (Ord. 39-15, 8-25-2015)

3-1A-22: INFORMAL REVIEW:

A. Duty Of City Clerk's Office: If the City Clerk's Office receives a request for an informal review, the City Clerk's Office shall:

1. Review the decision or action and any information submitted by a licensee or an applicant; and

2. Communicate with the licensee or applicant if additional documentation or clarification is required.

B. Untimely Filing: The City Clerk's Office will refuse to consider any request for informal review that is not received within ten (10) business days of the date of the notice of denial, suspension, violation or revocation.

C. Licensee Failure To Respond: If the licensee fails to respond to communication requests, the decision or action shall become effective at twelve o'clock (12:00) midnight on the effective date of the notice.

D. Burden Of Proof: The applicant or licensee has the burden of proof and must establish that the decision or action of the Licensing Officer was arbitrary or capricious.

E. Review Informal: The review shall be conducted informally. The City Clerk's Office shall review the decision or action and the reasons therefor with the applicant or licensee. The applicant or licensee, in person or through his attorney, may present any evidence showing reason why the decision or action was arbitrary or capricious.

F. Decision Time Limit: The City Clerk's Office decision with respect to a request for informal review will be issued within seven (7) business days of the receipt of the informal review request or upon receipt of additional documentation or clarification as requested.

G. Licensing Officer Not To Review: The informal review shall not be conducted by the Licensing Officer who issued the notice of violation, denial, suspension or revocation. (Ord. 39-15, 8-25-2015)

3-1A-23: REQUEST FOR ADMINISTRATIVE REVIEW BY DIRECTOR:

A. Request For Review: If the applicant or licensee fails to obtain the relief requested in the informal review, or if the licensee's license is suspended or revoked pursuant to section 3-1A-19 of this article, the applicant or licensee may request an administrative review hearing by the Director.
B. Time Limit For Filing: A request for an administrative review must occur within seven (7) business days of the mailing or hand delivery of the final decision of the informal review to the applicant or licensee.

C. Information Required: A request for an administrative review shall contain the following information:

1. The name of applicant or licensee;
2. If an existing licensee, the City applicant or license number;
3. The reasons for which the review is requested set forth with specificity;
4. The applicant's or licensee's intent to be represented by legal counsel;
5. The remedy requested; and
6. The applicant's or licensee's availability for a hearing within the next seven (7) to fifteen (15) business days. (Ord. 39-15, 8-25-2015)

3-1A-24: ADMINISTRATIVE REVIEW HEARING:

A. Duty Of Director: If the Director receives a request for an administrative review hearing, the Director shall:

1. Schedule a date for the hearing not more than fifteen (15) business days and not less than seven (7) business days after the Director receives the request;
2. Notify the licensee or applicant of the date, time and location of the hearing; and
3. State in the notice that the applicant or licensee must appear at and participate in the hearing in order to contest the violation, denial, nonrenewal, or the proposed suspension or revocation.

B. Untimely Filing: The Director will refuse to consider any request for review that is not received within seven (7) business days of the date of the mailing or hand delivery of final resolution of the informal review.

C. Failure To Appear: If the licensee fails to appear at the hearing, the decision or action shall become effective at twelve o'clock (12:00) midnight the day following the hearing.

D. Burden Of Proof: The applicant or licensee has the burden of proof and must establish that the decision or action of the City Clerk's Office was arbitrary or capricious.

E. Informal Hearing: The hearings shall be conducted informally. The Director or his designee shall review the decision or action and the reasons therefor with the applicant or licensee. The applicant or licensee, in person or through his attorney, may present any evidence showing reason why the
decision or action was arbitrary or capricious. The Director shall cause an audio or video recording to be made of the hearing.

F. Decision Of Default For Failure To Appear: If an applicant or licensee fails to appear at the administrative review hearing, the Director shall enter a proposed decision of default upholding the denial, suspension or revocation. The proposed decision of default may be rescinded if, within seven (7) business days of the date of mailing, the applicant or licensee submits a written explanation for not appearing, which the Director finds substantial and reasonable.

G. Issuance Of Decision: The Director's written decision will be issued within seven (7) business days of the hearing. The Director's decision will include the reasons for his decision.

H. Effective Date: The Director's decision shall become effective ten (10) business days after the date the decision is mailed or hand delivered to the applicant or licensee. (Ord. 39-15, 8-25-2015)

3-1A-25: REVIEW OF DIRECTOR'S DECISION:

A. Filing Time Limit: A licensee or applicant may request a review of the Director's decision by a Hearing Officer within ten (10) business days of the effective date of the Director’s decision. (Ord. 39-15, 8-25-2015)

B. Information Required: A request for review of the Director’s decision must be filed in writing and must include that information set forth in section 3-1A-23 of this article. In addition, the request for review must be accompanied by a copy of the decision or action that is the subject of the review, and identify all legal and factual basis of disagreement with the Director’s decision. Requests for review must also include the applicant’s or licensee’s intent to be represented by legal counsel and include payment of a fee as established by the City Council. (Ord. 39-15, 8-25-2015; amd. 2019 Code)

C. Burden Of Proof: The applicant or licensee has the burden of proof and must establish that the decision or action of the Licensing Officer was arbitrary or capricious.

D. Decision Of Default For Failure To Appear: If an applicant or licensee fails to appear at the review hearing, the Hearing Officer shall enter a proposed decision of default. The proposed decision of default may be rescinded if, within seven (7) business days of the date of mailing, the applicant or licensee submits a written explanation for not appearing, which the Hearing Officer finds substantial and reasonable. (Ord. 39-15, 8-25-2015)

3-1A-26: AUTHORITY OF HEARING OFFICER:

A. Consideration By Hearing Officer: The Hearing Officer will consider only information that was available to the Director at the time the decision was made. If a party shows with good cause that there is additional relevant information that was not presented to the Director, the Hearing Officer will remand the request for administrative review to the Director for reconsideration. No Hearing Officer has the jurisdiction to invalidate any Federal or State Statute, ordinance, rule or regulation, or court order. The Hearing Officer must defer to the Director’s interpretation of statutes,
ordinances, rules, regulations or policy unless the Hearing Officer finds the Director's interpretation to be contrary to the plain meaning of the statute or ordinance or an abuse of discretion.

B. Power To Regulate Proceedings: The Hearing Officer shall have and exercise the power to regulate the proceedings and to do all acts and to take all measures necessary or proper for the efficient performance of the Hearing Officer's duties under this article. The Hearing Officer shall have all powers of the City for the hearing of these matters, may issue subpoenas in the name of the City, may rule upon the admissibility of evidence, may put witnesses under oath and may examine them and may call the parties to the action and examine them upon oath. (Ord. 39-15, 8-25-2015)

3-1A-27: WRITTEN REPORT:

A. Required: The Hearing Officer shall make findings of fact and conclusions of law as appropriate and issue a written report. The order must either affirm the Director's action or reverse and remand the Director's action for further proceedings. The Hearing Officer does not have authority to modify the Director's action. The Hearing Officer shall file the report with the Director, along with the recording of the proceedings, transcripts, if any, minutes, evidence and original exhibits offered or received at the hearing. The Hearing Officer shall transmit a copy of the report to all persons entitled to notice. The Hearing Officer shall cause an audio or video recording to be made of the hearing.

B. Time Limit: The Hearing Officer's report will be issued within fifteen (15) business days of the hearing, and shall become effective three (3) business days after the date the decision is mailed or hand delivered to the applicant or licensee. Failure of the Hearing Officer to issue a report within fifteen (15) business days shall not invalidate any suspension or revocation. (Ord. 39-15, 8-25-2015)

3-1A-28: UNLAWFUL ACTS:

It shall be unlawful for any applicant or licensee, or any of his respective employees, agents or affiliates to:

A. Fraud, False Statements: Engage in fraud, misrepresentation or to make a false statement in an application for a license or an application for renewal of a license;

B. Failure To Obtain License Or Permit: Fail to obtain all required licenses and permits. Each day a person fails to obtain all required licenses shall constitute a separate violation;

C. Failure To Report: Fail to report a licensee's failure to maintain all of the qualifications and none of the disqualifications as required by this article or the pertinent licensing chapter or article;

D. Refusal Of Compliance Inspections: Refuse to allow the Chief of Police, City Clerk's Office or their designees to conduct compliance inspections; or

E. Violations: To violate any of the provisions of this article. (Ord. 39-15, 8-25-2015)
3-1A-29: RESPONSIBILITIES OF LICENSEES:

Every licensee is responsible for ensuring that his respective employees, agents and affiliates are familiar with the applicable policies, standards, laws and ordinances applicable to the license issued to him by the City. (Ord. 39-15, 8-25-2015)

3-1A-30: PENALTY:

The violation of any of the provisions of section 3-1A-28 of this article is punishable as a general misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this Code. In addition to a criminal penalty, the violation of any of the provisions of this article may result in either the suspension or revocation of a license. (Ord. 39-15, 8-25-2015; amd. 2019 Code)
Chapter 13
BICYCLES, E-BIKES, AND E-SCOOTERS

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6-13-1: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this title, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine, and neuter genders.

ABANDONMENT: A bicycle, E-bike, E-scooter, or any part thereof, that is left or remains unattended
or unused in a public place for seventy-two (72) consecutive hours or longer after it is tagged with a notice of intention to abate.

BICYCLE: Every vehicle having two (2) tandem wheels, or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, propelled exclusively by human power upon which any person may ride, except scooters and similar devices.

BIKE LANE: A portion of a roadway designated for preferential or exclusive use by bicycles, E-bikes, or E-scooters that is distinguished from that portion of the roadway to be used by motor vehicles by a painted strip and other pavement markings.

BIKE PATH: A completely separate right-of-way designated primarily for use by bicycles, E-bikes, E-scooters, or pedestrians, including but not limited to the Greenbelt. Conflicts with pedestrians are kept to a minimum while cross-flows by motor vehicles are discouraged. The term bike path includes both the paved surface and minimum of two feet (2') on either side.

BIKE PATH APPROACH: That area where a transition is made between a roadway, parking lot, sidewalk or other facility and a bike path. This area is generally identified by wooden bollards, pavement markings and a parking prohibition.

BIKE/PEDESTRIAN CURB RAMP: A break in a curb designated to facilitate movement by the operator of a bicycle, E-bike, or E-scooter, pedestrian or person with a disability from a street or parking lot to a sidewalk or bicycle facility.

BIKE ROUTE: Any roadway specifically signed for shared use by bicycles, E-bikes, or E-scooters, and motor vehicles.

BOISE RIVER GREENBELT (GREENBELT): The paved or improved pathways and connecting trails and the twenty feet (20') of publicly owned greenspace on either side, including picnic tables, barbeque stands, benches and other improvements and fixtures connecting Boise Parks along the Boise River and maintained by the Department of Parks and Recreation and delineated generally in the publication known as the map, and/or specifically in the Inventory of Park Properties at the Office of the Director of the Department of Parks and Recreation. Greenbelt does not include any private property which may lie within twenty feet (20') of the paved or improved pathways and connecting trails.

ELECTRIC POWER-ASSISTED BICYCLE (E-BIKE): A vehicle having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, that is designed to be operated by human power with the assistance of an electric motor that has a power output of not more than seven hundred fifty (750) watts that: a) is incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour; and b) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a motor vehicle for purposes of this chapter.

ELECTRIC POWER-ASSISTED SCOOTER (E-SCOOTER): A two (2) wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor that has a power output of not more than three hundred (300) watts that: a) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; and b) disengages or
ceases to function when the device's brakes are applied. An E-scooter is not a motor vehicle for purposes of this chapter.

FOOTHILLS TRAILS: Paths and trails in the Ridge to Rivers Trail Network that are located entirely and solely on property owned by the City.

OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER: Any bicycle, E-bike, E-scooter, or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

PUBLIC PLACE: Any publicly owned property, including, but not limited to, sidewalks, streets, alleys, parks, and plazas located within the City jurisdictional limits. (Ord. 38-18, 9-25-2018)

6-13-2: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS:

A. Requirements: Every person, regardless of age, who operates a bicycle, E-bike, or E-scooter upon a roadway, public parking lot, sidewalk, bike path, bike lane or other public vehicular right-of-way in the City of Boise City ("City") shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of this title not in conflict with and as authorized under title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to bicycles, E-bikes, or E-scooters, or where portions of this chapter direct otherwise.

B. Exemptions:

1. Any peace officer as defined in Idaho Code section 19-5101(d), operating a bicycle, E-bike, or E-scooter in the course and scope of his official duties is exempt from the requirements of subsection A of this section, if the bicycle, E-bike, or E-scooter is being operated under any of the following circumstances:

   a. In response to an emergency call.

   b. While engaged in rescue operations.

   c. In the immediate pursuit of an actual or suspected violator of the law.

2. This subsection does not relieve a peace officer from the duty to operate a bicycle, E-bike, or E-scooter with due regard for the safety of all persons. (Ord. 28-18, 8-21-2018)

6-13-3: REQUIRED EQUIPMENT:

No person shall operate a bicycle, E-bike, or E-scooter without the following equipment:

A. Brakes capable of causing the bicycle, E-bike, or E-scooter to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement; and
B. A bell, the human voice or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no bicycle, E-bike, or E-scooter shall be equipped with nor shall any person use upon a bicycle, E-bike, or E-scooter any siren or whistle; and

C. When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a forward-facing white light attached either to the bicycle, E-bike, E-scooter, or the operator that is visible from a distance of at least five hundred feet (500') in front of the bicycle, E-bike, or E-scooter. A bicycle, E-bike, or E-scooter shall be equipped with a front-facing white or yellow reflector when the operator uses a generator powered light that is unlit when the bicycle, E-bike, or E-scooter is stopped; and

D. All bicycles and E-bikes shall have a permanent seat designed for the bicycle or the E-bike being operated. E-scooters shall not have any attached seats. (Ord. 28-18, 8-21-2018)

6-13-4: RIDING ON BICYCLES, E-BIKES, OR E-SCOOTERS:

A. No person riding or operating a bicycle or E-bike shall ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle or/and E-bike shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. No E-scooter shall be used to carry more than one person at one time.

D. No person shall operate a bicycle, E-bike, or E-scooter that is either too large or too small for such person to operate safely.

E. Every person operating a bicycle, E-bike, or E-scooter shall keep at least one hand on the handlebar at all times, and shall carry nothing that prevents full control of the bicycle, E-bike, or E-scooter, or obstructs the operator’s vision. (Ord. 28-18, 8-21-2018)

6-13-5: CLINGING TO MOTOR VEHICLES:

Persons riding or operating bicycles, E-bikes, or E-scooters shall not attach themselves or such bicycles, E-bikes, or E-scooters to a moving motor vehicle. This section shall not prohibit attaching a trailer to a bicycle or E-bike that is designed to accommodate such a device. Attaching a trailer to an E-scooter is prohibited. (Ord. 28-18, 8-21-2018)

6-13-6: RIDING ON ROADSWAYS:

A. No person shall operate a bicycle, E-bike, or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings.

B. Every person operating a bicycle, E-bike, or E-scooter upon a two-way roadway is entitled to use the lane appropriate for the intended destination, including the right-hand lane and any designated bus lane. The bicycle, E-bike, or E-scooter rider shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways a bicycle, E-bike, or E-scooter may be operated in any existing lane.

C. The operator of a bicycle, E-bike, or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following
vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the bicycle, E-bike, or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the operator is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.

D. In right turn only lanes where traffic signs or signals indicate a bus, trolley or street car is permitted to go straight rather than turn right, a bicycle, E-bike, or E-scooter operator shall be permitted to go straight rather than turn right. (Ord. 28-18, 8-21-2018)

6-13-7: USING PROVIDED BIKE LANES AND BIKE PATHS:

A. Wherever a bike lane is present upon a roadway, the operator of a bicycle, E-bike, or E-scooter shall use that lane and shall not use the roadway; except that the operator shall not be required to use or remain in a bike lane:

1. When the lane is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or

2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe bicycle, E-bike, or E-scooter operation in the lane; or

3. When moving into position to make a right or left turn; or

4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.

B. Wherever a bike path has been provided immediately adjacent to a roadway, the operator of a bicycle, E-bike, or E-scooter shall use that path and shall not use the roadway if official signs or markings so direct; except that the operator of a bicycle, E-bike, or E-scooter shall not be required to use or remain on a bike path:

1. When the path is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or

2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe bicycle, E-bike, or E-scooter operation on the path. (Ord. 28-18, 8-21-2018)

6-13-8: FOOTHILLS TRAILS:

No person shall operate, drive, lead, or ride an E-bike or E-scooter on any Foothills Trail unless written authorization is obtained from the City’s Department of Parks and Recreation in accordance with the provisions of the American With Disabilities Act of 1990, 42 USC section 12101 et seq. (Ord. 28-18, 8-21-2018)

6-13-9: RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS:

A. A bicycle, E-bike, or E-scooter may be operated upon a sidewalk and upon and within a crosswalk, except where prohibited by official traffic control devices, or when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with pedestrians, in which case the operator of a bicycle, E-bike, or E-scooter must dismount and walk the bicycle, E-bike, or E-scooter to an area where safe riding may resume.
B. Any operator of a bicycle, E-bike, or E-scooter riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.

C. Any operator of a bicycle, E-bike, or E-scooter riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of a bicycle, E-bike, or E-scooter riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard. (Ord. 28-18, 8-21-2018)

6-13-10: PASSING OTHER VEHICLES:

The operator of a bicycle, E-bike, or E-scooter may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions permitting such movement in safety. The operator of a bicycle, E-bike, or E-scooter shall not pass between two (2) lanes of motor vehicles proceeding in the same direction. (Ord. 28-18, 8-21-2018)

6-13-11: DISMOUNT NOT REQUIRED WHEN STOPPING:

Whenever a bicycle, E-bike, or E-scooter operator is required to bring the bicycle, E-bike, or E-scooter to a stop in conformance with the official traffic control devices, the operator shall halt forward motion but shall not be required to dismount or remove his feet from the pedals or the floorboard. (Ord. 28-18, 8-21-2018)

6-13-12: TURN SIGNALS:

The operator of a bicycle, E-bike, or E-scooter intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous. (Ord. 28-18, 8-21-2018)

6-13-13: RIDING IN GROUPS:

Persons riding bicycles, E-bikes, or E-scooters shall not ride more than two (2) abreast except upon bike paths of twelve feet (12') or more. The operator of a bicycle, E-bike, or E-scooter operating two (2) abreast upon a roadway, or bike path, shall return to a single file configuration when a vehicle approaches from behind in the same lane. (Ord. 28-18, 8-21-2018)

6-13-14: BICYCLE, E-BIKE, OR E-SCOOTER PARKING:

Bicycles, E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles or other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs or other living plants. (Ord. 28-18, 8-21-2018)

6-13-15: USE OF BIKE PATHS AND BIKE LANES BY OTHER NON-MOTORIZED MODES OF TRANSPORTATION:

A. No person shall drive, lead or ride a horse or other animal upon a bike lane or bike path.
B. No person shall roller skate, ride or operate a skateboard or gravity-operated or human powered vehicle not classified as a bicycle, E-bike, or E-scooter upon a bike lane or bike path except in public parks.

C. Pedestrians shall not travel upon a bike path where a separate foot path has been provided or upon a bike lane where a sidewalk is provided.

D. When a pedestrian is traveling upon a bike path or bike lane:
   1. The operator of a bicycle, E-bike, or E-scooter approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian; and
   2. The operator of a bicycle, E-bike, or E-scooter and a pedestrian approaching each other shall each be required to move to and remain upon their right-hand half of the surface.

E. The operator of a bicycle, E-bike, or E-scooter shall always yield the right-of-way to a pedestrian who has a disability. (Ord. 28-18, 8-21-2018)

6-13-16: GROUP EVENTS:

A race, parade or other group event for bicycles, E-bikes, or E-scooters may be conducted upon public rights-of-way in the City if a permit is obtained. Permit applications shall be made through the Office of the City Clerk. (Ord. 28-18, 8-21-2018)

6-13-17: UNLAWFUL USE OF BIKE LANES AND BIKE PATHS:

It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any bike path or bike lane in the City. (Ord. 28-18, 8-21-2018)

6-13-18: RECKLESS OR INATTENTIVE OPERATION:

A person who uses or rides a bicycle, E-bike, or E-scooter on any public or private property open to public use inattentively, or carelessly and heedlessly, in light of the circumstances then existing, or without due caution and circumspection, or at such speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless or inattentive operation, a misdemeanor and, upon conviction subject to the penalty as provided in section 1-4-1 of this Code. (Ord. 28-18, 8-21-2018; amd. 2019 Code)

6-13-19: DEFACING PUBLIC OR PRIVATE PROPERTY:

A person who purposely or knowingly defaces or otherwise damages public or private property open to the public by creating E-bike or E-scooter tire markings thereon, shall be guilty of defacing public or private property, a misdemeanor and, upon conviction subject to the penalty as provided in section 1-4-1 of this Code.

6-13-2019: BASIC RULE AND MAXIMUM POSTED SPEED LIMITS:

A person who uses, operates, or rides a bicycle, E-bike, or E-scooter on any public or private property open to public use shall obey all posted maximum speed limits. Maximum speed limits may vary depending on location and pedestrian traffic levels. It is the responsibility of the operator of a bicycle, E-bike, or E-scooter to know and obey all applicable maximum speed limits in the area of operation. Notwithstanding any posted maximum speed limit, no person shall use, operate, or ride a bicycle, E-
bike, or E-scooter at a speed greater than is reasonable and prudent under the conditions or circumstances then existing and having regard to the actual and potential hazards then existing. (Ord. 28-18, 8-21-2018)

6-13-2120: BICYCLE, E-BIKE, AND E-SCOOTER LICENSES:

A. The City, as a matter of public policy, recommends that all residents of the City who own a bicycle, E-bike, or E-scooter have such bicycle, E-bike, or E-scooter registered with and tagged by the Boise Police Department or its designated agents. The purpose of such license is to assist the owner, the Boise Police Department, or other public safety agencies in recovering said bicycle, E-bike, or E-scooter should the bicycle, E-bike, or E-scooter be stolen or otherwise misplaced.

B. A bicycle, E-bike, or E-scooter may be registered by filing with the Boise Police Department the name and address of the owner together with a complete description of the bicycle, E-bike, or E-scooter on forms provided by or made available through the Boise Police Department. The fee for said registration may be established by resolution of the Boise City Council. The registration fee applies for the entire period the license registrant owns the licensed bicycle. Registration shall be serially numbered and kept on file by the Boise Police Department. Upon such registration, the Boise Police Department or its designee shall cause an identification tag to be affixed to the registered bicycle, E-bike, or E-scooter which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed to the bicycle, E-bike, or E-scooter unless removed by the said department for cause or for re-tagging upon re-registration. (Ord. 28-18, 8-21-2018)

C. Any person who willfully removes, defaces, or destroys any bicycle, E-bike, or E-scooter identification tag issued by the City on a bicycle, E-bike, or E-scooter not owned by the person shall be guilty of a misdemeanor and upon conviction subject to the penalty as provided in section 1-4-1 of this Code. (Ord. 28-18, 8-21-2018; amd. 2019 Code)

D. Within ten (10) days after any bicycle, E-bike, or E-scooter registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person whose name the bicycle, E-bike, or E-scooter has been registered is encouraged to report such information to the Boise Police Department. In case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or reregistered with a new number and cancellation of the former.

E. Revenue from sale of such registration and licenses shall be used to benefit the bicycle, E-bike, or E-scooter community through safety education and infrastructure improvements. (Ord. 28-18, 8-21-2018)

6-13-2224: NOTICE OF VIOLATION AND PROCEDURES:

A. Upon observing any violation of the provisions of this chapter, the Boise Police Department is authorized to serve a notice of violation, "citation", by personally serving the person violating the provisions of this chapter with a citation.

B. Every citation shall include the following, if applicable to the observed violation:

1. The date and time when the violation was observed;
2. The location where the violation occurred;

3. The Code section violated and a brief description of the violation;

4. The fine amount;

5. Instructions explaining how the violation may be paid and the fine amount associated with the violation; and

6. A statement describing the process by which the citation may be contested.

C. One copy or an automated record of each citation shall be filed with the City Clerk's Office.

D. Each person served with a citation shall within ten (10) business days from the date on the citation:

1. Pay the corresponding fine amount on the City Clerk's fee schedule;

2. Pay the corresponding fine amount, plus any applicable fees, using an online payment system authorized by the City Clerk's Office; or

3. Appear at the City Clerk's Office to contest the violation through the Clerk's administrative process in order to avoid an administrative fee being assessed to the citation in addition to the original fine amount.

E. Failure to either pay the fine or appear to contest the violation within ten (10) business days from the date on the citation shall result in an additional fifteen dollar ($15.00) administrative fee being assessed for each violation to defray the administrative and personnel costs and mailing expenses arising from such overdue fines. (Ord. 28-18, 8-21-2018)

6-13-2322: PENALTIES:

Unless otherwise provided, any person who violates any provision of this chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by civil infraction penalty as established by the Boise City Council and listed on the most current City Clerk fee schedule. (Ord. 28-18, 8-21-2018)

6-13-2423: PROCEDURES TO CONTEST VIOLATIONS IN COURT, DELINQUENCY, AND COLLECTION:

A. Contest A Citation: In order to contest a citation in the Fourth District Magistrate Court, the cited individual must within thirty (30) days:

1. Contest the violation through the City Clerk's administrative process; and

2. Accept service of complaint and summons in person at the City Clerk's Office.

Failure to strictly comply with these requirements will prevent the cited individual from contesting their citation in court. Although a citation that is contested within thirty (30) days at the Clerk's Office may be contested in court, failure to contest the citation at the Clerk's Office within ten (10) days of the violation will result in the application of the fifteen dollar ($15.00) administrative fee pursuant to subsection 6-13-21E of this chapter.
B. Delinquent Citations: A citation shall be deemed delinquent if:

1. The citation is not paid or contested within thirty (30) days from the date of its original date of issuance; or

2. The cited individual fails to accept service of the summons within thirty (30) days of written notice to contest the citation.

If a citation becomes delinquent, all applicable late fees shall be assessed in addition to the original citation fine amount. The City may utilize all available collection methods to recoup fines and late fees owed on all delinquent citations. Nothing herein alters the assessment of fees associated with failure to pay the citation within the time frames dictated within this chapter. (Ord. 28-18, 8-21-2018)

6-13-2524: LABELING REQUIREMENT:

On and after July 1, 2019, manufacturers and distributors of E-bikes or E-scooters shall apply a label in legible type, that is permanently affixed in a prominent location, to each E-bike or E-scooter. The label shall contain the top assisted speed and motor wattage of the E-bike or E-scooter. (Ord. 28-18, 8-21-2018)

6-13-2625: TAMPERING RESTRICTION:

No person shall knowingly modify an E-bike or E-scooter so as to change its speed capability. (Ord. 28-18, 8-21-2018)

6-13-2726: CPSC COMPLIANCE:


6-13-2827: REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES:

A. Nuisance Declared: The accumulation of abandoned and obstructive bicycles, E-bikes, E-scooters, or any part thereof, in public places promotes urban blight, invites theft and vandalism, and creates a hazard to the general public's health, safety, and welfare, thereby constituting a public nuisance. Abandoned and obstructive bicycles, E-bikes, E-scooters, or any part thereof may be abated in accordance with this chapter.

B. Prohibited Behavior: No person shall abandon a bicycle, E-bike, E-scooter, or any part thereof in a public place. No person shall leave an obstructive bicycle, E-bike, E-scooter, or any part thereof in a public place.

C. Enforcement: In accordance with this chapter, the Boise Police Department, the Boise City Code Compliance Office, or authorized designees are authorized to mark abandoned or obstructive bicycles, E-bikes, E-scooters, or any part thereof, for abatement and to order the removal and impoundment of such abandoned or obstructive bicycles, E-bikes, E-scooters, or any part thereof from public places. The provision of this section shall not apply to stationless bicycle shared mobility program devices.
D. Notice Of Intention To Abate Abandoned Bicycle, E-Bike, E-Scooter, Or Any Part Thereof: All notices of intention to abate shall be firmly and conspicuously affixed to the bicycle, E-bike, E-scooter, or any part thereof. The notice of intention to abate shall contain: the date and time the notice was posted, the date and time after which the bicycle, E-bike, or any part thereof shall be removed, the contact information and address for the location where the bicycle, E-bike, E-scooter, or any part thereof shall be impounded, and information on how to request a post-storage administrative review.

E. Notice Of Abatement Of Obstructive Bicycle, E-Bike, E-Scooter, Or Any Part Thereof: All notices of abatement of an obstructive bicycle, E-bike, E-scooter, or any part thereof shall be firmly and conspicuously posted as near as possible to the location from where the obstructive bicycle, E-bike, or part was removed. The notice of abatement shall contain: the date and time the bicycle, E-bike, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive bicycle, E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement Of Abandoned Bicycle, E-Bike, E-Scooter, Or Any Part Thereof: No less than seventy-two (72) hours after the posting of a notice of intention to abate, the City may remove and impound an abandoned bicycle, E-bike, E-scooter, or any part thereof.

G. Immediate Abatement Of Obstructive Bicycle, E-Bike, E-Scooter, Or Any Part Thereof: The City may immediately remove and impound any obstructive bicycle, E-bike, E-scooter, or part thereof.

H. Storage: All abated abandoned and obstructive bicycles, E-bikes, E-scooters, or part shall be stored and disposed of by the Boise Police Department in accordance with Idaho Code section 55-403. Reasonable storage fees, in an amount established by the Boise City Council and listed on the most current fee schedule, may be charged to the owner of the abated bicycle, E-bike, E-scooter, or any part thereof to cover the costs of removal, impoundment, storage, recordkeeping, and other associated costs. Owners shall be required to pay all storage fees in full prior to the release of abated bicycles, E-bikes, E-scooters, or part.

I. Post-Storage Administrative Review: Whenever an abandoned or obstructive bicycle, E-bike, E-scooter, or any part thereof, is abated and impounded by the City, the owner of such property shall be provided with the opportunity for a post-storage administrative review to determine the validity of the removal and storage of such property. In order for an owner to receive a post-storage administrative review, the owner must request the review in writing from the City within thirty (30) business days of the posting of the notice of intention to abate or notice of immediate abatement. The City shall conduct the post-storage review within forty-eight (48) hours of the request, excluding weekends and holidays. Failure by the owner to request or to attend a review shall satisfy the post-storage administrative review for that owner. If it is determined at the review that there was not reasonable cause to deem the abated bicycle, E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

J. Disposal: Any bicycle, E-bike, E-scooter, or part thereof that is abated and impounded under this chapter and that is not claimed and redeemed by its owner within the time limits set forth in Idaho Code section 55-403 shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated bicycles, E-bikes, E-scooters, or part thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property. The balance of such proceeds, if any, shall be kept by the Boise Police Department in a separate fund for a period of one year from the date of sale in accordance with Idaho Code section 55-404. (Ord. 38-18, 9-25-2018)
MEMO

TO: Mayor and City Council
FROM: Rob Bousfield & Sarah Schafer
CC: Chief Bones, Alison Tate
DATE: 7/11/2019
RE: Police Micro-district Project Update

DESCRIPTION OF ISSUE: Staff will present a project update for information only.

BACKGROUND: On February 5 Council approved a contract to LCA Architects for design of the micro-district facility on the newly purchased site at Fairview & 18th street. Design has advanced significantly and staff wishes to update the Council and affirm the project direction. Staff will present an overview of the design, budget and next steps.

RECOMMENDED OR REQUESTED ACTION: Affirm Direction.

NEXT STEPS: Should Council concur with project direction, staff will proceed with finalizing design, obtaining permits and obtaining bids.