

**CITY OF OJAI  
RESOLUTION NO. 19-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI  
ESTABLISHING AN IMPOUND FEE FOR SHARED ON-DEMAND MOTORIZED  
SCOOTERS**

**WHEREAS**, The City Council adopted an ordinance adding Chapter 4-27 of Title 4 of the Ojai Municipal Code to prohibit the placement, use and offering of shared on-demand motorized scooters in public areas and the public right-of-way; and

**WHEREAS**, Under Chapter 4-27 of the Ojai Municipal Code, City staff and contractors are authorized to investigate potential violations and impound shared on-demand motorized scooters found in the public right-of-way or any public area in the City in violation of the Municipal Code.

**WHEREAS**, Article XIII C, section 1, subdivision (e) of the California Constitution provides that a “tax” does not include: (1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege, (2) a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product, (3) a charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, (4) a charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property, and (5) a charge imposed as a condition of property development; and

**WHEREAS**, Article XIII C, section 1, subdivision (e) of the California Constitution provides that fees, including, but not limited to, fees for monitoring, regulation, and enforcement of the City’s laws, may not exceed the estimated reasonable cost of providing the services for which the fees are charged; and

**WHEREAS**, the City Council desires to establish a fee to recover the City’s costs for investigating violations of Chapter 4-27 of Title 4 of the Ojai Municipal Code, and impounding and storing shared on-demand motorized scooters found in the public right-of-way or any public area in the City in violation of the Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Ojai that:

**SECTION 1.** The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

City of Ojai  
City Council Resolution No. 19-34

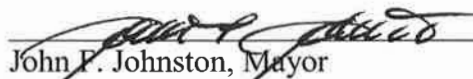

**SECTION 2.** The fee set forth in Exhibit “A” attached hereto is hereby adopted and effective upon adoption. The City Manager and Finance Director are hereby authorized and directed to include this fee in the City’s Master Fee Schedule.

**SECTION 3.** The City Council finds and determines that the amount of the fee therein: (1) does not exceed the estimated reasonable costs of providing the specified services and (2) does not recover more than the regulatory costs incurred by the City for providing the services for which it charged.

**SECTION 4.** The Finance Director is authorized and directed to adjust the fee set forth in Exhibit “A” attached hereto not later than July 1 of each year based on the change, if any, in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles Area published by the United States Department of Labor, Bureau of Labor Statistics for February of that year, or a federally published successor indicator. The City Manager and Finance Director are thereafter authorized and directed to include such adjusted fee in the City’s Master Fee Schedule.

**PASSED AND ADOPTED** on this 10th day of September, 2019 by the following vote:

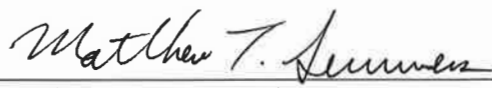
- Ayes: Blatz, Francina, Haney, Johnston, Weirick
- Noes: None
- Abstain: None
- Absent: None

  
\_\_\_\_\_  
John F. Johnston, Mayor  
  
  
\_\_\_\_\_  
Date signed

ATTEST:

  
\_\_\_\_\_  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matthew Summers, City Attorney

City of Ojai  
City Council Resolution No. 19-34  
Exhibit A

Exhibit A to Resolution No. 19-34

City of Ojai Impound Fee for Shared On-Demand Motorized Scooters

The fee schedule for the following City permits, which recovers the City's costs of investigating violations of Chapter 4-27 of Title 4 of the Ojai Municipal Code, and impounding and storing shared on-demand motorized scooters, is as follows:

Impound Fee: \$500.00